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HANSARD'S

PARLIAMENTARY DEBATES:

THIRD SERIES,

COMMENCING WITH THE ACCESSION OF

WILLIAM IV.

21° VICTORIÆ, 1858.

VOL. CXLIX.

COMPRISING THE PERIOD FROM

THE TWENTY-THIRD DAY OF FEBRUARY, 1858,

TO

THE THIRD DAY OF MAY, 1858,

Second Volume of Session 1857-8.

LONDON:

PUBLISHED BY CORNELIUS BUCK,

AT THE OFFICE FOR HANSARD'S PARLIAMENTARY DEBATES,

23 PATERNOSTER ROW [E.C.]

AND BY

LONGMAN AND CO.; J. RIDGWAY; HATCHARD AND SON; J. BOOTH; C. DOLMAN; J. BAIN; W. DALTON; SMITH, ELDER, AND CO; RICHARDSON BROTHERS; UPHAM AND BEET; AND J. ALLEN AND CO.

1858.

BIBL. CANTAB. DUB.

LONDON:
CORNELIUS BUCK, PRINTER,
23, PATERNOSTER ROW.

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Agricultural Statistics Bill—Order for Second Reading read—Amendment of Mr. Packe, that the Bill be read a Second Time that Day Six Months—Amendment *agreed to* by a Majority of 106—Bill *put off* for Six Months ... 1871

Joint-Stock Banking Companies—Second Reading *deferred* till Thursday, 13th May 1919

Roads, &c. (Scotland) Bill—Second Reading *deferred* till *Wednesday* next ... 1920

THURSDAY, APRIL 29.

Oaths Bill—Explanation of Mr. Newdegate 1983

Public Business—Resolution of Mr. Walpole 1986

Franchise at Belfast—Question of Mr. M'Mahon 1988

Admission to the Bar in Ireland—Question of Mr. M'Mahon 1988

The *Cagliari*—Question of Mr. Evans 1988

Beer Houses—Question of Viscount Goderich 1989

Honorary Distinctions for Services in India—Question of Mr. Kinnaird ... 1989

Maynooth College—Motion of Mr. Spooner for a Committee—Motion *negatived* by a majority of 55 1990

The Attorney General *v.* the Prince of Wales—Motion of Mr. A. Smith for Papers, &c.—Motion *negatived* [not *agreed to*, as erroneously stated] ... 1999

Members' Seats—Resolution of Mr. FitzRoy *agreed to* 2001

Poor Law Amendment Bill—House in Committee 2001

Registration of County Voters (Scotland) Bill—Order for Second Reading read—Amendment of Mr. G. Dundas, that the Bill be read a second time that day Six Months—Amendment *withdrawn*—Bill read 2° 2003

Juries (Ireland) Bill—Order for Second Reading read—House counted out ... 2008

FRIDAY, APRIL 30.

Competitive Examinations for Woolwich Cadetships (Royal Artillery and Royal Engineers)—Her Majesty's Answer to an Address *brought up* by Colonel Forester 2010

The Militia—Question of Mr. Labouchere 2011

Mr. Edwin James, Q.C.—Question of Mr. Hunt 2011

Bayswater and South Kensington—Question of Mr. Mackinnon ... 2013

Executions at Canton—Question of Mr. Robertson 2013

The Press of India—Question of Mr. Milner Gibson 2014

Poor Law in the Isle of Wight—Question of Mr. Roebuck 2014

Local Government Bill—Question of Mr. Palk 2015

Highways—Question of Mr. Knatchbull-Hugessen 2015

Transfer of Land in Ireland—Question of Mr. S. B. Miller 2015

Government of India—Order for Committee read—Motion that Mr. Speaker do now leave the Chair—Amendment of Lord Harry Vane, That it is inexpedient to legislate further on the present subject this Session—Main Question *agreed to*—House in Committee—First Resolution *agreed to*—Second Resolution; Committee report Progress 2016

[Resolutions as circulated with the Votes, *Appendix*.]

Local Government Bill—Order for Second Reading read—Bill read 2° ... 2095

MONDAY, MAY 3.

Mercantile Law of Canada—Question of Mr. Vance 2118

Sandhurst and Woolwich—Question of Mr. Lygon 2118

Exchequer Bonds (£2,000,000) Bill—Order for Second Reading read—Bill read 2° 2120

Stamp Duty on Drafts Bill—Order for Second Reading read—Bill read 2° ... 2171

Government of India—House in Committee—Second Resolution—Amendment of Mr. Ayrton—Amendment *negatived*—Committee report Progress ... 2177

Chancery Amendment Bill—House in Committee 2204

III. New Members Sworn.

Monday, February 22, 1858.

Northampton County (*Southern Division*), Henry Cartwright, esq., *v.* Viscount Althorp, now Earl Spencer.

Friday, March 12.

Buckingham County.—Right hon. Benjamin Disraeli, Chancellor of the Exchequer, re-elected.

Bridgnorth.—Henry Whitmore, esq., Commissioner of the Treasury, re-elected.

Wilts (*Northern Division*).—Right hon. John Thomas Henry Sutton Sotheron Estcourt, Commissioner of the Poor Laws, re-elected.

Huntingdon Borough.—Right hon. Jonathan Peel, Secretary of State, re-elected.

Oxford County.—Right hon. Joseph Warner Henley, President of the Board of Trade, re-elected.

Leicester County (*Northern Division*).—Lord John Manners, First Commissioner of Works, re-elected.

Belfast.—Hugh M'Calmont Cairns, esq., Solicitor General, re-elected.

Suffolk County (*Eastern Division*).—Sir FitzRoy Kelly, Attorney General, re-elected.

Stamford.—John Inglis, esq., *v.* Sir Frederic Thesiger, Lord High Chancellor of Great Britain.

Stafford County (*Northern Division*).—Right hon. Charles Bowyer Adderley, Vice President of the Committee of Privy Council of Education, re-elected.

Chichester.—Lord Henry Lennox, Commissioner of the Treasury, re-elected.

Northumberland, (*Northern Division*).—Lord Lovaine, Commissioner of the Admiralty, re-elected.

Wenlock.—Right hon. George Cecil Weld Forester, Comptroller of the Household, re-elected.

Droitwich.—Right hon. Sir John Somerset Pakington, bart., First Commissioner of the Admiralty, re-elected.

Cambridge University.—Right hon. Spencer Horatio Walpole, Secretary of State, re-elected.

King's Lynn.—Lord Stanley, Secretary of State, re-elected.

Monday, March 15, 1558.

Wicklow.—Hon. Granville Leveson Proby, *v.* Viscount Milton, now Earl Fitzwilliam.

Cockermouth.—Lord Naas, Chief Secretary to the Lord Lieutenant of Ireland, re-elected.

Salop, (*Southern Division*).—Viscount Newport, Vice Chamberlain of the Household, re-elected.

Dublin County.—Colonel Thomas Edward Taylor, Commissioner of the Treasury, re-elected.

Tyrone.—Lord Claud Hamilton, Treasurer of the Household, re-elected.

Thursday, March 18, 1858.

Durham City.—John Robert Mowbray, esq., Judge Advocate General, re-elected.

Monday, April 19, 1858.

Dublin University.—Anthony Lefroy, esq., *v.* The right hon. Joseph Napier, Lord High Chancellor of Ireland.

Momday, March 22, 1858.

Enniskillen.—James Whiteside, esq., Attorney General for Ireland, re-elected.

HANSARD'S

PARLIAMENTARY DEBATES,

IN THE

Second Session of the *Seventeenth Parliament* of the United Kingdom of *Great Britain* and *Ireland*, appointed to meet 30 April, 1857, and thence continued till 3 December, 1857, in the Twenty-first Year of the Reign of

HER MAJESTY QUEEN VICTORIA.

SECOND VOLUME OF THE SESSION.

HOUSE OF LORDS,

Tuesday, February 23, 1858.

THEIR Lordships met this day for the despatch of judicial business; and certain Returns having been presented,

House adjourned at a quarter before Four o'clock, to Friday next, Three o'clock.

HOUSE OF LORDS,

Friday, February 26, 1858.

LAW RELATING TO ALIENS—CASE OF AZZOPARDI.—EXPLANATION.

Lord LYNDHURST said, he wished to correct a mistake into which he had fallen the other evening, on the debate on the law of Aliens, with respect to the case of Azzopardi. That case came under the consideration of all the Judges; it was argued at great length, and they pronounced a unanimous decision, confirming the conviction. It had been generally supposed that the prisoner was executed, and he had himself been led into that error. He had since ascertained that the sentence of death was commuted into a sentence of transportation for life. He had received a letter upon the subject in these terms:—

"You are reported to have said in the House of Lords on Monday, that Azzopardi was executed, and such, I believe, is the prevailing notion. The fact is, that his sentence was commuted by Sir James Graham to transportation for life, and he was actually shipped off for Norfolk Island by the *Maitland* transport ship on the 26th of August, 1843. The commutation was granted upon the recommendation of Baron Gurney, who tried him, and did not proceed upon any doubt as to the correctness of the decision of the Judges, but upon the ground that, as he might have been tried at Malta, where he and the principal witnesses against him were well known, and where he could more easily have procured the means of defence, the bringing him to England for trial might have operated to his prejudice. Perhaps you will take an opportunity of correcting this misapprehension, which is of some importance, as it is now the fashion to say the case was wrongly decided."

He felt it his duty to take the first opportunity of setting the matter right. He had been misled by the general opinion that in point of fact the man had been executed.

Lord BROUGHAM said, he had no objection to the mercy which had been shown, but was wholly unable to comprehend the grounds upon which the commutation of the sentence had taken place. If it were right to commute the sentence in consequence of the accused having been tried here instead of at Malta, where he would have had a better opportunity of defending himself, that would be a reason, if a reason at all, against the sentence of transportation for life, and not merely for commuting sentence of death to a less punishment.

COURSE OF PUBLIC BUSINESS.—THE NEW MINISTRY.

The Marquess of SALISBURY: I rise to move the adjournment of the House

until Monday next, and I take this opportunity of saying that my noble Friend at the head of the Government has thought it would be more respectful to your Lordships to postpone until that day the statements which it will be his duty to make. It is only a very few minutes ago that a Council was summoned, and there has been as yet no time for consideration or consultation.

EARL GRANVILLE: As far as myself and my late colleagues are concerned, of course there cannot be the slightest objection to the Motion of my noble Friend. I only wish to remind the House that, when Lord Aberdeen's Government was formed, and a Motion for adjournment for a week was made, my noble Friend now at the head of the Government objected to the length of time, and expressed his opinion that forty-eight hours, or three days at the utmost, were amply sufficient. It is not our wish to take any such course on the present occasion; on the contrary, we think it of great importance, not only as regards the personal convenience of the noble Earl, which, of course, we should wish to study, but also for the public interest, that the new Government should have some opportunity of consulting the official documents in their respective offices, and should have ample time for considering their policy before the statement is made in which that policy and the principles on which it is founded are to be conveyed to the country.

THE MARQUESS OF SALISBURY: Monday, I beg leave to point out to the noble Earl, would be the next day of meeting under any circumstances.

House adjourned at a quarter past Five o'clock, to Monday next, half past Four o'clock.

HOUSE OF COMMONS,

Friday, February 26, 1858.

MINUTES.] NEW WRITS—for Buckingham County, *v.* Right hon. Benjamin Disraeli, Chancellor of the Exchequer; King's Lynn, *v.* Lord Stanley, Secretary of State; Cambridge University, *v.* Right hon. Spencer Horatio Walpole, Secretary of State; Droitwich, *v.* Right hon. Sir John Somerset Pakington, First Commissioner of the Admiralty; Huntingdon Borough, *v.* Right hon. Jonathan Peel, Secretary of State; Oxford County, *v.* Right hon. Joseph Warner Henley, President of the Board of Trade; Wilts (Northern Division), *v.* Right hon. John Thomas Henry Sutton Sotheron Estcourt, Commissioner of the Poor Laws; Stafford County (Northern Division), *v.* Right hon. Charles Bowyer Adderley, Vice President of the Committee of Privy Council for Education; Stamford, *v.* Sir Frederic Thesiger, Lord High Chancellor of Great Britain; Suffolk County (Eastern Division), *v.* Sir FitzRoy Kelly, Attorney General; Belfast, *v.* Hugh M'Calmont Cairns, esquire, Solicitor General; Leicester County (Northern Division), *v.* Lord John Manners, First Commissioner of Works; Salop (Southern Division), *v.* Viscount Newport, Vice Chamberlain of the Household; Dublin County, *v.* Colonel Thomas Edward Taylor, Commissioner of the Treasury; Bridgnorth, *v.* Henry Whitmore, esquire, Commissioner of the Treasury; Cockermouth, *v.* Lord Naas, Chief Secretary to the Lord Lieutenant of Ireland; Tyrone, *v.* Lord Claud Hamilton, Treasurer of the Household; Wenlock, *v.* Right hon. George Cecil Weld Forester, Comptroller of the Household.

PUBLIC BILL—2° General Board of Health (Skipton).

COURSE OF PUBLIC BUSINESS.

SIR WILLIAM JOLLIFFE said, that in moving that the House at its rising do adjourn until Monday, he thought it would be for the convenience of the Members if he were to state the course which it would be, he thought, convenient to adopt. It was at the desire of the noble Earl now at the head of the Government that Parliament should reassemble as speedily as possible for the despatch of public business; and, therefore, for the information of hon. Members, he (Sir W. Jolliffe) wished to state that the House would meet on Monday next for the purpose of his moving for such new writs as appointments to offices not yet filled up might render necessary. He should then ask the House to adjourn from Monday next until Friday week, the 12th of March; according to former precedents that being the earliest period at which it could reasonably be expected the new ministers could be in their places to proceed with the public business. The hon. Baronet concluded by moving that the House at its rising do adjourn until Monday next.

THE LATE ATTORNEY GENERAL AND THE LAW LORDS.

SIR RICHARD BETHELL: Sir, I wish to trespass upon the time and patience of the House for a short period, while I endeavour to bring before it some considerations which appear to me to affect in a material degree the regularity and the decency of proceedings in Parliament, even if they do not in some measure affect the privileges of Members of this House. If there be in any nation two deliberative assemblies, acting in concert with each other, it seems consistent with propriety and also with the obligations of decency that if a speech be delivered by a member

of one of those deliberative bodies in considering a measure brought before it, it should not be competent for any member of the other assembly, before the measure is submitted to them, to take that particular speech and to make it the subject of criticism, and to accompany that criticism by personal and offensive observations. It is impossible to conceive anything that would more tend to interrupt the order which should prevail in deliberative assemblies, or which could more interfere with regularity and propriety of conduct on the part of the Members than such a course of proceeding. But, Sir, one might condone this—one might pass it over without remark—if it were the accidental exuberance of zeal or enthusiasm on the part of some young Member of either House; one might even forgive it if the offender had been accidentally betrayed upon one occasion only into such forgetfulness. But, if it turns out to be a practice repeatedly pursued, frequently remonstrated against in private, although forborne to be noticed in public; if it turns out to be a practice followed by grave and reverend and aged men, entitled to be regarded as leaders in the assembly of which they are Members, and who may fairly be expected to afford to younger Members examples of order, of regularity, and decency—more especially when those grave and eminent personages happen to be invested with the highest judicial functions—then it becomes unquestionably a most unfortunate thing, which no one can contemplate without the deepest regret and pain. I must beg the indulgence of the House while I call its attention to certain proceedings which already figure in the history which is given of the transactions of our two deliberative assemblies. In the month of August last, a great and important measure (the Trustees Relief Bill) came down from the other body to be considered in this, the Lower House. It was brought forward at a time when it was utterly impossible to give to that measure the calm, patient, and lengthened attention which its importance required. It had been conceived, as it appeared, by certain Members of that assembly with great deliberation, but it was expressed and accompanied by more than usual infelicity. That being so, in measured and temperate language, without any allusion to the authors of the measure in the other assembly, this House, without a division, unanimously, and apparently even with the assent of its propounders, came to the determination not to entertain it. That decision having been come to, a scene took place in the other deliberative body in which a grave and learned and most eminent person, disappointed apparently at the measure not having been received here, addressed that House in language which I find thus reported in history. It is by examples of the past that we are to correct our conduct for the future. That noble Lord (Lord St. Leonards), after alluding to a Bill which he had prepared and introduced to protect honest trustees, in reference to what had passed in another place, is represented to have said:—

"On that occasion, however, the learned organ of the Government in the House of Commons stated that the measure was so inaccurate and obscure, and so inadequate for the purpose for which it was intended, that it would require at least three days to make it right. That learned person then added—with the confidence which belonged to him, and by which he was led to imagine that he could make that clear which was obscure, substitute light for darkness, and make that adequate which was inadequate,—that he himself would undertake to introduce a suitable measure on the subject in the next Session of Parliament. He certainly was astonished to learn that that learned person had spoken in those terms of a measure which had been prepared with such great care and deliberation, and which had passed through their Lordships' House without any great objection."—[3 *Hansard*, cxlvii. 1778.]

I do not know whether these terms are to be deemed complimentary or the opposite. I rather believe that they were not used with the intention of conveying any praise, but rather of personally holding up a Member of the other deliberative body, who had performed what he conceived to be his duty, to ridicule and public observation on the ground of the observations he had made. Now, the individual alluded to unquestionably felt a good deal of pity for the irritable feeling that prompted these observations, and although he might have brought the matter before the body to which he belonged, yet from considerations of the past he abstained, and contented himself with addressing a remonstrance to the Members who heard this speech, and with expressing an earnest desire that proceedings such as these, which were likely to lead to feelings of rupture between the two bodies, might not be for the future persevered in. Now, Sir, on another occasion a grave question arose before the deliberative assembly to which I allude, touching a most important institution in a country—namely, the great and supreme Court of Appeal. The person who has now the honour of addressing this great assembly was called upon by many Members of this House to declare the opinion

which he had formed from his experience of the way in which that great court had discharged the functions committed to it by the constitution, and what might be required, if need were, to render it more satisfactory in the performance of those functions. A great debate ensued, in which many Members took part, and which ended with an expression of the carefully considered opinion of the body then deliberating. These proceedings, being communicated to the public in the ordinary way, attracted the attention of Members of another assembly. These grave and learned persons to whom I have referred, and to whom that body should look up as guides in matters of order, met together for the purpose of expressing an opinion upon what had been stated in the other great Council of the nation. This is the language which history records to have been used on that occasion by the very grave and learned person who fills the highest judicial seat in the courts of law in this country:—

"Lord Campbell had witnessed, he must say with indignation, the attack that had been made on their Lordships' judicial jurisdiction by Her Majesty's Solicitor General. It was a most violent attack, having a direct tendency to bring their jurisdiction into disrepute, and it was astonishing that it should come from an officer of Her Majesty's Government. It was an attack upon the constituted authorities of the country and upon a public functionary—for he (Lord Campbell) must say, that it appeared to him to be an attack on his noble and learned friend on the woolsack who presided over their Lordships' proceedings when sitting as a Court of Appeal. It seemed to him, if the report were a just representation of what fell from the Solicitor General, that he thought that justice would never be satisfactorily administered in their Lordships' House until he (the Solicitor General) was presiding on the woolsack."

Now, Sir, if I were speaking of the language used by John Thomas to James Styles out of doors, I should pass it by as that species of personality which indicates great want of good breeding and good manners. But if this history says true, and if these words did proceed from one who was bound to maintain all order, all gravity, and all decency, why, undoubtedly, it is a thing to be spoken of with the greatest pain and regret. So far as the institution is concerned to which I have referred—these remarks having been made when the individual had no power to bring them before the other body, which had adjourned—that individual was content with the ample revenge which he afterwards had, without any act of his, by these same learned persons appointing a Committee to consider that very institution of which they had constituted themselves the champions in these singularly vulgar terms; and this Committee, by the evidence they took and their own Report, said much worse and more severe things of the institution in question than they had attributed to the unfortunate Solicitor General. To crown the matter, the individual who used this language came to this very Solicitor General, and, with an inconsistency which those who know him better than I have the honour to do tell me is not an unusual thing, deplored the state of this very institution, and begged the assistance of the person to whom he applied in devising some means of improvement. So much with regard to the past. With regard to a later occurrence, there is also recorded in history a passage which I wish humbly to submit is deserving of grave consideration. It is the province of the Judges of the land to declare the law, but to declare the law in their courts, after argument, upon a judicial occasion, and after grave deliberation. It is most deeply to be deplored if there should happen to be in any country a Judge of the greatest eminence and authority, who must know well that, in a particular conjuncture of circumstances, he might be called upon to sit in judgment upon a particular case, and who yet, with reference to that case, before it came before him, gratuitously and unnecessarily rushed into public, and declared that the law which governed the case was so and so, and that all who held a different opinion committed such grievous errors that it gave him the most acute pain to observe the blunders into which they had fallen. Well, Sir, if there is a man who should have done such a thing, and if such a man should be clothed with the ermine of the highest station, I think this House will be of opinion with me, that he would disqualify himself from sitting as a Judge to hear and determine that question, if the case on which he had thus given an opinion and decision should arise. There is nothing more to be deprecated in the Judges of the land than that they should be "incontinent of tongue." I quite agree that when the occasion demands the expression of opinion it ought to be given with firmness, and I would not desire to check it in any manner. But I humbly trust that this House will agree with me in deploring the case when it should arise, when individuals clothed with that authority should be found in this manner to commit themselves to opinions which render them incompetent to discharge the

highest judicial functions. I have another object in trespassing upon the House. It is very inferior to that which I have alluded, and yet to me it is extremely dear and extremely important, and I trust the House will allow me to speak upon it with great sincerity and without affectation. If there is anything that I have felt due to the House during the time that I have had the honour to hold office, it is that when I have been called upon by the House of Commons to give an opinion I should give it faithfully, conscientiously, according to the best of my knowledge, and with the sincere belief that it is correct and well grounded. Therefore, when I am charged with having made to the House of Commons a statement so erroneous that no man of common understanding could have made it, it is undoubtedly most important to me that I should be borne with while I bring before the House the accusations and the answers. It will be in the recollection of the House that on Friday night last, during the discussion which took place on the Bill then before the House—the Conspiracy to Murder Bill—I was called upon in a very earnest manner, by my right hon. Friend the Member for the University of Oxford (Mr. Gladstone) to express my opinion on that measure. I ventured to give that opinion to the House as clearly and as accurately as I could. I must confess that I have always had a certain horror of endeavouring to guard myself in giving opinions by using words of doubt or ambiguity. It is a very common practice with lawyers to avoid giving an opinion upon any doubtful question. They say that the decision may be on this side or on that; and, in point of fact, they give no opinion whatever. Now, on all occasions upon which I have been called upon by the House of Commons to examine a subject with the view of stating my opinion, I have been desirous—whether it be a merit or demerit—to form the best opinion I could, and to express it in the clearest and simplest language. Now, the tenor of my argument on last Friday night, as hon. Members will bear me out, was this:—I was desirous of showing that an alien stood upon a different footing from that of a British-born subject with reference to particular cases. I am quite sure that no hon. Gentleman who did me the favour of attending to what I said for a single moment supposed that I ever affirmed the state of the law to be this—that an alien coming to this country is not amenable to our law—that an alien coming to this country could rob, or murder, or commit any species of violence without being amenable to law. But will the House believe me when I say that that particular proposition having been extracted from the rest of my speech, was put forth in another place as representing my arguments upon Friday last? Now, Sir, I happened to be in a particular room in which the following took place. A grave and learned Judge rose and said that he was desirous of putting a question to a noble and learned Lord. The person interrogated was evidently prepared for the question, for he rose up and took out of his pocket a newspaper. He read from that newspaper certain words, which he said constituted the argument of the Attorney General elsewhere. He then proceeded to denounce that particular passage, and to represent it as being totally at variance with the law of this country. Now, the House will permit me to quote from an historical record the words I actually uttered:—

MR. SCOTT: I rise to order, Mr. Speaker. I have always understood it to be the rule in this House that there should be no reference to a matter which has occurred in a previous debate in the same Session. I am perfectly aware that the House may be much more desirous of hearing the statement of the hon. and learned Gentleman than anything I can offer; but there is one observation which I will make—and I hope that not only this, but every future House of Commons will concur in it—namely, that there is nothing of greater importance than to adhere to our Standing Orders. It is with the view of having those Standing Orders enforced that I take the liberty of now rising to order. If the House wish that a matter which personally affects the hon. and learned Gentleman should be explained, let them give him a specific indulgence to that extent, but let not our Standing Orders be infringed by any one, and least of all by the course proposed by the hon. and learned Gentleman.

MR. SPEAKER: In answer to the appeal made to me I must give my opinion that up to this period the address of the hon. and learned Gentleman has not transgressed the Rules or Standing Orders of the House. He is now taking an opportunity of making a personal explanation, and the House always permits hon. Members to make such explanations.

SIR RICHARD BETHELL: I am desirous of stating as briefly as I can what

was really the argument maintained by me on the occasion in question. The particular expressions then used by me were to this effect:—

"The state of the English law I believe to be this—that foreigners are able to do in this country that which your own subjects are unable to do in this country, and that which would be a crime in natural-born British subjects is a matter of impunity in foreigners."

An illustration of that was subsequently given by me in the following words:—

"I believe that the state of the law may be thus accurately represented—supposing two or more foreigners in this country conspire together to commit a crime abroad, although the thing which they conspire to do is a crime, yet, if it be committed abroad, it would not be punishable by the law of this country; neither is the conspiracy punishable."

Now, no one who read what I then uttered would think of disconnecting these two sentences. No one with ordinary candour or ordinary intelligence would read the first sentence as containing the proposition, that an alien may come into this country and here commit with impunity acts for which a British-born subject would be punishable. But the two propositions show plainly that an alien may come to this country and plot with impunity the commission of an act abroad which a natural-born British subject could not do. In that respect, therefore, an alien, although standing in the position of owing allegiance to your law, is under that law exempt from consequences to which a natural-born British subject would be liable. Now, what does the House suppose that I was elsewhere represented to have said on the occasion? The passage that was read elsewhere was that first quoted by me. A grave and learned speaker said:—

"I find in the public journals the following words attributed to the Attorney General: The state of the English law I believe to be this—that foreigners are able to do in this country that which your own subjects are unable to do; and that which would be a crime in natural-born British subjects is a matter of impunity in foreigners."

The grave and learned speaker goes on to say:—

"That is not the law of England, and it is of the last importance it should be known to the country that that is not the law of England. There is no distinction whatever between natural-born British subjects and aliens with regard to acts committed within the realm of England."

Now, the other learned persons whom he was addressing had never read the speech from which that extract was taken. It was represented to them that I held the doctrine that an alien might with impunity commit any crime in this country. They were astonished at such a proposition; whereas it is perfectly clear if the whole, or even another passage had been read, the proposition which I maintained was only this, that anterior to the 9th of *George IV.*, according to the common law of the land, a British subject committing a murder abroad was not amenable to English law; that that state of things was altered by that statute, but that it was so worded that it did not comprehend aliens resident in this country within its provisions; the result, therefore, was plain, that an alien not being comprehended within the statute is not in the same position as a natural-born British subject, but is in the same position that natural-born subjects were previously; and I argued that we ought to amend the law in that respect. There has been, therefore, I must say in that particular, one of the most extensive misapprehensions and (of course unintentional) misrepresentations that it is possible for any one to conceive. The whole of the address of the grave and learned speaker dwells simply upon that passage which he read, as comprehending the whole of the argument which I addressed to this House. In the rest of his address the speaker proceeded to represent that the doctrine of conspiracy in this country was a doctrine laid down and recognized in such a manner by all the writers on the law that it would comprehend the act of aliens conspiring in this country to commit a murder abroad. And accordingly he put it thus—that the law of conspiracy in this country comprehends all persons combining to do anything that is *malum in se*. Now, the way in which I stated the law on that subject was this—I stated to the House that unquestionably there were some general and loose definitions of this elastic principle of our law as to conspiracy, but that they had never been followed out by any decision and were not illustrated by any precedent or any decided case; and, therefore, the words that I used were that it was unsafe to rely upon such expressions of that principle, and that one of the greatest Judges in this country had said that it ought not to be carried any further than it had been carried. The statements that I made are confirmed by the opinions of the profession. I have had assistance tendered to me from every quarter on this question. Representations have been made to me by several of my learned Friends—by men most competent to speak on the subject—that they have

searched every book and every decision relating to the law of conspiracy with a view of discovering therein the doctrine laid down by the noble and learned speaker, and have not been able to do so. What then will the House think was the next proceeding of those grave and learned men in another place, was to advert to a sentence pronounced by the assembled Judges of England in the case of an unfortunate man who was convicted and hanged, and they pointed out that that sentence might be erroneous. I think the House will see that it is most unfortunate a learned Judge should commit himself to a statement which he might find most inconvenient when called on to act in a judicial position. I have felt it my duty to bring this matter before the House, and I believe the House will admit that great inconvenience and an enormous amount of disorder much to be deplored will result if this practice of Members in one assembly criticising individuals in another be continued. My own desire has been in these observations to set myself right with the House, and to do that through the means of bringing before you these provocations, these attacks, which have been made from time to time on Members of this House, which I trust the House will consider were uncalled for, and which, if continued, will lead unquestionably to consequences of the most unfortunate character. I thank the House for its kind and patient attention. I trust I shall never again have occasion to make a statement of this kind.

Mr. WARREN said, he did not rise for the purpose of reviving a former debate, but to make one or two observations which he thought called for by the statement of the hon. and learned Gentleman, for whom he entertained feelings of sincere friendship. The House should bear in mind that a dignified deference from one House to the other was the keystone of their co-operation, and it was not desirable to see Members of one House speaking at Members of the other, or setting one House against the other. If such a course were pursued, both Houses must suffer in public estimation, and their powers of doing good must fail. The statement of his hon. and learned Friend on a former occasion had, from his position as the first law adviser of the Crown, become public property, and when he heard that statement he shared in the astonishment which had been expressed with regard to it. The remarks to which his hon. and learned Friend had called attention, and which were made in that mysterious "other place" to which reference had been made, appeared to have been expressed with the greatest possible temper and dignity—

Mr. KERR rose to order. He understood that the House had permitted the hon. and learned Gentleman (Sir R. Bethell) to make an explanation, but he did not think that the Standing Orders would permit a discussion to be raised on the matter.

Mr. SPEAKER expressed an opinion that the hon. and learned Member had not yet put himself out of order.

Mr. WARREN continued. He had taken a part in the former debate, and he felt a deep interest in the state of the law being laid down and acted on for the safety of the inhabitants of these realms, and for the sake of their character abroad. His hon. and learned Friend had stated that if a dozen foreigners came here and concocted a crime, and went abroad to commit it, and then came back to this country—["Order, order!"]

Mr. SPEAKER said, that he had expressed his opinion that while the hon. and learned Gentleman was referring to the statement made by the hon. and learned Gentleman opposite (Sir R. Bethell) he was perfectly in order; but he was now going beyond that point, and was referring to a speech made in a past debate.

Mr. WARREN would only say, before sitting down, that he had carefully considered what had been said by his hon. and learned Friend opposite, and he did think that it was the duty of a noble and learned Lord charged with the duty of administering the law of this country not to suffer serious misrepresentation and misapprehension of a most important part of our criminal law to go forth unanswered and unnoticed. He thought it would have been quite as well if his hon. and learned Friend had confined himself to his own vindication, instead of speaking of the chief administrator of the law of England as capable of garbling extracts and misrepresenting what had passed in that House.

Mr. WHITESIDE said, that as his hon. and learned Friend opposite, in his very able speech, stated what he believed to be the law, he (Mr. Whiteside) felt it his duty to say that he believed that the expositors of the law in another place had stated the law as it truly is. Nor did he believe that, because the assistants of his hon. and learned Friend had failed to find a case for him, that the general principles of the law of this country had been erroneously stated by the

learned and distinguished personages in another place.

Motion *agreed to.* House at rising to adjourn till *Monday* next.

EAST INDIA LOAN BILL.

Order for Consideration read.

SIR GEORGE LEWIS said, he understood that Her Majesty's present advisers were not in a condition to-day to take charge of the Bill, and it was therefore their wish that it should be moved on that (the Opposition) side of the House. The subject had been fully gone into on Monday last; he had no remarks to add upon the subject now; and he begged, therefore, to move that the Bill be read a third time on Monday next.

MR. MANGLES believed there had been an understanding with an hon. Gentleman opposite, that the Bill should not come on for discussion until Friday, the 12th of March.

MR. G. A. HAMILTON said that, considering the Bill had passed through several stages, he was not instructed by the Chancellor of the Exchequer to ask for any delay on its last stage. Nevertheless, as it seemed to be desired by some hon. Members that the Bill should undergo further discussion on the third reading, it would be very inconvenient that that stage should be taken in the absence of his right hon. Friend. Perhaps, therefore, the House would allow the third reading to be adjourned until Friday, the 12th of March.

SIR GEORGE LEWIS had merely mentioned Monday next, because he understood it to be the wish of the present Government that the next stage of the Bill should be taken on that day. Its further postponement was entirely a matter for their consideration.

MR. MANGLES observed that the hon. Member for Devonport (Sir E. Perry) had said he was inclined to oppose the Bill. Now, it was most desirable for the public service that the Bill should pass at once; but if there was to be opposition, of course it would be uncourteous on his part to attempt to force on the measure faster than was wished.

SIR ERSKINE PERRY said the House had never had an opportunity of discussing the principle of the Bill. It was understood the other day that this discussion would take place when the Bill went into Committee, but to the surprise of many hon. Members it was passed through Committee after the Government had resigned. The question he wished to bring before the House was that of the liability imposed by this measure upon the country. There was no wish on his part or that of others to throw obstacles in the way of the Directors getting money to put down the Indian mutiny; but it had been pointed out that ample means existed for obtaining the money in another and quite as speedy, or, indeed, speedier, manner. He felt sure that the important principle involved in this measure respecting Indian finances and English liabilities ought not to be passed over by the House *sub silentio;* and he, therefore, gave notice that on the third reading he should call attention to this principle, and pointed out the dangerous precedent now sought to be established, and the risk which would be run of imposing heavy liabilities on the finances of this country.

MR. AYRTON said, the House, by a large majority, had determined in favour of a Bill for the government of India through the Crown, instead of through the Company. Her Majesty's present Ministers then expressed an opinion that no legislation should take place respecting India during this Session. Now, it appeared to him highly inexpedient to pass this Loan Bill unless there was a distinct understanding that the Government would proceed to legislate in accordance with the Vote of the House; and, therefore, on the third reading he and other hon. Members would probably desire to raise this question, and ascertain the intentions of the Government on the subject.

COLONEL SYKES said, he could not think that this Bill had any connection with the question of the future government of India, nor could he believe that any Member of that House would deliberately throw obstacles in the way of obtaining the requisite funds for the despatch of stores and reinforcements to our army in India. He could not see that it now mattered who was responsible for the expenditure of this money—the money must be had, and he hoped the House would not allow of delay.

MR. CARDWELL said, much weight should, no doubt, be attached to the difficulties which it was declared would arise if any delay occurred in raising this money. Every facility had been given to pass the Bill through all its stages, and the proposal of the hon. Member for Devonport was to have a discussion on the final stage. Now the House ought to consider the questions which the Bill involved, and to which they were likely to assent if they now parted with all control over its provisions. The measure

was one which proposed to establish a new precedent with regard to loans for the service of India. It authorized the Company to go into the London money market and raise loans to a large amount. There was also a clause enabling them to raise money here for open loans in India—that is to say, to furnish the constant ways and means by which a deficient revenue in India was to be supplied. Now, prior to this outbreak a chronic deficiency existed in Indian revenue, and that deficiency would of course be largely increased under present circumstances. There was no certainty that even the present inadequate revenue would be maintained; and other difficulties existed on this subject on which he need not now dwell. The House had no control over Indian expenditure. No provision was made by this Bill for paying the interest of the money intended to be borrowed, except through the medium of these open loans—a further unlimited charge on the revenue of India. These considerations raised a question no less important than this—to what extent were they in that House, and how far was the Consolidated Fund of England, to be responsible for a deficiency in the revenues of India? Now, on the first reading of this Bill he put this question to the then Chancellor of the Exchequer, and he confessed he thought nothing could be more clear and explicit than the answer of the right hon. Gentleman—namely, that the whole burden was to be thrown on the resources of India, and that none could by any possibility be thrown on the resources of England. If, however, he was rightly informed, on the occasion when the Bill passed through Committee, which was, he believed, in a House of less than forty Members, a discussion arose as to whether any liability would, directly or indirectly, attach to the revenue of this country; and in that discussion the Minister then responsible for the government of India distinctly stated that no doubt there was a moral obligation upon England to furnish the money if the resources of India should prove inadequate. Now, of two courses each had its advantages. If money was raised chargeable only on Indian resources this country was, of course, free from all liability. On the other hand, if, at starting, the responsibility of England were openly proclaimed, the advantage would be gained of raising the money required at a very much lower interest. But there was another course, in taking which the combined disadvantages of both the others accrued, and that was first to raise money at a high rate of interest because you did not choose to say that England was responsible for its repayment, and then to admit, in the language of the late President of the Board of Control, that a moral obligation was thrown upon the country, by which, in the last resort, it would be bound. This was not a trifling question. The burden one way or another, of which this was only the small end of the wedge, amounting to something like £70,000,000 or £100,000,000 of money; and the proposition that this subject should be debated on the third reading of the Bill, at a time when the opinions of the new Ministry might be expressed respecting it, was, he thought, a most reasonable one upon a question of such magnitude. When Sir Robert Peel, in his speech on the income tax, let fall an expression that there was a deficient revenue in India, and that this country might at a future time be called upon to guarantee some loan for the service of India, that expression was at once laid hold of as clothing the whole Indian debt with the guarantee of England. He was afraid that if they passed the third reading of this Bill, the Minister responsible for India having stated that if the resources of that country failed there would be a moral responsibility upon the Parliament of England to supply the necessary funds, they would be establishing a precedent of the gravity of which they were not sufficiently aware. The course which he recommended was that whenever the third reading was taken Her Majesty's Government should be prepared to state through some of their organs their views upon the subject, and he thought it would be only fair that further discussion should, if possible, be postponed until the Minister responsible for the finances had an opportunity of giving his opinion upon this question.

MR. VERNON SMITH said, that no doubt it was a matter of great convenience—indeed, almost of necessity—that this Bill should pass as soon as possible, in order to enable the East India Company to raise a loan upon the most advantageous terms; but, at the same time, it was not right nor convenient that the Bill should be hurried with precipitation through the House, and without proper discussion. It was true there had been one or two debates upon particular points, but they had not been developed as much as was desirable. His right hon. Friend (Mr. Cardwell), however, had completely misquoted what he (Mr. Vernon Smith) said upon a previous occasion. Either his right hon.

Friend was not present, or he (Mr. Vernon Smith) had been misreported. What he stated was, that it was desirable to pass this Bill as soon as possible—that being a time when he and his colleagues had resigned their offices, and were only holding them for the purpose of carrying on the Government—and that, in order so to do, it was his intention to accede to the proposition of the right hon. Member for Portsmouth (Sir F. Baring); to reduce the amount to be borrowed from £10,000,000 to £8,000,000, and to withdraw that clause of the Bill which involved a novel principle, namely, whether the Indian Government should be allowed to raise subscriptions for an Indian loan in England. The Member for the City of London objected to that proposition, because it followed that the Company might be allowed to raise any sum they pleased for Indian purposes. He (Mr. Vernon Smith) therefore thought that the point ought not to be pressed, and that the Bill ought to be passed without it, only by way of convenience. Upon that the right hon. Member for the University of Cambridge (Mr. Walpole) said that that was his opinion also, and if the clause were withdrawn he should not oppose the Bill. Upon that understanding he (Mr. Vernon Smith) left the House; but he was now told that this 11th clause had not been withdrawn, which he thought gave reason for some dissatisfaction, and was a good reason why there should be further discussion; and, therefore, he thought the proposal of the Government to postpone the third reading to the 12th March was not unreasonable. He (Mr. Vernon Smith) had not stated that there was any moral obligation binding upon the people of England to supply a deficiency in Indian revenue. What he had stated, in answer to the objection of the right hon. Gentleman the Member for Portsmouth, namely, that a change of the Government would produce a moral obligation of this sort, was that the moral obligation was the same whether the Government was changed or not. The moral obligation was exactly the same whether India was held for the Crown in trust by the East India Company, or whether it was held by the Crown itself. But he had never said there was a moral obligation upon England to discharge this debt. On the contrary, he said that he thought that the same rule which applied to Canada and the other Colonies ought to be extended to India. They raised their debt on the security of their own revenues, and he did not see why the loans for India should not be contracted separate from the Imperial revenues. He was glad to have had that opportunity of explaining the misrepresentation. He did not think it was possible to resist the arguments of those hon. Gentlemen who thought there ought to be an adjournment of this question.

Mr. CARDWELL explained, that he had obtained his information from one of the usual sources of information, which he then held in his hand—a newspaper.

Mr. G. A. HAMILTON observed, that he had not asked for a postponement of the Bill. On the contrary, he had said that he was not instructed by his right hon. Friend, the Chancellor of the Exchequer, to ask the House for an adjournment. When, however, it was stated that there was likely to be a discussion on the Bill, he said he thought it right that such discussion should be postponed till his right hon. Friend should be in his place. He had, therefore, named the 12th of March for the discussion on the third reading.

Mr. GLYN thought the introduction of the principle embodied in the 11th clause of the Bill totally uncalled for. He trusted that hon. Gentlemen opposite would give some explanation as to the course they intended to adopt, or else take some measures to put the Bill on a more satisfactory footing.

Sir EDWARD COLEBROOKE suggested that the difficulty might be obviated by moving that the clause be struck out.

Mr. MANGLES said, that there had been no inadvertence or mistake whatever in the introduction of this clause. The question was, that the words should be "for the public service in India," and not "for the public service in India and England." It was suggested that the clause should be confined to India. But the Committee deliberately consented to the other form of expression. He also begged to remind his right hon. Friend (Mr. Vernon Smith) that the Colonies could go into the market for money, and that Canada and other bonds were freely negotiable like other securities.

Sir GEORGE LEWIS begged to make a proposal, which was this—to fix that the third reading of this Bill be taken on Monday next; and in the meantime an opportunity would be given of considering what would be the effect of postponing the third reading, and whether it was material that the Bill should pass through Parliament before the 1st of April, which

was the end of the financial year. If the right hon. Gentleman (the Chancellor of the Exchequer) should have made himself master of the whole circumstances in the meantime, Her Majesty's Government might find Monday a more convenient opportunity of stating their intentions.

LORD JOHN RUSSELL said, that the immediate question was, what would be the power of the House as to striking out a clause on the third reading?

SIR GEORGE GREY said, that if this stage of the Bill was passed no clause could be struck out on the third reading. The best course would be to postpone this stage until Monday.

Further Consideration *adjourned* till *Monday* next.

House adjourned at Six o'clock till *Monday* next.

HOUSE OF LORDS,

Monday, March 1, 1858.

MINUTES.] The Right Honourable Sir Frederic Thesiger, having been appointed Lord Chancellor, and being present, sat Speaker.

THE SLAVE TRADE.

LORD BROUGHAM said: My Lords, I am quite sure that I shall best consult the convenience of your Lordships—I may say the convenience and the wishes of all persons within these walls—by simply putting the question of which I have given notice to the Secretary of State for Foreign Affairs, to which, no doubt, if he cannot give an immediate answer, he will prepare himself to give an answer on a future day. When I say consult the convenience and wishes of all present, it is because it has been said that men are very apt to labour under an impression which confounds near things with great things. I labour under that impression at the present moment, and I think in this instance near things are to be considered as great ones. Therefore I am very far indeed from wishing to divert your Lordships' attention to the subject, great though its importance undeniably is, of the slave trade. [A slight laugh from the strangers' galleries.] If anything can make me repent of the resolution which I began by announcing—namely, that I should only put the simple question to my noble Friend without detaining your Lordships one instant,—it is the indecorous proceeding which we have just witnessed [*laughter*—"Order!"]; and, if repeated, means will be taken to prevent the possibility of a third act of the same sort, because at one instant, and as a matter of course, this House will be cleared of all but your Lordships. My question is, whether steps have been taken to remedy the very great inconvenience of postponing the presentation of the slave trade returns, especially those from Cuba and the Brazils, to the end of the Session, instead of their being presented before Easter?

THE EARL OF MALMESBURY: As only three days have passed since Her Majesty placed me in the situation in which I now stand, it is impossible for me to give an answer relative to a subject connected with the Foreign Office, and I can, therefore, only assure my noble and learned Friend that I will take care that these Returns shall be placed on the table at the earliest possible moment.

MINISTERIAL STATEMENT.

THE EARL OF DERBY: I hope, my Lords, that in asking your Lordships' permission on Friday night to postpone to this evening the statement which constitutional usage requires from those in the situation in which I have now the honour to stand, I shall not have been thought guilty of any disrespect to your Lordships. On the contrary, considering that during the whole of last week I was engaged, I may say day and night, in making those preliminary arrangements for the formation of that Government which I had not the slightest idea of being called upon at that time to form, and that, consequently, I have not had a single moment to spare for any matter not immediately connected with those arrangements; I thought, considering, too, the great importance of the subject, that it would be more respectful to your Lordships that, having only just acceded to office, and having only departed from the presence of Her Majesty at half-past four o'clock, I should not come down here at five o'clock to lay before your Lordships what must necessarily, under the circumstances, have been but a crude and imperfect statement. Believe me, my Lords,—and I say it with all sincerity—I address your Lordships from this place on the present occasion with no feelings of triumph or exultation. I am overwhelmed with the sense of my own incompetency to perform duly the arduous task which lies

before me. I am overwhelmed with the sense of the magnitude of the difficulties which I must encounter, and of the questions with which I have to deal; but my satisfaction, my consolation, in feeling myself so unable to deal adequately with these great questions is, that indulgence will be extended by your Lordships and by the country to one who, having been called suddenly into office by the favour of his Sovereign, has certainly sought for it by no unworthy means, and by no underhand intrigues.

Before proceeding to enter upon public questions, I believe it will be proper that I should remind your Lordships of the course of events which have placed me in my present position. Your Lordships will all remember that last Friday se'nnight a vote of the House of Commons, taken in a full House, resulted in a majority of nineteen against the then Government upon a Motion which, in point of fact, involved a vote, if not of censure, at least of disapproval of the course which had been pursued by the Government upon a matter of great importance. Into the substance of that vote I will not at present enter, though it will be my duty so to do before sitting down; but I rejoice to think, my Lord, that, although that majority was composed of parties certainly not usually in the habit of acting together in concert, but entertaining different opinions upon most subjects, I have not heard from any quarter upon the present occasion any of those taunts of combination and coalition which were so freely poured forth upon a similar occasion last year. For myself, I must confess that I never was taken more by surprise than by the vote of Friday week; and for those with whom I have the honour of acting I can only say that there was not the smallest step taken for the purpose even of securing attendance, or for inviting a single Member to remain in his place. The Government having been placed in a minority of nineteen acted in accordance with constitutional usage in at once tendering their resignations to Her Majesty; and Her Majesty, as I understand, at once accepted those resignations. I believe that the noble Viscount lately at the head of the Government was with Her Majesty at five o'clock on the Saturday, and in the course of that evening Her Majesty did me the honour of summoning me to Her presence. With Her Majesty's gracious permission I will venture to state what took place during that interview.

The Earl of Derby

Her Majesty having been pleased to inform me that she had accepted the resignation of Her late servants, called upon me for my advice as to the course which she ought to pursue, and asked me whether, looking to the circumstances of the case, I was willing to undertake the responsibility of forming an Administration. In reply to that gracious intimation, I took the liberty of requesting Her Majesty not to press for an answer to her question on that day; and I then proceeded to lay before Her Majesty as fully and clearly as I could, without partiality and without any bias, what I conceived to be the state of political parties in the House of Commons—an element in the question which I thought Her Majesty ought to have clearly presented to her. I entreated Her Majesty to take till the following day to consider whether She would think it expedient to call me to Her councils; and I stated that if, upon reflection, She should continue of that opinion, my sense of public duty would render it imperative on me to attempt to execute the task which she was pleased to entrust to me; but at the same time I felt bound to add, that if upon full consideration Her Majesty should be of opinion that any other person would be better qualified to form a sound and stable Government for the country, she should not for a single moment consider my position, feelings, or interest, but take the course which upon reflection she should deem most advantageous for the country. On the following morning I had the honour of receiving a note from Her Majesty, informing me that further reflection had fully confirmed Her in wishing me to accept office; and I felt then that I had no course to pursue but humbly to submit myself to Her Majesty's pleasure. My Lords, it may be said that in taking that course I acted with precipitation and rashness; but I venture humbly to think that I was called on to act as I did by every sentiment of loyalty and public duty.

My Lords, having taken upon myself the responsibility of forming an Administration, my next care was to endeavour so to form it as to secure the largest portion of Parliamentary support. My Lords, I do not share in the opinion which was expressed some three years ago by a noble Earl not now in his place, that the state of parties in this country is such that any combination may reasonably be expected, and that the leaders of all the great political parties might, without inconsistency, sit harmoniously in the same Cabinet. I

do not go as far as that; but it is undoubtedly true that, as compared with former periods of our history, the line of separation between parties in the State is much less sharply and distinctly drawn than it used to be. Parliament and public opinion, which Parliament represents, are not now, as formerly, divided by the broad lines of demarcation to which we were accustomed, but they are separated by vast numbers of small gradations which it is scarcely possible strictly to define. Persons call themselves now-a-days by so many different names—Tories, Conservatives, Liberal-Conservatives, Whigs, Liberals, and Radicals; and such are the niceties of distinction between some of these names that I believe there are no inconsiderable number of Members in the House of Commons—perhaps there may also be some in your Lordships' House—who would find it difficult to say with which of all these they have the closest sympathy. The state of parties is very like the distinctions of the various grades of ranks in society at large. There is a broad interval between the highest and the lowest; but the gradation by which one melts into the other is so imperceptible that it is difficult with regard to social rank and to political parties in the State precisely to say where one commences and another ends. But I did think that—desiring to form a Government upon a basis which should be Conservative in the truest sense of the word, but at the same time not indisposed to measures of progressive improvement—I might hope to obtain the assistance of those eminent persons who, not belonging to the Government which we have succeeded, shared to such a degree the opinions of the Conservative party that they might not be deemed guilty of any inconsistency in associating themselves with me in the difficult task which I had undertaken. Thus thinking, I applied to a right hon. Gentleman and to two noble Lords, Members of your Lordships' House—[Mr. Gladstone, the Duke of Newcastle, and Earl Grey, were supposed to be referred to]—who I conceived might not be indisposed to render me their assistance in framing such a Government as I have described. They did not, however, deem it consistent with their position to afford me such aid. I cannot, of course, find the smallest fault with their decision; but although I must undoubtedly regret that I have been deprived of the benefit of their assistance, I cannot regret that I made such an offer. My Lords, having been thus thrown entirely upon the resources of those with whom I was more immediately and intimately connected, I proceeded to select for the various departments of the business of the State such gentlemen as I thought best qualified to fill them with honour to the country and with credit to themselves. My lords, in changes of this description—and more particularly when such changes take place during a Session of Parliament, and still more at an early period of the Session—there are always inevitable evils to be encountered. In the first place, at such an important period of the Session, public business is interrupted to a very inconvenient extent from the necessity of new elections in the case of many Members of the House of Commons who may have accepted office. In the next place, some considerable time must elapse before those who are appointed to high offices have the opportunity of making themselves masters of the various details of the Departments to which they are called, and of taking up the thread of the tangled skein which may have been left by their predecessors. More especially is this the case with respect to a most important Department—that of Foreign Affairs—over which my noble Friend opposite (the Earl of Clarendon) has presided so admirably, and in which so many questions of the most delicate description are at this moment pending. In some cases, as my noble Friend well knows, negotiations and discussions have been pending for a series of years, with the whole details of which the person who succeeds to office must be familiar in order to take them up with advantage. The case is the same with regard to other Departments. I understand that my noble Friend opposite the late President of the Council (Earl Granville) said the other night that he thought it very desirable that a period of three days should be allowed to Her Majesty's Government, in order that they might make themselves masters of the business of their respective Departments, and give the House an intimation of the policy which they intended to pursue. If the noble Earl made use of those expressions, I must say that I certainly cannot pretend to such a speedy acquisition of knowledge or such rapidity of execution as may characterize my noble Friend, and I must frankly say that at this moment I possess a very imperfect account of what has taken place in the different Departments, and of the state in which they were found by the present Govern-

ment. But, my Lords, there was one subject as to which I was anxious. Knowing the vast drain which there must have been upon our military resources in consequence of the unfortunate war in India, and fearing what might have been the result of that unusual demand upon the resources of this country, which undoubtedly never pretended to be a first-rate military Power, I did feel great anxiety to ascertain what was the state and numerical force of the army and the condition of the War Department; and I should do an act of great injustice to the noble Baron opposite (Lord Panmure) and to the illustrious Duke (the Duke of Cambridge) the Commander in Chief, if I did not say that it has not only afforded me the greatest satisfaction, but also the greatest surprise and pleasure, to find, after all the drain that has taken place, how respectable a numerical force is still in hand within the limits of the United Kingdom. I well recollect the state of affairs when I took office in 1852, and in contrasting the numerical strength of the army—and I may probably also add its deficiency—in 1858, notwithstanding all the demands that have been made upon our forces, with what it was in 1852—I say, in the first place, that it affords me an agreeable surprise to find the amount of military ardour and of readiness to enter the service exhibited among the population of this country; and I must add that the change which has taken place within the past six years reflects the greatest credit upon the Governments which have held office during that period. My Lords, so long as the unfortunate war in India continues there must, no doubt, be a heavy drain upon the military resources of this country; but I trust, my Lords, although much remains to be done—although our labours are not yet drawing to a close—that we are beginning to see a favourable turn of events, and that the operations of Sir Colin Campbell, following upon those of the gallant officers who preceded him, have already struck terror into the great body of the insurgents, and have restored to a great extent the public confidence. Much, unquestionably, yet remains to be done; and I do not entertain for a moment any doubt that the continued exertions of the gallant troops of Her Majesty, aided by the cordial support of the people of this country, will, at no distant period, put down the formidable insurrection which has lately raged, and which still rages, in some parts of India, and that Her Majesty's Government will then have leisure, both here and in India, to apply themselves to the far more agreeable task of the pacification and reorganization of that vast portion of Her Majesty's dominions. The accounts which we have received within the last day or two from the coast of China lead us to expect that the unfortunate war in that country—if, indeed, it is to be called a war—at all events, that the unfortunate operations in that country will be brought to a speedy termination: those unfortunate operations I call them, because unfortunate they are in their origin, however fortunate in their conclusion, so far as we have arrived at a conclusion; but I cannot but entertain the same opinion as I formerly expressed—namely, that the war was entered into unadvisedly and upon insufficient ground. I never denied, and I do not now deny, that we had ample cause of complaint against, and of quarrel with, the Chinese authorities at Canton; and, as we have taken the course of employing military force to bring the Chinese to submission, I cannot but cordially rejoice at the success which has hitherto attended Her Majesty's arms. The best result of that success, however, I conceive will be, that it will give us the opportunity—standing in such a position towards China—of concluding with the least possible delay a safe and honourable peace, and will enable us to resume the benefits and advantages of that commercial intercourse for which alone it can be of the slightest advantage to us to maintain any communication whatever with such a country. The idea of territorial aggression—the idea of acquisition of power—the idea of doing more than obtaining adequate security for carrying on freely peaceful commerce will, I trust, never enter the head of any Minister who conducts the affairs of this empire.

My Lords, I now approach a most important portion of the statement which I have to submit to your Lordships, but with one exception I may deal with it in very general terms. I trust, my Lords, that in conducting the foreign policy of this country our aim will be to maintain friendly relations with all powers, great and small, with which we are brought into contact. I trust we shall maintain those relations without adopting either a tone of haughty intimidation or a tone of servile submission towards any Government. I

hope that we shall carry on intercourse frankly and unreservedly with foreign Powers; that we shall carefully abstain from any interference whatever with the purely domestic affairs of any of them; and that if, in any instance, a cause of difference should arise, we shall in public, as we should in private life, seek the first opportunity of arranging such differences by means of frank and unreserved but amicable communications. My Lords, if there should still remain, from that conflict in which several important Powers were engaged some years since, any animosity or ill-feeling between ourselves and that great empire with which we were at war, I trust such a feeling may rapidly and entirely subside, and that our relations with that Power may speedily resume—if, indeed, they have not already resumed—the friendship and cordiality by which they were formerly marked. I hope, my Lords, I shall not be regarded as unduly depreciating the value of our alliance with any country if I here express my firm conviction that if there be one country with which, more than another, it is necessary for our mutual welfare and for the advantage of the world, that we should maintain a permanent good understanding, that country is our nearest and most powerful neighbour—the great empire of France. The geographical position of the two countries, the facility and constancy of intercourse between their populations, their force respectively at sea and on land, render their harmonious union almost a pledge and guarantee for the peace of the world; while those circumstances also render quarrel or coolness between the two Powers a matter of danger which may involve alarming consequences to the world at large. My Lords, for France this country can have but one desire,—that, remaining upon friendly terms with us, she should have within herself all the means of contentment, of wealth, and of prosperity. There is no country in the world blessed with greater natural advantages, none more fortunate in position and in climate; and if there be one thing which is alone sufficient to make her and to keep her great, powerful, mighty, and happy, it is the absence within her own bosom of political convulsions and social feuds. My Lords, with regard to foreign countries, the peculiar form of Government which best suits the people is, if not a matter of indifference to us, at all events one into which we have no cause or right to inquire. Be it a limited monarchy, be it a republic, be it an empire, that government is best for France which best suits the disposition, the habits, and the affections of the people. But, whatever may be the Government, it is of vast importance to France, and it is hardly of secondary importance to Europe, that that government should not be liable to perpetual change, but should enjoy a condition of permanence and stability. My Lords, towards the maintenance of such permanence and stability I believe the life of that remarkable man who, elected by the voice of the French people, now presides over the destinies of that country is of great and paramount importance. I will not go so far as to say that civil commotion and disturbance would inevitably follow upon any fatal attempt upon the life of His Imperial Majesty; but this I do say, that his absence from the helm of the State would at this time seriously endanger the new-born tranquillity which that country now enjoys, and which for the last six years it has enjoyed under his Government. Therefore, my Lords, it was with a feeling as if all mankind had escaped a great danger—as if Europe was freed from an imminent peril by a special interposition of Providence—that the news was received of the late escape of His Imperial Majesty from the foul and murderous attempt upon his life lately made at Paris. I need not recall to your Lordships the circumstances under which that dastardly attempt took place. Those circumstances are too recent and must have made too strong an impression on your minds to require any such recital. Suffice it, my Lords, to say, that there was not one single circumstance of aggravation by which a parallel atrocity could be attended that was not present in the details of this horrible crime. It was not only that by the basest means a highly important life was aimed at, but if you look at the time and the place in which the attempt was made—namely, when His Majesty was proceeding to the Opera House and had arrived at the door of the theatre in one of the most crowded streets of Paris, surrounded by loyal subjects waiting to receive their Emperor with acclamations and enthusiasm,—above all, when at his side was the Imperial partner of his throne, exposed as a wife, as a woman, and an Empress to all the dangers which threatened her august consort, you will see, my Lords, that no circumstance of aggravation was wanting to deepen the guilt of those who, under such circumstances, com-

mitted the atrocious act of throwing under the carriage of His Imperial Majesty weapons of the most formidable and deadly character. My Lords, the hand of Providence was visibly watching over the destinies of France; but much innocent blood was shed, much calamity was caused to the people of Paris, much alarm was excited throughout the entire country. The effect, my Lords, of such an attempt and its happy failure was that which might naturally have been expected upon the minds of an enthusiastic and sensitive people. The peril which the Emperor and Empress had escaped, doubled and trebled the enthusiastic feeling and the indignant loyalty which burst forth upon the instant. From every quarter were poured in addresses of congratulation and of thankfulness that lives so valuable to France and to Europe had been saved. Nor was it by France alone, but by the British residents in France, and by the inhabitants of various parts of this kingdom, that these feelings of thankfulness and congratulation were testified. But, unfortunately, my Lords, it transpired that among the small band of miscreants by whom this outrage was perpetrated were some at least who, having been compelled to flee from their own country, had for a certain period of time been enjoying and abusing the hospitality of England. Supposing the circumstances had been reversed — supposing that Her Majesty, going among her subjects with that frank confidence which characterizes her, knowing as she does that in the loyalty and affection of her people she has her best and securest guard — supposing that being surrounded by a loyal and devoted multitude she had been exposed to an attack upon her Royal person while proceeding to the Opera House in London —what, I ask your Lordships to consider, would have been the feelings of the people of this country ?—what would have been the indignation of the people of this Metropolis ? And if it had come to their knowledge, as it undoubtedly would in such a case, that that dastardly attempt was not the work of any native-born subject of Her Majesty, but the preconcerted design of a band of assassins who had abused the hospitality they received in a neighbouring country, I put it to your Lordships whether you think that their censures and their indignation at so foul a crime would have been very cautious or very discriminating ? I cannot therefore wonder, however deeply I may deplore, that upon the news spreading through France that this atrocious deed was the act of refugees coming straight from England, with the enthusiastic expressions of loyalty and congratulation at the safety of the Emperor there should have been mingled — more especially from the army of France—some expressions which, seeing how unwarrantable they were as applied to England, must naturally have wounded the feelings of the people of this country. Under the circumstances, my Lords, I think that such expressions ought not to have been too nicely scanned, even if his Imperial Majesty, with that frankness and candour which he has always displayed in his relations with England, had not fairly avowed the regret he felt that such language, accompanying the manifestations of loyalty to himself, had been suffered to appear in the public papers, and thereby to create a just resentment in the people of this country. But, my Lords, I should be sorry, indeed, to think that those expressions, whatever they may have been, truly represented the calm and deliberate feeling entertained towards England by the great and noble army of France. I will not believe it, my Lords, for true valour never indulges in bombast ; and I should be surprised to find that those who were the authors of these intemperate addresses were in reality the most distinguished among those glorious soldiers of France who, in many a hard-won battle on the fields of the Crimea, fought and bled in honourable rivalry with their British Allies, and who must have learnt in that campaign how to appreciate British bravery and British co-operation. My Lords, fortunately for us it is now more than 100 years since we have had in England any of those civil disturbances which have compelled any of the citizens of this country to take refuge in foreign lands. We cannot, therefore, judge (but we ought to make allowance for French feeling) how annoying and irritating it must be, and would be to ourselves, if in a neighbouring country on the Continent we were conscious that many disaffected persons were confederated together, entertaining the most hostile sentiments towards the Government of this country, and bent upon overthrowing it by the most treasonable designs. My Lords, although the oppression must be most grievous and intolerable which can justify any man or set of men in exposing their own country to the hor-

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rors of civil war, yet when that dreadful state of affairs arrives—when the sword is drawn in civil strife in defence of opposing principles, whatever may be our own predilections or our own opinions, we cannot but accord respect and sympathy to those to whom fortune has been unfavourable, on whatever side they may have struggled. Whether they be those who, from an unwavering sentiment of loyalty, stood to the last by an unpopular and ill-fated Sovereign, or those who, impatient of a life of slavery undeserved, or who, sternly resolved to free their country from the oppression of a successful foe, have risen in unsuccessful revolt, if they have fairly and in the open field maintained their principles by the sword, at the risk of their lives, their fortunes, their homes—all that they hold most dear — public sympathy will always follow them in their misfortunes and in their exile. Contemporary history may not be as indulgent; but posterity will do justice to those who, from whatever cause, have suffered, in defence of doctrines which they honestly believed to be sound and true. If we look back to the period of our own civil war, when Englishmen contended earnestly and vehemently for principles truly and deeply implanted in their minds, and sternly upheld them in the field of battle—through all difficulties and all dangers—if we revert to those distant times and view them by the light of history, we can even now sympathize with the gallant and devoted Cavaliers in the days of their affliction—we can sympathize with the stern Puritans, whose ardent love of liberty led them to prefer poverty and exile to the violation of their conscientious convictions. My Lords, there is no man, however warm an admirer he may be of that great deliverer William III., but looks with sympathy upon the faithful attachment to a fallen monarch of many of the followers of James II. And coming down to a later, and happily the last, period to which I can refer in our own history for an illustration, even at this day, devoted as this country is to the House which now so auspiciously reigns over us, no man can look back without a feeling of sympathy and admiration upon the heroic and romantic sacrifices made by the supporters of the unhappy Stuarts. But, my Lords, if we have this sympathy for men whose misfortunes have followed their open and manly defence of their principles by the sword, no such sympathy is due, and none will be extended either by contemporary history or by impartial posterity, to those who, in order to attain their political ends, resort to the base and vile means of assassination. If there is one degree of infamy beyond that which attends the man who wields the assassin's knife, that infamy belongs to him who, lacking the only palliation of the assassin's guilt, the bold sacrifice of his own life, skulks in safety at a distance, and, plotting and devising crimes of assassination, sends forth from his safe retirement his wretched tools to perpetrate and suffer for deeds which he has the heart to conceive, but not the boldness to execute. And these men call themselves the friends of liberty! Why, my Lords, these men are the bitterest and most determined foes of liberty. These are they who cause every right-thinking mind to shrink from connection with the purest and holiest cause, because they pollute it by the vile machinery they employ—these are they who in their own country rivet the chain of slavery and oppression—these are they who drive from their cause every upright and every honourable mind—these are they who compel the treachery of the assassin to be met by the machination of the secret spy—these are they who by their dark and secret plots and conspiracies make despotic Sovereigns have recourse to measures more despotic still, and who, by their conduct, do the utmost to destroy that liberty of which they presume to call themselves the constituted champions. Are men, then, who so conduct themselves—are men who thus abuse the hospitality and asylum which England affords them—are these men, whom the law of England protects and shelters, to commit crime among us with impunity? No, my Lords, they are not. There's not a crime of which these persons can be guilty, there's not an approach to such a crime, for which the law of England does not provide—I will not say in all cases an adequate and well-proportioned remedy—but not only assassination, not only conspiracy to assassinate, but even an incitement to assassinate, whether by publication or by word of mouth, is an offence recognized by the law of England and upon which it imposes heavy penalties when the guilt of the accused person shall be proved. But it is naturally said, "If these things are done—if these crimes are concocted in England

and in London, how is it that the Government of England has not the power to prevent their repetition?" My answer is perfectly simple; but let me say that I can understand that persons residing at a distance from us and ignorant of our institutions, believing that Government have the means of so dealing with such supposed offenders might consider that we exercised an unfriendly part in not using those powers by arresting those who conspire such atrocious crimes in the course of their machinations. Still the answer is plain and obvious. Although the law provides remedies for all those shades and colours of crime, yet the law cannot be put in force until the crime is established. Intention, unaccompanied by any overt act, so long as the intention remains in the mind of the party alone conceiving it, affords no ground for proceeding under the law of England. Of the great number of those whom misfortune or necessity has driven to these shores the vast proportion, I firmly believe, are honestly and honourably obtaining a living in this country by their own industry, and are performing in an honourable and unobtrusive manner the duties of peaceful citizens. Others there are, no doubt, who are engaged in designs of great atrocity, and who make use of language of the most menacing and dangerous description; but, as I have already said, these persons are all amenable to the law—if even the law does not provide a sufficient remedy—the moment that you have sufficient evidence to satisfy a jury of their guilt. But with us suspicion is not crime—suspicion does not warrant the punishment of crime, and "notoriety" is a word which is not recognized in our statute book. It is, I think, owing to the total difference between the law in this country and in France in this respect that some misapprehension has been excited in France as to what the Government of England might or ought to do to meet cases of this description, and the consequence has been that unreasonable expectations have been excited among the people of that country as to what we might have done to prevent these machinations. Now, I do not hesitate to say that it is the duty of Government, so far as it is in its power, carefully to watch the proceedings of persons who may justly be suspected of conspiring against foreign Governments; nor do I doubt that the late Government—or any Government that was ever formed in this country—would do its utmost, subject to the laws of this country, to protect a friendly nation against machinations and attempts like this; but in every case, as I have already said, the evidence of guilt must be such as would satisfy a jury. To that tribunal every case must necessarily be brought. Before that tribunal the Queen herself is bound to plead; to that tribunal she appeals for the protection of her person; and it is, in fact, so incorporated with the thoughts, the feelings, the whole public life of this country, that I cannot for a moment believe that it would enter the mind of any foreign Sovereign to suggest even the possibility of an alteration in that respect in our system of jurisprudence which would impair its free and complete action. What, then, my Lords, was the course taken by the late Government so soon as intelligence was received of the attempt—and of the happy failure of the attempt—upon the life of the Emperor of the French? Her Majesty's late Government—I think very properly—directed their immediate attention to the consideration of the question whether the existing law was adequate for the purpose to which it was directed, or whether it might not be desirable, not only for the protection of foreign Sovereigns, but as an amendment of our own criminal jurisprudence, that the law should be changed. With this view they introduced into Parliament a Bill, of the substance and merits of which I shall at present say nothing. The first reading of that Bill was supported by a very considerable majority of the House of Commons; but, most unfortunately, as I think, simultaneously with the introduction of that Bill, a despatch from Count Walewski was laid before the public, and which, still more unfortunately, remained unanswered at the time by Her Majesty's Government, and which was laid before the public without either answer or explanation. My Lords, I will not refer to any terms which are contained in that despatch. I have no doubt that it was the wish and sole intention of Count Walewski to represent to Her Majesty's Government the position in which the Sovereign of France was placed in consequence of attacks of this description, and to invite them to consider frankly and fairly whether the existing law of this country was sufficient to deal with such crimes. I will not, I repeat, refer to any expressions in that despatch which may have been calculated

—although quite unintentionally, I am sure, on the part of Count Walewski—to excite in the minds of the people of this country feelings very different from those which he desired to awaken. It was certainly, however, the belief of the people of this country that that despatch contained imputations on the state of our law which, if they had been founded on fact, would have amounted to a serious reflection on themselves. Now, I cannot help thinking that if Her Majesty's late Government had felt themselves bound to accept this despatch, that they would have acted more for the interest of the cause in which they were engaged, if—not entering into argument, controversy, or discussion—they had pointed out to the French Government the expressions and phrases which were liable to be misunderstood, and which, if left without explanation, were sure to create irritation in the minds of the people of this country. Unfortunately, however, the despatch was laid before Parliament without any explanation or accompanying correspondence; and it is idle to deny that the production of that despatch did produce a most unfavourable impression upon the fate of the Bill which Her Majesty's Government had brought forward. At the same time don't let me be misunderstood. It is most important to bear in mind that the vote at which the House of Commons arrived had no reference whatever to the merits of the Bill, and that they are just as free as before to proceed with the second reading if they please. It is impossible, however, to deny that the introduction of a political element interfered in a considerable degree with a calm, impartial, and deliberate reflection upon the measure itself; but we must regard these questions in a judicial spirit. Now, what was the Resolution that the House of Commons came to on the 19th of February, and which led to the resignation of the late Government? Was it a Resolution hostile either to the principles or the provisions of the Bill—was it a re-resolution adverse to all change in the criminal law of the country—was it a Resolution which would give the slightest countenance to the atrocious practices of the assassins? No; the Resolution was this:—

"That this House hears with much concern that it is alleged that recent attempts upon the life of the Emperor of the French have been devised in England, and expresses its detestation of such guilty enterprises; that this House is ready at all times to assist in remedying any defects in the criminal law which, after due investigation, are proved to exist, yet it cannot but regret that Her Majesty's Government, previously to inviting the House to amend the law of conspiracy by the second reading of this Bill at the present time, has not felt it to be their duty to make some reply to the important despatch received from the French Government, dated Paris, January 20, 1858, and which has been laid before Parliament."

The question, therefore, was not one as between Parliament and a foreign country. It was emphatically a question as between Parliament and the Ministers of the Crown. Upon that Resolution being carried Her Majesty's late Government resigned office, and the first duty which the present Government had to perform was to consider what course they should take with reference to the state of affairs which had been produced by that decision of the House of Commons. My Lords, Her Majesty's Government came to the resolution, upon which they will feel it to be their duty to act, in full conformity with the vote of the House of Commons; and in terms of friendly conciliation, to point out to the French Minister the misinterpretations and misconstructions which have been placed upon his despatch, and in the most amicable manner to request of him an explanation which may remove the painful impression now prevailing among the English people. My Lords, if I know anything of the friendly feeling which His Imperial Majesty has at all times shown to this country—if I know anything of his earnest and cordial desire to maintain the British alliance—an alliance as beneficial to the one nation as it is to the other—if I bear in mind how ready he has always been to listen to representations and counsels given in a friendly spirit and made in a friendly quarter—I am led to entertain the sanguine hope that the answer to the despatch which my noble Friend the Secretary of State for Foreign Affairs (the Earl of Malmesbury) has undertaken to prepare and to transmit to France, will be such as to remove from the minds of the people of this country all irritation, and enable us calmly and deliberately to proceed to the consideration of the important question of the amendment of the law. It is, of course, not desirable that I should enter into further details upon this subject at the present time. The course which Her Majesty's Government may deem it their duty to pursue must in a great measure depend upon the character of the reply

which they may receive to their friendly communication; but I say without hesitation that in the meantime it is their bounden duty—and it is one which they will not shrink from performing faithfully and vigorously—to put in force the existing powers of the law for the purpose of checking by the strong arm of the law these dangerous and alarming conspiracies. At the present moment—and I speak therefore under some difficulty, because I should be very unwilling in the slightest degree to prejudice the cases which are now pending before the courts of justice—proceedings are being taken against a person named Bernard as a party concerned in the conspiracy which led to the recent attempted assassination of the Emperor of the French. Another person, and I blush to say it, a British subject, is now a fugitive from justice under a similar charge. Against a third person, for the publication of a work containing instigations and incitements to assassination, proceedings are pending before a British Court of Justice; and no further back than forty-eight hours ago the attention of Her Majesty's Government was called to another publication of a similar character, but, as it appears to me, of a still more violent tendency, and that publication also has been without a moment's hesitation placed in the hands of the law officers of the Crown. Should their opinion be that it affords reasonable and legitimate grounds for prosecution, Her Majesty's Government will not hesitate for a single moment in putting in force the existing powers of the law. For, my Lords, with all my desire to maintain inviolable now and for ever, under all circumstances, that right of asylum to refugees which it is the pride of this country to afford, without distinction of rank, of principle, or of opinion, I do say it is an intolerable grievance that persons who owe their life and their safety to the protection which we afford them should basely and ungratefully reward this country for the shelter and asylum it gives them by a course of conduct, by publications, by instigations to crime, which may have a most dangerous tendency towards embroiling England with one of its most faithful and also one of its firmest allies.

My Lords, if upon the present occasion I were addressing your Lordships at the commencement of a new Session, and after having with my colleagues had leisure to consider during the recess the measures to be submitted for the consideration and approval of Parliament, I should of course feel it to be my duty to lay shortly before you what the measures were to which your attention was to be called. But your Lordships must be aware that from the shortness of the time which has elapsed since we accepted office it has been impossible for us to prepare anything like a programme of business to be laid before Parliament. The attention of the other House must no doubt be occupied for a considerable time with making those financial arrangements which are requisite at this period of the year for the purpose of carrying on the business of the country. There is, however, one measure to which I think it my duty even at this early stage to advert, because it is a measure which upon full and anxious consideration Her Majesty's Government have determined to introduce to the notice of Parliament. My Lords, it certainly was my opinion, and it was the opinion of most of those with whom I have the satisfaction of acting, that while the state of India was such as it is at present—while a revolt, or rather an insurrection, was raging in a considerable portion of our dominions in the East—it was not expedient to divert the attention either of the Government or of the East India Company from the consideration of the matters which were immediately pressing to a discussion of any change in the constitution of the executive administration at home. But, my Lords, the House of Commons, by a very large majority—a majority, I believe, of 147 members in a full House—affirmed the proposition that it was desirable to consider the question immediately, mainly with the object of transferring to the Crown the authority hitherto exercised by the East India Company. I think that vote in itself materially altered the position of affairs. It placed the Company in such a situation that they could not, after it passed, command the same amount of public confidence and of public support as they were entitled to receive previous to the decision of the House of Commons. Therefore, my Lords, after the best and maturest consideration which we can give to the subject, it is the intention of Her Majesty's Government to introduce a measure, which is now being prepared by my noble Friend the President of the Board of Control (the Earl of Ellenborough) which we trust will effect most of the objects contemplated by the Bill of the late Government, and which we hope

will at the same time be free from some of the objections attaching to that project. Of course, it would not be expedient for me to enter into further details upon the present occasion ; the measure, indeed, is not yet framed; but I think it my duty to say, even at this early period, that in the course of the present Session it is our intention to deal with the question of the government of India, and we hope also to pass a just and satisfactory measure.

My Lords, it would be idle for me to enter into any general description of the opinions or the views which I hold upon many important questions in public affairs. Such abstract declarations of policy are, in point of fact, of little or no use. They are mere words, which may be construed into any sense, or, as sometimes happens, into no sense. I can only say, my Lords, that the policy of the Government to which I belong will be, that which I hope might naturally be expected from the composition of the Administration—namely, that while we firmly and strenuously maintain the great institutions of the country, we shall not hesitate to propose and support measures of undoubted improvement and progress, and to introduce safe and well-considered amendments wherever amendment may be required, My Lords, there can be no greater mistake than to suppose that a Conservative Ministry necessarily means a stationary Ministry. We live in an age of constant progress—moral, social, and political. We live in a time when art and science are making rapid strides, when knowledge is daily more and more widely diffused. Our constitution itself is the result of a series of perpetual changes. Like the venerable old country-houses of England, it has been framed from time to time by successive occupants, with no great regard to architectural uniformity or regularity of outline, but adding a window here, throwing out a gable there, and making some fresh accommodation in another place, as might appear to suit, not the beauty of the external structure, but, what is of more importance, the convenience and comfort of the inhabitants. My Lords, in politics, as in everything else, the same course must be pursued—constant progress, improving upon the old system, adapting our institutions to the altered purposes which they are intended to serve, and by judicious changes meeting the increased demands of society.

This leads me, my Lords, to the last question upon which I shall have to trouble your Lordships—one of great importance and of great difficulty ; but one which it is the duty of Her Majesty's Government to consider. I mean the question which commonly goes by the name of Parliamentary Reform, or, in more fitting terms, which means the consideration and arrangement of the system of representation in the House of Commons. My Lords, I am old enough to remember, and to have been in the Cabinet not when the last Reform Bill was framed, but when it was under discussion ; and when I look back to the violence of feeling, to the bitterness of political excitement and of party spirit, and to the passion which accompanied the passing of that great and important measure, my wonder is, not that there should be in it defects and blemishes which the experience of twenty-five years has aptly brought to light ; but that under such circumstances there should have been devised and carried through Parliament a measure which for so long a period has to a certain and no inconsiderable extent effected its purposes and satisfied the requirements of this country. My Lords, believing that, with all its anomalies and all its imperfections, that Act has given to the country a representative system, the result of which is a House of Commons which fairly and fully represents the feeling of the numbers as well as of the intelligence and the property of this country, I should myself have been well satisfied if it had been the pleasure of Parliament that no legislation upon a subject so exciting should be called for or demanded from the Government. I cannot, however, exclude from my consideration the fact that for three or four years not only has a demand been made, but a promise has been given by successive Governments, of the introduction of a Reform Bill. This promise has been given occasionally even in the name of the Sovereign and in the Speech from the Throne. My Lords, I must venture to say that I think it is a practice not deserving of imitation to appear in the Speech from the Throne to pledge the Sovereign personally, as it were, to measures which have not been well and fully considered by her advisers, and which they are not at once prepared to lay before Parliament. In my opinion it is highly inconvenient that from Session to Session a question of this importance and of this interest should be perpetually kept dangling before the Legislature, and that Session after Session it should be hung up till a future day; and, my Lords, hav-

ing regard to the inconveniences arising from this state of things, and to the promises which successive Governments have made, I have felt it my duty in conjunction with my colleagues to look into this important question. I will not pledge either myself or them to introduce either now or within any very short period a Bill upon this subject. I prefer to go beyond rather than to fall short of any pledges or promises which I may give in this House; but this I may say, that as soon as the pressure of Parliamentary business enables us deliberately and carefully to consider the question, we will direct our attention to the defects which exist in the laws regulating the representation of the people in Parliament, and to the amendments which may be made in those laws; and that we will give that attention with the sincere and earnest desire to trifle no longer with this great question, but with the hope that we may be able in the next Session of Parliament to lay before the Legislature and the country a measure upon that subject which may for a time settle a matter of such deep importance, and which, if we cannot hope to please every body,—which would indeed be a most extravagant expectation,—may at least be accepted as a fair and reasonable measure by all moderate, impartial, and well-educated men. I am aware that in making this early announcement I am perhaps somewhat premature, but I thought it was desirable that your Lordships and the country should at once know that, while we are not prepared in this Session of Parliament to introduce or to assist in passing any measure dealing with so extensive a question, we are prepared at the very earliest moment practicable to give our diligent and anxious attention to the subject, with the earnest hope that that consideration may lead to a successful issue. My Lords, I have now addressed to your Lordships at greater length than I could have desired the observations which I have found it necessary to make upon my assumption of the important office which I have now the honour to fill. My Lords, I can only conclude, as I began, by assuring you that I deeply feel my own incompetency for the discharge of the duties of that office; but this I can truly say, that I bring to their performance an earnest and conscientious desire faithfully and diligently to discharge them, as in the sight of God and in the presence of the people. Small as I know my own powers to be, and great as are the difficulties I shall have to encounter, there is One who guides the destinies of all, and who, from the efforts of weak and inadequate instruments, can produce great and signal effects. Trusting to His guidance and to His blessing I will venture to take upon me the charge which has been intrusted to me by my Sovereign; and I fervently hope and trust that, be my Administration long or short, when I retire I may retire without a stain upon my public character, and with the consciousness that I have not left England in a worse position than that in which I found her.

EARL GRANVILLE: During the last two years it has often been my duty to follow the noble Earl who has just sat down, and in doing so I have always felt how great a tax it must be upon the patience of your Lordships to attend to my statement of facts and arguments after listening to his extraordinary eloquence. Still more do I feel that this evening, when I judge from the appearance of the House that your Lordships have been greatly excited, not only by anxiety to hear the brilliant speech of the noble Earl, but also by curiosity to know what policy the Government of this country is about to pursue. I must therefore trust to the habitual indulgence of the House while I make a few remarks upon the speech of the noble Earl.

My Lords, to his statement of the course of events, beginning with the vote of want of confidence on Friday se'nnight, I have not a single objection to make. The noble Earl has candidly stated that after that vote — a vote upon a point affecting our honour perhaps more than any other — namely, a declaration that, in the opinion of that House, we had not kept the honour of the country intact, we had no alternative but to offer our resignations to Her Majesty. Her Majesty, having accepted those resignations, appears to have taken a perfectly constitutional course in sending for the noble Earl the head of that Conservative party the Members of which formed the great majority of those by whom that hostile vote was carried; and that vote having been so carried, and the noble Earl having been so called upon by Her Majesty to form an Administration, he would not have been justified in declining the trust. It appears to me that not the slightest excuse is required for the noble Earl's acceptance of the charge, because on no ground could that vote have been justified had it not been followed by the acceptance of office by the party which

mainly contributed to carry it. The only point upon which discussion may arise, and properly arise, is as to the character of that vote itself. That vote referred both to the Bill then before the other House and to the diplomatic communications which had taken place between the Governments of England and France subsequent to that most atrocious attempt upon the life of the Emperor of the French. I am exceedingly anxious not to weary your Lordships by going over ground which will have to be trodden again, and as I feel that my noble Friend the late Secretary of State for Foreign Affairs will be able to go into the whole history of these transactions with much more effect than I could, I will leave it to him to explain how the facts of the case actually stood. I see that the noble Earl smiles at this observation—let me not be misunderstood—I can assure him that it is not because I shrink from the responsibility of defending every single step which has been taken in respect to M. de Walewski's despatch, but because I am anxious to consult the convenience of the House, that I leave this part of the subject in the hands of my noble Friend behind me.

There is, however, one point upon which I think it was of great importance that the noble Earl should have made a distinct declaration — namely, as to the character which the Government attributes to the vote of the House of Commons which resulted in the change of Government. After the noble Earl had in one of his most eloquent speeches in this House expressed a decided hope that Her Majesty's Government would be able to introduce a measure which, without violating the constitution of the country, would prove our good-will to France and seriously alarm those who might contemplate the repetition of this wicked attempt; after the magnificent speech of the Gentleman who is now, I believe, Lord Chancellor of Ireland (Mr. Napier) as to what was the really dignified course for this country to pursue, in reply to the objection made to the introduction of the Bill; after the vote of the Conservative party in support of its introduction, and the precise declarations made by the present Home Secretary and President of the Board of Trade as to their approval of the principle and provisions of the Bill, I thought it was utterly impossible that any other construction could have been put upon the Bill than that which was fairly advanced by the noble Earl. Therefore it was with the greatest surprise that I this morning found that—unless the whole thing is a hoax—one of the most important Members of the noble Earl's Administration, no less a person than the first law adviser of the Crown (the Attorney General), has deliberately, and in a written address, assured his constituents that—

> "In common with the leaders of the Conservative party, he supported the Amendment to the Bill, on the ground that the provisions of the Bill afforded no effective remedy to the evils proposed to be redressed, and that the Bill itself was an evasion of the principle of independent action which has hitherto been held sacred alike by the Parliament and the people."

What that last sentence means I do not exactly understand, but it certainly condemns, "in common with the leaders of the Conservative party," all the principles of that Bill.

Another point concerns the noble Earl himself, and though I do not now press for an explanation, it might be convenient that we should understand what are the reasons which lead him to think it desirable to form a Government at the present moment, after having three years ago, in those eloquent words which stereotype opinions in the public mind, expressed so strong a feeling that with a minority of 280 Members in the other House, together with the popularity of Lord Palmerston at that time, it would have been a work of mockery and disgrace for him to form an Administration. I do not press for any explanation on this point, although the noble Earl's minority in the other House is a small one, and the voice of the country last year spoke their confidence in Lord Palmerston's Government. I am sure that what the noble Earl says about his not feeling anxious for office is perfectly true, and that it is owing to a feeling of patriotism that he has undertaken his present task. The noble Earl has spoken of the difficulties he will have to encounter. The difficulties which the noble Earl may anticipate will certainly not, I venture to say, arise from the condition in which Her Majesty's late Government have left the country; and I trust that your Lordships will excuse me if I enter into a few details to show that we have no reason to feel ashamed at the manner in which we have handed over the country to our successors. Your Lordships will remember the circumstances under which Lord Palmerston formed his Government—after every leading statesman had confessed his inability

to attempt the task. The great difficulty with which at the outset he had to deal was the Crimean war. Public indignation had been expressed at the state of our army there, which had been attributed, most unjustly, to the conduct of individuals instead of to the deficiency of our information, and more especially to our want of experience. Owing to the steps taken by the noble Duke behind me (the Duke of Newcastle), and to the manner in which my noble Friend (Lord Panmure) subsequently applied himself to the duties of the War Office, the state of our army became, it is not too much to say, superior to that of any other in the field. The Crimean war was then brought to a successful and a glorious issue; and having been sent officially to Russia after the war had been so successfully closed, where I was received with the greatest courtesy, I found that the defeat was considered more complete on their part than we on ours considered the victory. A treaty was then concluded which carried out the objects of the war so completely, that no objection, so far as I remember, was made to it in either House of Parliament, on that score; and by the firmness of my noble Friend (the Earl of Clarendon) the various articles of that treaty were not allowed to be frittered away in the course of subsequent proceedings. The war with Persia has been much criticized in this House, and yet I defy any one to state that we did not, with an incredibly small loss on our part, completely establish our military *prestige* in that portion of Asia, obtain every object for which the war was begun, and place our relations with the Court of Persia on a more amicable and a sounder footing than ever was the case before. Another war has been alluded to by my noble Friend—I mean the war with China. That war has, I hope, arrived at its conclusion; and although a fortnight ago we were assured by noble Lords opposite that it was impossible to do what we intended to do without inflicting on the inhabitants of Canton the most murderous cruelty—although we were told that it would be impossible to capture Canton, but that, if we did, it would be impossible to hold it—yet we have taken possession of that town, we see no difficulty in holding it, and, moreover, we have obtained possession of an individual to whom, I believe, more than any other person, are to be attributed the inconveniences and difficulties which have led to these hostilities. I must say I was very glad to hear the noble Earl accept the Chinese affair in the position in which we have left it; and I augur still further that his excellect practical good sense will induce him not to demolish any of the fanciful structures which he thinks have been raised on this question, but to derive from the capture of Canton those reasonable and just advantages which may be expected to result not only to this country, but to the whole civilized world, without scrupulously and logically troubling himself to be perfectly consistent with the declarations he had previously made on the subject.

The noble Earl alluded in very fair terms to one other great difficulty in which the late Government was placed. Now, I do think that the result which, as he himself says, has been achieved in a very short time in India bears out the statements made by the late Government, namely, that, excepting the kingdom of Oude —and I presume the noble Earl will not adopt the advice recently tendered by one of his colleagues, that we should give back Oude to its former possessors—that with this exception, the pacification of India has really begun. I say that the result already accomplished justifies the tone assumed by the late Government, that though unquestionably we saw great cause for apprehending risk and difficulty, and for entertaining no little anxiety—though we thought ourselves bound to deal with the emergency as if it were of the gravest possible character, we never for one moment doubted the ultimate result.

In the course of his speech the noble Earl fairly and honourably expressed his satisfaction with regard to the military preparations of this country in a manner very complimentary to the illustrious Duke the Commander in Chief (the Duke of Cambridge) and to my noble Friend (Lord Panmure):—he said that he had no idea of finding them in such an efficient state. One of our great difficulties in this respect has been that, while it was obviously inconvenient and inexpedient for us to produce to Parliament and the public details of military preparations which were in hand, our general assertions on this head were very often considered as mere mystified official statements which could not be tested or checked. We must, therefore, feel grateful to the noble Earl for the testimony he has borne to the efficiency in which he has found those arrangements on his accession to office; and I am proud to be able

now to state, in the presence of those who can contradict me if I am wrong, that, while our naval preparations are in all respects in a very satisfactory state, and are in some respects in a position which they have never occupied before, our army, notwithstanding the drain made upon it, is equal, and our effective strength of trained soldiers in this country is actually greater, than at the outbreak of the Indian mutiny. I think it will be satisfactory to the public to know this, and I am glad to have this opportunity of thus publicly stating the fact. I hope, too, that due credit will be given to the authorities for the arrangements made respecting the transport of troops, in proof of which I will mention the fact that we have despatched troops to the number altogether of something like 60,000 men, of which 40,000 were sent from this country, not including 5,000 diverted from the Chinese expedition. These troops were safely conveyed, absolutely without a death (except in two or three cases upon the overland route), some thousands of miles, to a country on the other side of the globe, and were further conveyed up to the scene of action. I know as a fact that on the Continent of Europe the transport operations have excited feelings of astonishment and admiration, and I may repeat my hope that the home authorities will receive their due share of credit on this account.

Looking from India, my Lords, to our other possessions, we find our Colonies in a satisfactory state—some working out the problem of their own self-government with that amount of friction which is useful for bringing the machinery into gear, and all alike peaceful, prosperous, and happy—so prosperous and contented, indeed, that in the last account from the Governor General of India, he stated that no further supports were necessary to put down the rebellion and restore order—that troops, horses, and stores were continuing to come in from our other colonies, which they could spare in consequence of the perfect tranquillity which prevails in those colonies.

Turning, then, from these our colonial possessions to our affairs at home—your Lordships will recollect that, at home, one great disaster overtook us at the close of last year—I mean the commercial panic which happened in the month of November. No one has ventured to attribute that disaster to the action or policy of the late Government, and I believe also that the only step which they took on the occasion has been unanimously sanctioned by everybody in Parliament as the right step taken at the right time. Regarding this panic, I do think—without of course taking any credit to the Government on this head—that we have reason to congratulate ourselves upon the resources of our country, the result having been that, notwithstanding the failures which took place, computed at no less than £50,000,000 sterling up to the close of last year, an improvement has already been exhibited, the funds have risen almost to par (though they were checked by the late change of Government), and though the profits are still low, there is an appearance of revival in the general trade of this country, as well as of a more general employment of the labouring classes, who are, I think, entitled to the thanks of the country for the patience and endurance they have exhibited in this season of distress under very great temptations and trials.

I do not wish to trouble your Lordships with details upon every matter respecting which I think the Government may lay claim to some degree of credit; and yet I should be reluctant to pass over some of the law reforms effected by the late Government. Two of those reforms, having reference to the Ecclesiastical Courts, had during the last quarter of a century been twelve times attempted in vain, but were at last brought to a successful issue in the past year. There are other measures of great importance to which I might refer, such as the Limited Liability Bill, the settlement of the question of secondary punishments, and the distribution of an efficient police all over the country. These enactments are important; but the attention of the late Government was not confined to measures such as these. I will not now enter into details, but on another occasion I trust I shall be enabled to prove that with respect to education, on the spread of which, however much it may be sneered at by some, the welfare of the country mainly depends, more real progress has taken place within the last few years, both as regards our universities, our museums, and the education of the poor, than has ever been known before. It would perhaps seem to show something like detraction on my part were I to ask the noble Earl what steps he proposes to take, and how he will reconcile the different opinions of the First Lord of the Admiralty and the President of the Board of Trade on this subject; but I hope that

the Lord President of the Council (the Marquess of Salisbury) will be prepared actively to carry on the present system, remembering that, while increased grants for educational purposes are a great good, the very increase of those grants makes it more important to watch over their distribution and see that they are applied to the best possible advantage.

My Lords, I venture to make these observations because I should be sorry to let it be thought that Her Majesty's late Government, having great and brilliant achievements to boast of, had in the slightest degree neglected those matters which, taken altogether, contribute still more to the real happiness of the people of this country; and I think I have stated enough to show that they have not left the country, under circumstances of difficulty, to those who will have to administer affairs after them.

My Lords, I now come to the noble Earl's statement as to his future course, and I think I may put aside—what the noble Earl has stated to be not worth much—all general declarations, which must derive their value from the manner in which they are carried out. Putting aside, then, all those general statements as to the principles of Conservative progress which are to guide the new Ministry, there are certain points with respect to which I think it would have been satisfactory if the noble Earl had favoured the House and the country with some intimation of his intentions—though I will not press him on the subject. There is the question with regard to the Jews, for instance. [Lord REDESDALE made an observation across the table.] I do not think this matter is so entirely out of the question, for it excites some anxious curiosity out of doors, and it is one on which three leading Members of the present Cabinet take entirely opposite views from the rest of their colleagues. There is another point on which it was desirable that the noble Earl should have given us some information. The reform of our representative institutions was a subject which the noble Earl could not have passed by. He might either have said that he was able to deal with it at once or have made a pledge that he intended carefully to consider the best means of preparing a Bill on the subject, with the confident expectation that in the next Session of Parliament he should be able to introduce the measure. I think the course taken by the noble Earl is a fair and legitimate course to adopt. Still, it would have been more satisfactory if the noble Earl had stated whether or not he concurred in the views which had been put forward by one Member of his Government, who, in his address to his constituents, declared his readiness to support and assist in any measure for the extension of the elective franchise to every man in Britain qualified by property or by education to exercise it with independence and intelligence; and in a redistribution of the boroughs and towns possessed and unpossessed of the franchise, so that all above the rank of villages may be represented in the Legislature. It would have been desirable that they should know whether that was a description of the Reform Bill which the noble Earl had in contemplation, or whether it was merely a statement put forward by one of his supporters in the hope of securing a few votes.

There is another point on which I shall venture to make a few observations, though with great embarrassment; I refer to the Conspiracy to Murder Bill. I understood the noble Earl to say that a despatch was about to be prepared by the Secretary of State for Foreign Affairs in answer to Count Walewski, and upon the answer to that despatch the action of Parliament is to take place. This is a point on which I feel that great moral responsibility weighs on every individual who in the slightest degree, either by his tongue or pen, influences public opinion. In proceeding with the measure now before the other House, Her Majesty's late Government would have given the noble Earl their warmest support; but as it is, I would not say one word which, either on this side of the water or on the other, might tend to increase in the slightest degree the excitement which prevails, and which always will prevail, between powerful and glorious nations when, falsely or truly, they fancy the national honour in the slightest degree hurt.

The noble Earl has said that he did not come into office with feelings of exultation and pride, but nevertheless, I am of opinion that the feeling with which the noble Earl has accepted this great task of forming an Administration does credit to him, and is such as might have been expected from his character. I am bound to acknowledge that, while I cannot disconnect the noble Earl's responsibility from the course often taken in other places, to which I must not allude, nor forget that his course has some-

times been much disapproved by his followers, then the noble Earl's course in this House has been, on the whole, one of the most dignified character, and his eloquence has added greatly to the interest of our debates; and I am the more bound to say this, because I have experienced from the noble Earl, during the last three years, the greatest possible courtesy; and this circumstance, added to the indulgent support of my own friends, has contributed to enable me to go through duties to which my own talents were totally inadequate. I can assure the noble Earl that the sentiments with which we enter into opposition are not associated with one bitter personal feeling. We have been so short a time in Opposition, that it is hardly fair to quote even the little we have already done as an indication of the course which we intend to pursue, and I should not have referred to this point but that the noble Earl appears to have erroneously understood me, in the allusion I made to a three days' adjournment, as meaning that that space of time would be sufficient to enable him to master all the business he would have to undertake. What I alluded to was this—that when Lord Aberdeen asked for an adjournment of a week, in order that he might have an opportunity of forming his Government and preparing a statement of his policy, the noble Earl grudged an adjournment for more than three days. Since then I have referred to *Hansard*, and I find that the noble Earl, in answer to Lord Aberdeen's proposition, said that he thought twenty-four—or at most forty-eight hours—would be ample time. But that is not all; even during our short tenure of the Opposition benches we have shown more consideration than the noble Earl did when he quitted office; for, upon that occasion, when the noble Earl announced his resignation, he made one of his long and eloquent speeches, not in the slightest degree calculated to facilitate the execution of the duties imposed upon the noble Earl who succeeded him in his high office. We, on the other hand, have thought it more fair towards either the noble Earl, or any one who might be sent for by Her Majesty, simply to announce the fact of our resignation, deeming that to be the course the least likely to embarrass our successors. Having resigned, and the noble Earl having undertaken the Government, I can assure the noble Earl that, as party men, we will endeavour impartially to judge of his measures and acts: and, as Englishmen, we hope he will not meet with any of those great difficulties which we have had to contend with; but, if they should unfortunately arise, we trust that, by the favour of Divine Providence, the noble Earl will be able to meet them, and to bring them to as successful an issue. I will, in conclusion, apologize to the House for the length to which I have detained them, and I thank you for the indulgence you have extended to me.

THE EARL OF DERBY: I wish merely to ask permission to make an observation by the way of explanation. It is true that Lord Aberdeen, on Monday, December 20, proposed to move the adjournment of the House for a week. I then stated I certainly had hoped that the noble Lord's Cabinet would be in readiness to meet the House at an earlier period, and that I thought, under the circumstances, forty-eight hours would be sufficient; but I added this important fact, that the following Saturday being Christmas-day, and as I believed many of their Lordships would like to spend Christmas-day in the country, under such circumstances, I thought it only reasonable that the House should not adjourn to a later period than Thursday. I, however, observed, that if the noble Earl particularly wished for the adjournment of the House until the following Monday, I had no desire to embarrass the noble Earl by any objections.

THE EARL OF CLARENDON:* I am reluctant to trespass upon the time of the House, but I feel bound to discharge the duty imposed upon me by my noble Friend (Lord Granville) and to make a few observations concerning the matters which for some time past have occupied a large share of the public attention, and which specially concern the department over which I had lately the honour to preside, but which, owing to accidental circumstances, have not yet been brought under the consideration of your Lordships. These matters, which are of the gravest importance, and seriously affect our interests both at home and abroad, have been so greatly misrepresented and disfigured, and so much error with regard to them still exists, that it is difficult to obtain for them the calm consideration which they not only deserve but demand. It is generally assumed that the language of France has been insolent towards us, and that an attempt has been made to bully us into legislation. I am well aware that a settled opinion of this kind is not easily disturbed, and that men

are always unwilling to admit that they have been mistaken, or have arrived at a decision lightly, or on insufficient grounds; but as it is my intention to appeal to the sober judgment of this House, I was glad to hear my noble Friend opposite, in that vivid and vigorous manner which is peculiarly his own, recalling your Lordships' recollection to the middle of January last, and begging you to remember what your own feelings and the feelings of the public were, when we first heard of the attempt to assassinate the Emperor of the French. It is no exaggeration to say, that throughout these realms the news of that atrocious crime was received with all the horror and disgust which among Englishmen it could not fail to inspire, and which could not have been greater in any other country. I need not say that in those sentiments Her Majesty's Government fully participated, but they shared likewise those feelings of shame and indignation which every honest Englishman entertained, that such plots should be conceived and brought to maturity in England by a knot of men who thereby abuse the hospitality they enjoy, and violate the laws under the protection of which they live in this country.

Our first thought on the very day we heard of the providential escape of the Emperor and the Empress, and there was no doubt that the plot had been prepared in England, was, whether any means could be devised for frustrating the schemes of murderers, whether the law was really sufficient for the purpose, and if not, whether it could be amended without the slightest violation of its fundamental principle, according to which a man is always considered to be innocent until he is proved to be guilty, and without the slightest infraction of the asylum which foreigners of all ranks and classes have always found, and will, I trust, always continue to find in this country.

We determined at once to refer the subject to the consideration of the law officers of the Crown. We felt that it was a point of national honour to pursue this course, and that we were bound to prove to a faithful ally that we did not view with apathy or indifference the dangers to which he had been exposed. The law does in certain matters provide for the security of foreign States—it does not allow of expeditions being fitted out and prepared in this country which may endanger the safety and tranquillity of States in amity with England. We have the means, and we never hesitate to use the means, which the law places at our disposal to prevent such expeditions; and no expedition can be imagined more dangerous to another country than that of Orsini and his associates who quitted England for the purpose of murdering the Emperor, and of throwing France into a state of convulsion, in order to regenerate Italy; we desired, therefore, to ascertain whether it would be competent to us to take any measures for defeating such schemes; and we felt it was due to the feelings of the French people, and to the public opinion of Europe, to show, upon the highest legal authority, that great crimes did not or should not here meet with the encouragement which supposed impunity can afford.

We felt also that not only the national honour, but the gravest national interests required that we should satisfy ourselves whether any change in the existing state of things was necessary, and if necessary, practicable; because, next to France herself, no other country has as much reason as our own to be grateful for that merciful intervention by which France was spared from the calamities which the success of the assassins might have entailed upon her. It is not alone the two Governments that are in friendly and intimate alliance, but the interests of the two nations are now so interwoven together, those interests are of such surpassing magnitude, the intercourse of every kind between England and France is so close and continuous, that whatever happens for good or for evil in the one country produces its corresponding effect in the other, and a shock to the Government and social system in France vibrates, as we know by experience, through every part of the United Kingdom. It was with these feelings then, and under this sense of our duty, that we consulted the law officers of the Crown; and we determined that, if any measure was thought advisable, we would mark our sense of its importance by laying it on the table of Parliament at the earliest possible opportunity.

It was subsequently to this, namely, on the 21st of January, that M. de Persigny placed in my hands the despatch of Count Walewski. He informed me at the same time, that the Government of the Emperor had felt it to be their duty to address communications to the Governments of the countries neighbouring to France, where refugees habitually congregate, inviting their attention to any measures that might

be necessary for the prevention of these murderous conspiracies, and that in the despatch addressed to him for communication to Her Majesty's Government, the most studious care had been taken not only not to indicate any measure which might be adopted here, but to avoid the use of any expression which might in the slightest degree wound the susceptibility of the British people.

I repeated to M. de Persigny what I had often said to him before, and had explained personally at various times to Count Walewski, and also had had the honour of stating to the Emperor himself, namely, that no consideration on earth would induce Parliament to pass a measure for the extradition of political refugees, that the right of asylum could not be infringed, and that there were fundamental principles of law so ancient and so sacred in this country that they could not be touched; but that we required no impulse from without to set in motion the law as it stood, which was applicable to conspiracy, provided we had evidence to go upon, and that it had been for the want of sufficient evidence that the law as it stood had not been brought to bear upon such offences. I said it was a question whether the law was as complete and as stringent as it might be, but that the whole subject had been referred to the law officers of the Crown, under whose consideration it then was; and I moreover told M. de Persigny, that I had myself the day before written to the Attorney General, inviting his attention to certain points, and requesting an early opinion from the law officers.

Nothing could be more temperate, reasonable, and straightforward, than the conduct of M. de Persigny in this matter, as will readily be believed by those among your Lordships who have the advantage of knowing that distinguished personage; nothing could be further than his language from exhibiting a desire to use pressure towards us, any appearance of which, I told him, would be resented from one end of England to the other, and would render absolutely impossible that which, under any circumstances, would be extremely difficult. M. de Persigny said that he asked for nothing, as his Government relied upon the friendship and good will of England, and the perfect solidarity of interests between the two countries, for our doing whatever we thought practicable, in order to guard against a renewal of those conspiracies against the Emperor's life.

And now, my Lords, with respect to the despatch of Count Walewski, about which so much has been said. I hope I am not more prone than another to take offence, but I feel sure that I am as ready as any man to resent an insult, and especially an insult offered to the honour and dignity of England; but often as I have read that despatch I have never been able to discover in it any insult to England. I am sure that none was meant, and I think that in international and public, as in private affairs, regard should be had to the *animus* of those with whom we are dealing, and that offence should not be lightly taken when we have every reason to feel sure that none was intended. There was another point, however, on which I felt sure, immediately after hearing Count Walewski's despatch read to me by M. de Persigny, namely—that if we had been aware that for years past plots against the life of our own gracious Sovereign had been preparing in France, that at three different times assassins had come over here from that country to put their diabolical plans in execution, that on the last occasion the Queen and the Prince Consort had escaped by a miracle, while 156 people had been killed and wounded at the door of the Opera House, and that five days after that murderous attempt I had addressed to Lord Cowley such a despatch as the French Ambassador received from Count Walewski, I should have been considered by your Lordships and the other House of Parliament, and the whole country, as a very feeble exponent of the universal popular indignation. I have really, however, been lost in amazement on finding that the spirit of party should have led any one so to misrepresent that despatch as to say that Count Walewski accused the English people of openly preaching and practising assassination. Why, my Lords, Count Walewski not only says "in recording these circumstances I at once add how much the Government of the Emperor is persuaded of the sincerity of the sentiments of reprobation which they created in England;" but the whole tenor and spirit, and the actual wording of the despatch, show that Count Walewski's observations had reference to a certain limited class of refugees in this country, and he who asserted the contrary either did not understand French, or had not read the translation, or wilfully perverted the meaning of the despatch.

Since the late Government resigned, but

before I quitted the Foreign Office, a despatch was received from Lord Cowley, which my noble Friend the Secretary for Foreign Affairs has probably read, and which I hope he will lay on your Lordships' table, stating that Count Walewski was most desirous that Lord Cowley should express to me his astonishment and regret at the interpretation put, during the late discussions in the House of Commons, upon certain phrases in his despatch to Count Persigny—astonishment that his meaning could have been misunderstood, and regret that he should be believed, with his knowledge of England, capable of applying, as a generality, an imputation which the text of his despatch ought, he thinks, to have proved could only have been intended for a definite class of foreigners. And, my Lords, it is equally untrue to assert, as has been generally asserted, that Count Walewski in his despatch manifested any desire to interfere with the right of asylum in this country. Nothing can be more clear than that Count Walewski recognizes with approbation not only the right of asylum, but the manner in which, with certain exceptions (and these can find no sympathy in England), that asylum has been afforded. Now what says Count Walewski? This is the paragraph to which reference has so often been made:—

"No one appreciates and respects more than we do the liberality with which England is disposed to exercise the right of asylum in regard to foreigners, victims of political struggles. France, for her part, has always looked upon it as a duty of humanity never to close her frontiers to any honourable person in misfortune, whatever might be the party to which he belonged; and His Majesty's Government does not complain that its opponents should find refuge on the English soil, and live there in peace, remaining faithful to their opinions, to their very passions, under the protection of the British laws."

He afterwards says:—

"Her Majesty's Government can assist us in arresting the danger to which France is exposed by the conduct of those demagogues who violate the right of asylum by affording us a guarantee of security which no State can refuse to a neighbouring State, and which we are authorized to expect from an ally. Fully relying, moreover, on the high sense of the English Cabinet, we refrain from indicating in any way the measures which it may deem fit in order to comply with this wish. We rest entirely upon it for estimating the decisions which it shall deem best calculated to attain the object; we are firmly persuaded that we shall not have appealed in vain to its conscience and its good will."

Now, my Lords, although there may, perhaps, be a word or two which might have been omitted or altered with advantage in the passages I have just read, yet I think that, taking the despatch as a whole, your Lordships will feel that neither in its letter nor its spirit does it contain anything which can fairly be construed into pressure, or menace, or insult, towards the people of this country. Was it possible, I will ask, that the Government of the Emperor, after the atrocious attempt upon his life, should have abstained altogether from communicating with the Government of the country from which the conspirators proceeded, and could that communication have been made in a form more temperate, or less calculated to offend? Why, it is the language of one friend to another, who says, "There are people living under the shelter of your hospitable roof who are determined to take my life—three times they have attempted to murder me, and they are so absolutely reckless that in their last attempt they killed and wounded scores of other persons—they are still conspiring—you cannot wish them to be successful. I don't indicate what measures you should take, but do what you can for my sake to keep these people within bounds." That is the spirit of the appeal made to us by the French Government, and that is the true and the just interpretation to be put on Count Walewski's despatch. But, on the other hand, I will ask, would it have been generous, would it have been Christianlike, would it have tended to maintain friendship between these two individuals if the one so addressed had said, "I am sorry that people under my roof have been trying to kill you, but you must take care of yourself. I have my own regulations, and as you have presumed to allude to them nothing shall induce me to alter or modify them for your safety." And, my Lords, clothe it in what language you might, that is the sort of answer that has been called for, and that is the tone and spirit which we have been censured for not adopting. My noble Friend opposite I see differs with me, but let him remember all that has been said and written of late upon the subject, which fully bears out my assertion. I am well aware that my noble Friend the Secretary for Foreign Affairs, in the despatch which he has undertaken to prepare, may now use very different language after the discussions in the House of Commons, and the explanations already given by the French Government; but I have alluded to the answer which

we are reproached for not having given six weeks ago.

My Lords, I did not answer that despatch, and I say "I," because, although my late colleagues are, I know, fully prepared to share my responsibility, yet, being at the head of the Foreign Office, I feel I ought to be held more responsible than them for whatever was done or omitted in that department. Nothing would have been more easy—indeed more tempting, as has been said in another place—than to have written a despatch expounding our law and practice, and warning all foreigners against expressing an opinion that they were capable of improvement. Such a despatch might have figured well in a blue book. We might have gained some credit by it; it might have been applauded for its British spirit; and it would assuredly have been taken as the ground of opposition to any measure which the Government might have thought it their duty to introduce. But mistaken though we are said to have been, our sense of duty did not lead us in the direction of a blue book; we made great allowance for the excitement into which the whole of France had been thrown, staggering, as she then was, at the contemplation of the danger and disaster from which she had escaped; we did not wish to engage in angry controversy; and we thought that we should best show our sympathy with France, and best consult our own dignity by calmly considering what our course should be, and, uninfluenced by all the foolish talk about us, taking our own measures in our own way, and at our own time.

But let me add, that, tempting though it might have been to write a despatch for home consumption, it would not have been so easy as is imagined to answer Count Walewski's despatch, because to answer it properly we ought to have been able to contradict his statements; but his statements could not be contradicted for the simple reason that they were true. Count Walewski says, referring to the attempts which have been made upon the Emperor's life—

"It was in England that Pianori formed the plan of striking the Emperor; it was from London that—in an affair the recollection of which is still recent—Mazzini, Ledru Rollin, and Campanella directed the assassins whom they had furnished with arms. It is there also that the authors of the last plot have leisurely prepared their means of action, have studied and constructed the instruments of destruction which they have employed, and it is from thence that they set out to carry their plans into execution."

Now, my Lords, these words are strictly true. Count Walewski then proceeds to say—

"How different is the attitude of the skilful demagogues established in England. It is no longer the hostility of misguided individuals manifesting itself by all the excesses of the press and all the violence of language; it is no longer even the work of the factious seeking to rouse opinion and to provoke disorder; it is assassination elevated to a doctrine and preached openly, practised in repeated attempts, the most recent of which has struck Europe with amazement."

That paragraph, my Lords, is also strictly and literally true; and the natural question to ask is—indeed my noble Friend opposite has not only asked but answered the question—why was not the law put in force? My Lords, it has been from no lack of vigilance or activity on the part of the police; it has been from no want of careful consideration on the part of the Government and the law officers, but it has been from the want of sufficient evidence. The want of evidence, however, against the actual perpetrators of the crime, is no proof that the crime has not been committed, and I have over and over again been shown the most infamous printed documents, but the authors and circulators of them could not be got hold of; at other times the result before a jury made the expediency of prosecution appear doubtful to the law officers of the Crown; again, we have had reports of speeches of the most inflammatory nature made at funerals or debating societies, where nothing of the kind was expected; at another time the English version of a French speech advocating the murder of the Emperor was taken down, but the English words could not be sworn to by the reporter; and it was only the other day that a publication having the same object was obtained with the printer's name to it, and submitted to the law officers—this pamphlet was circulated at a meeting avowedly of Englishmen, to protest against the Conspiracy Bill, but which was in reality promoted by the refugees, and one half the hire of the room was paid by Bernard, the man who is now in custody as a principal conspirator against the Emperor's life. Well, my Lords, knowing all this, although Count Walewski did not, could I as an honest man tell him he was mistaken, or that assassination was not preached in this country by the class of persons indicated in his despatch? And what good purpose at such a moment would have been served by our admitting that Count Walewski's assertions were true, and regretting that,

owing to unavoidable circumstances, the offences of which he complained; and of which we were aware, had hitherto been committed with impunity, and for aught we could guarantee to the contrary would continue to be so? We could not without disrespect towards Parliament, for which we should have been justly blamed, say that any measure, for the better prevention or the greater punishment of such offences should be adopted.—We could not even engage, that such a measure should be submitted to the consideration of Parliament, for we did not then know whether the law officers might not report against any alteration of the existing law. In short we could have written nothing at that time which would not have invited a rejoinder, and I accordingly suggested to my noble Friend then at the head of the Government that it might be advisable for us to rest satisfied with my verbal communication to Count Persigny, instead of entering into controversy, and increasing the exasperation which every Friend to the alliance desired to calm. I said, I thought it would be better to wait for the report of the Law Officers, and that if any measure was sanctioned by Parliament, then would be the time to explain to the French Government what the law really was, and how it would be applied, and that in making that explanation, which would set the whole question finally at rest, we should be strengthened and assisted by the debates in Parliament, which would have far greater force than any assertion coming from the Government; for by them the French Government and the French people would learn the extent to which the English people would go in legislation, and beyond which they would not be led one single step.

I thought then, as I think now, that that was the judicious, the friendly, and the politic course to pursue.

The example of Lord Hawkesbury has been again and again quoted against us, upon the ground that the two periods were alike, and that the nature of the demands made upon us were the same, and we have been told, in no very complimentary terms, that if we were incapable of ourselves framing an answer to Count Waleski's despatch, we should have taken Lord Hawkesbury's despatch as a model. But let me ask your Lordships to remember that the Peace of Amiens was nothing else than a hollow truce; whereas our relations with France for the last five years have been the most intimate and cordial that can exist between two countries. The first Consul in 1802 was eagerly seeking some pretext for a rupture with England; and in 1858, the Emperor of the French has given too many proofs of his wish to maintain the alliance to permit of a shadow of a doubt of his sincerity. In 1802 the Plenipotentiaries of the French Republic made very precise demands in a very peremptory tone. In 1858 the French Ambassador declared that he made no demand upon us, and the French Government scrupulously abstained from indicating any measure which we might take for the better protection of the Emperor's life, and yet these are the periods and the circumstances which we have been told are precisely similar.

M. Otto, the Plenipotentiary of the French Republic, on the 17th of August, 1802, addressed a note to Lord Hawkesbury, in which the following demands were made.

1. That effectual measures should be taken, for putting a stop to the attacks on the French Government in the English newspapars.

2. That certain individuals should be sent out of the island of Jersey.

3. That two French bishops should be sent out of the country.

4. That Georges and his adherents should be sent to Canada.

5. That the princes of the House of Bourbon, then in England, should be recommended to repair to Warsaw.

6. That such of the French emigrants, as wear the orders and decorations of the old French Government, should be sent out of the country.

A detailed and energetic answer was made by Lord Hawkesbury in a despatch to Mr. Merry, the British Minister at Paris—and to demands so offensive to the dignity of his country, how could any other than an energetic reply have been given. But what did this energy of Lord Hawkesbury amount to? I will read the answer to the French demands.

With regard to the first demand, the English Government declined to take steps for altering their law of the press.

As to the second, they stated that all the emigrants had left Jersey.

As to the third, they state their readiness to remove the two bishops, if it can be proved that they tried to excite the French people against the Government.

4th. His Majesty is prepared to take steps for removing Georges and his adherents from the King's European dominions.

5th. His Majesty has no desire that the Princes of the House of Bourbon should continue to reside in this country, if they are disposed, or can be induced to quit it; but he will not deny them hospitality so long as they conduct themselves quietly, and abstain from attempts to disturb the peace which subsists between the two Governments.

6th. Few of the *emigres* wear orders—it would be better if all abstained from wearing them; but His Majesty cannot send them out of the country on such an account.

And yet it is for not following the example of Lord Hawkesbury, and not writing such a despatch, or not using such language, or making such concessions, that the honour of the country has not been thought safe in our hands.

Count Walewski's despatch was not answered, but the French Government was not left in ignorance of our views. I wrote in great detail, though privately, to Her Majesty's Ambassador at Paris as to what we could not do; and the French Government, even if they had wished us to take any steps repugnant to the institutions and policy of England, were made aware confidentially and in a manner not to impair the relations between the two Governments, of our true position. Lord Cowley made use of those letters, with the tact and judgment which characterise him, and which, together with his remarkable ability, have earned for him the confidence of his Sovereign, and the respect and esteem of all those with whom he is brought in connection; but as the House is in possession of the despatch in which Lord Cowley refers to these private letters, your Lordships have a right to know in what sense they were written, and I have accordingly made a few extracts, which with your permission I will read. On the 21st of January I wrote to Lord Cowley:—

"The more I think of the whole matter, the more allowance I make for the feelings of the French, who believe themselves to be in imminent danger, and that England, if she chose, might put them in safety. We know that that is not the case, and that we cannot prevent conspiracies, but this cannot be understood by men who are profoundly ignorant of our laws and customs, and who reason respecting England by analogy with other States, where police regulations and measures of public safety are always passively submitted to. Such men think only of their own perils, and of the unfriendly obstinacy of England in doing nothing for their protection. I have therefore been perfectly frank with M. de Persigny, and have spoken to him in the sense of what I have written above. He brought me to-day a despatch from Walewski, which had been seen and approved by the Emperor. It was, I think, very moderate in tone, much more so, I am sure, than ours, *mutatis mutandis*, would have been. It is impossible for any one to behave more *loyalement* and like a gentleman than M. de Persigny does upon this painful matter; for while he is in a state of extreme agitation, and fully shares the feelings of his countrymen respecting the *attentat*, he makes as much allowance for our difficulties as you or I could do."

On the 23rd of January I thus wrote:—

"The refugee question has been discussed in every possible form, and I may with truth say that there has been an earnest desire to do something which will both clear this country from unjust imputations, and, at the same time, give some satisfaction to public opinion in France, but the difficulties, when one comes to the practical point of what that something shall be, are beyond imagination great, and everybody agrees that to ask for authority to send away every or any foreigner whom a foreign Government may suspect, or say they suspect, without even adducing any proof of guilty purpose, is utterly out of the question. We might just as well ask Parliament to annex England to France."

On the 2nd of February I wrote:—

"A Bill is to be introduced when Parliament meets, which will make conspiracy to murder felony, and you may rely upon it that if the Bill passes it will be amply sufficient for the purpose, and immeasurably better than if we possessed a power to send away people on suspicion; for what is to constitute suspicion or to make a man suspected?—a denunciation from the French police? If so, it is clear that we should be perpetually asked to send away people on mere rumour, or perhaps the personal vengeance of spies, and that the only result would be ill-feeling between the two Governments. Parliament, however, would never grant such a permission, because, setting aside all other reasons, it would be inverting the fundamental principles of jurisprudence in this country, where a man is always considered innocent until he is proved to be guilty, and we should have to propose that he be considered guilty until he could prove himself to be innocent."

And on the 4th of February I added:—

"What I foresaw has occurred, and the excitement, or rather, I should say, the indignation caused by the publication in the *Moniteur* of the regimental addresses, is universal throughout the country. People here care nothing about abuse; we are much too free ourselves with our pens and our tongues to think of resenting hard words; but that which no man here can or will stand is a threat, and there is no risk or danger to which Englishmen would not expose themselves rather than submit to menace."

I could, of course, have multiplied these extracts, as I was in daily communication with Lord Cowley, but my wish is not to weary the House, and merely to show the nature of the communications which were made to the French Government.

Lord Cowley has, I know, been condemned for writing that despatch; by some it has been regarded, most erroneously I

am sure, as a censure upon the Resolution of the House of Commons; by others Lord Cowley has been thought to have acted irregularly in giving an opinion upon the conduct of his official superior; and, my Lords, there are one or two expressions in the despatch, dictated perhaps by Lord Cowley's feelings of regard towards myself, which I did think of omitting, but then I should have been obliged to lay it upon the table as an extract, and I preferred presenting the despatch exactly as I received it. This, however, is a very minor question. The real question is, whether the facts contained in that despatch are or are not correct? and I need not say that Lord Cowley would not, to please me or any man living, write a word that was not strictly true, or make a statement which could be contradicted the following day by the witnesses to whom he appeals, and who are no less personages than the Emperor and Count Walewski; and to that despatch, and to that statement of facts I in my turn appeal in vindication of the course we have pursued; and I will defy any rational man, any man not overflowing with the bitterness of party spirit, to say that that course has been derogatory to the honour of England.

My Lords, it is exactly five years since I had the honour of receiving from Her Majesty the Seals of Office which I have just resigned, and although I am not now going to enter into the subject of our foreign policy, yet I think we may with confidence affirm that during those five years—anxiously eventful and important as they have been—that the alliances of England have not been weakened, that the respect in which she is held by the nations of the world has not diminished, that her honour has not been tarnished in our hands, and that disgrace will not attach to those who supported the last measure which the late Government thought it their duty to introduce.

My Lords, that Bill has been studiously and purposely misrepresented; it has been called an Alien Bill, and it is no more an Alien Bill than it is a Bill for Parliamentary Reform; it has been called a French Bill, whereas it was in the laboratory of the law officers before Count Walewski's despatch was received, and before the vapouring military addresses were published and apologized for; it has been stated that Count Walewski's despatch was the basis of the Bill, and for that purpose was laid on the table, but the despatch had nothing to do with the Bill, and there was no intention of laying it on the table at all; but an hon. Member having asked whether there had been any communication from the French Government, and if so, whether it would be produced, it was of course presented. When the Bill was first introduced, some right hon. Gentlemen, who are now leading Members in the new Administration, pronounced a strong opinion in its favour; but this morning the Attorney General, in his address to his constituents, denounces the Bill as an evasion of the principle of independent action which has hitherto been held sacred alike by the Parliament and the people, and my noble Friend opposite has been so little mindful of facts as to say that, although the first reading of the Bill was carried by a large majority, yet that it was subsequently damaged by the production of Count Walewski's despatch to which no answer had been returned, whereas Count Walewski's despatch was laid upon the table before the Bill was read the first time, and the fact of its being unanswered was commented upon in the debate, which ended in a majority of 200 in favour of the first reading; so that, from the moment when the Bill was introduced down to this very evening, there has been a series of errors and misconceptions with regard to it. I rejoiced the other night to hear from my noble Friend the Lord Chief Justice that the Bill did not create any new offence, and that it only altered the punishment, and that if it came up to this House he felt certain that your Lordships would support it. It is said, however, that the time for bringing it in was inopportune; but we never disguised that our object in introducing it was, to put a stop to conspiracies in this country to murder the Emperor of the French, and when it comes to be rightly understood, that the sole effect of this Bill is to render a horrible crime felony instead of misdemeanour, and that it will place foreigners on the same footing as British subjects before the law of England, I am greatly mistaken if the just-minded and generous people of this country would have seen any humiliation in affording some additional security to the life of a faithful Ally.

LORD ST. LEONARDS: I rise to request the attention of the House for a few moments on a matter personal to myself. Considering the position in which I stand,

I think I should not be justified in refusing office without a sufficient excuse. My noble Friend near me (the Earl of Derby) with all celerity and in the most handsome manner again offered the Great Seal to me; but I unhesitatingly declined the offer. I have the same confidence in the noble Earl which I have always had, and I am not aware of any difference of opinion between me and my noble Friend. No political or personal feeling therefore operated upon my mind; but the reason, and the only reason, why I declined to take office was, that I had attained the age of seventy and seven. As to my mental faculties, the Archbishop's case warned me, that at my time of life I was not a competent judge of them. My physical powers I could perfectly form a judgment upon, and it was my conviction that I had not bodily strength to enable me to undergo the fatigues which office would impose upon me, with satisfaction to myself, with credit to my party, or with justice to the country. I cannot sit down without expressing to my noble Friends on this side of the House my obligation for the consideration and support which they have always afforded to me, nor must I omit to express to noble Lords on the other side my gratitude for the courtesy and kindness which they showed me whilst I was in office, and indeed ever since I left it. I beg to thank the House also, for the attention with which they have listened to this personal explanation.

THE LAW RELATING TO ALIENS—FURTHER EXPLANATION.

Lord CAMPBELL: Before the House adjourns, I beg leave, for a few moments, to trespass upon your Lordships' attention, in order to say some words in my own justification; and I shall do so without making an attack upon any person, or affording the slightest ground for any one to complain. It is necessay, my Lords, that I should adopt this course, because my character as a Judge has been assailed, inasmuch as it has been supposed that I, in my place in this House, have pronounced an opinion respecting a case that was pending; had I done so, I should have done what was most reprehensible; whereas I did no more than what I felt it incumbent upon me to do, namely, to give an opinion upon an abstract question of law. Now, unless I gave an opinion in such a case, I might ask, for what purpose have I the honour of sitting in your Lordships' House? And, my Lords, that such was my duty is an opinion which has been held by almost all my illustrious predecessors, and much to the public advantage, for it has been the means of informing your Lordships what the law really was. With respect to the practice of taking notice of what may be said in another place, I agree with my hon. and learned Friend in thinking it to be irregular, and a course attended with much inconvenience; but there are exceptional cases, and of that nature was the case which arose. Looking to what was stated in the journals to have occurred in "another place" regarding the law of England respecting aliens being amenable to that law, I thought that the law was misapprehended and misrepresented, and that the most mischievous consequences might have followed if it remained uncontradicted, and I conceived it to be my duty to contradict it. I am, however, bound to believe, and I do believe, that the hon. and learned Gentleman who was supposed to have made that statement did not intend it to be understood in the manner in which it appeared in the public journals; but every one who read what he was represented to have said must have come to the same conclusion as I did, and I was recommended by some of the Judges of the land to take the earliest opportunity of stating what the law was; which I did. It was with the view of not allowing an erroneous impression as to the nature of our law to prevail that I explained what it was unversally held to be, and I should have thought it a departure from my duty to your Lordships had I not followed that course.

Lord BROUGHAM: My Lords, I entirely agree with my noble and learned Friend, that his judicial position ought not to deprive him of freedom of speech in this House upon a question of law, and at the same time deprive this House and the country at large of the value of his opinion upon such questions. The same argument might apply, and the same objections might be urged, not only to my noble and learned Friend, but to the noble and learned Lord who was on the Woolsack at the time, to myself, and to the noble and learned Lord upon the cross bench (Lord St. Leonards); for, although we are not Judges of the Court of Appeal, we sit in the Court of Error, and the very same point might come before us in the last resort. The noble Earl at the head of the Government has made several very satisfactory statements as to the disposition of himself and his col-

leagues in respect to questions relating to the amendment of the law and measures connected with social progress. My Lords, while I thank him for those expressions, taking them at their value as professions and promises, I shall rather be disposed to look to the acts of my noble Friend and his colleagues, as he himself intimated that we ought rather to judge him by that test than by his professions—and for this reason that professions cost nothing, and therefore wise men to whom they are addressed are prone to take them at their value—prime cost—which I will not say is nothing, but all events something very small; and I shall therefore look to the manner in which the professions are fulfilled and the promises performed. I have no doubt, whatever, but that my noble Friend and his Colleagues will place us under those real obligations which arise from the performance of good promises.

The EARL OF DERBY then moved the adjournment of the House to Monday, the 15th of March, and said he would take the opportunity of assuring the noble and learned Lord who had just spoken that it had always been his desire to promise less than he hoped to be able and intended to perform.

House adjourned at a quarter past Eight o'clock, to Friday, 12th inst.

HOUSE OF COMMONS,

Monday, March 1, 1858.

NEW WRITS—for Northumberland (Northern Division), *v.* Lord Lovaine, Commissioner of the Admiralty; Chichester, *v.* Lord Henry Lennox, Commissioner of the Treasury; Enniskillen, *v.* James Whiteside, esquire, Attorney General for Ireland.

ADJOURNMENT OF THE HOUSE.

MOTION.

SIR WILLIAM JOLLIFFE, in moving that the House at its rising should adjourn till Friday, the 12th of March, said it was at one time thought that the exigencies of the public service would require that they should now proceed with the India Loan Bill. He found that that was not the case, and he had therefore only to propose the Motion that stood in his name for the adjournment.

SIR HENRY WILLOUGHBY hoped the India Loan Bill would be printed before it was again brought forward.

SIR WILLIAM JOLLIFFE: Certainly.

In answer to Mr. HORSMAN,

SIR WILLIAM JOLLIFFE said, the Bill would be considered when the House met on Friday, the 12th.

SIR HENRY WILLOUGHBY gave notice that when the Bill again came before the House, he would move for an account of all the moneys raised by the East India Company by loan, and the mode of their expenditure.

Motion *agreed to.* House at rising to adjourn till *Friday*, 12th March.

BUSINESS OF THE HOUSE.

MR. G. A. HAMILTON begged to inform the House that, on Friday, the 12th of March, it was intended to go into Committee of Supply, and to take the Army and Navy Estimates. The House, of course, was aware that it was very material some Votes should be taken in Supply, in order that the Mutiny Bill might be introduced, and also with a view to enable a Resolution to be adopted in Committee of Ways and Means, in order to meet the exigencies of the public service.

EAST INDIA LOAN BILL.

CONSIDERATION DEFERRED.

Order for the further consideration of this Bill, as amended, read.

MR. G. A. HAMILTON said, there could be no doubt of the great importance of this Bill—indeed, he might almost say the urgent necessity—that the East India Company should be furnished with additional powers for raising money, in order to meet the exigencies of the public service in India. Nevertheless it could not be denied that this Bill was of so important a character, and contained so many important provisions, that it would not be right that the final stage of the Bill should be taken without further discussion, or that the discussion should not take place in the absence of the responsible Ministers of the Crown. There was one clause which appeared to him to introduce a new principle, and to give more extensive powers to the East India Company than they had already. On these grounds Government thought it more respectful to the House that the Bill should be postponed till Friday, the 12th of March, when it would be brought on as soon as possible, after sufficient Votes had been taken in Supply to enable the Mutiny Bill to be introduced.

MR. MANGLES must be allowed to say that he regretted the determination at

which the Government had arrived. It was very important that the East India Directors should be in a position to carry on the home service of the government of India. If the Bill were postponed until Friday week, it was quite probable that it would not pass into law before Easter; and in that case the East India Company might be without the means of raising the funds necessary for conducting the business of India—a state of things which would be productive of great inconvenience to them, and, possibly, also to Her Majesty's Government, to whom they would be unable to repay the sums owing by them.

Sir HENRY WILLOUGHBY wished to know whether, on going into Committee, it had not been distinctly understood that Clause 11 should be withdrawn?

Mr. VERNON SMITH said, upon a former occasion he had stated his desire that the Bill should be passed without containing any objectionable powers, and he had agreed to the omission of the 11th clause, and to the reduction of the amount to be raised by the East India Company from £10,000,000 to £8,000,000. With that understanding he left the House, believing it had been generally agreed to. With respect to the Bill itself, he supposed the Government would fix a day when it could be discussed, for if the House were to go into the Army and Navy Estimates on Friday, 12th of March, it would be impossible to expect this Bill to be fully considered on that evening.

Mr. MONCKTON MILNES was certain the East India Company need not anticipate any factious opposition to the Bill, which was undoubtedly one of great importance; but before disposing of it the House ought to know what were the intentions of Her Majesty's present advisers respecting the Government of India Bill. He thought that it was quite possible there might be some modification in the terms of the loan when the intentions of the Government were made known. At present the East India Company could not go into the market to borrow money upon the best terms while it was uncertain whether they would long exist as a Company or not. The security of the loan must be considerably affected by these circumstances, and he was sure it would be better for all parties that they should know the intention of Her Majesty's Government before they proceeded with the Bill.

Mr. CORRY said, it was not the intention of the Government on Friday week to proceed with the Army or Navy Estimates further than was necessary to enable them to introduce the Mutiny Bill.

Sir G. C. LEWIS presumed it was not intended on Friday week to do more than to take Votes of men and sums on account. With respect to the 11th clause, he wished to explain how it had been retained in the Bill. When that particular clause was reached in Committee, he had moved that it be expunged, but the Chairman of the East India Directors (Mr. Mangles) stated that it would be inconvenient to omit the clause, and proceeded to meet the objections which had been made to it by the hon. Member for London (Mr. Crawford), who appeared to be satisfied with the explanation; and as no other person objected to the clause, he (Sir G. Lewis) did not think it was his duty to adhere to his Motion for its omission.

Mr. CARDWELL reminded the right hon. Baronet that the Bill had been discussed in Committee with an attendance of less than forty Members. Nothing could be fairer than the proposal of the hon. Gentleman opposite, and there could be no injury done by adjourning the present stage of the Bill, beyond the loss of one day.

Sir WILLIAM JOLLIFFE explained that on Friday week the Votes to be taken in Supply would only extend to the number of men for the two services, and to sufficient sums of money to warrant the introduction of the Mutiny Bill. The sums of money would be taken on account or otherwise as might be deemed most advisable. It was, of course, intended to proceed with the East India Loan Bill as soon and as rapidly as possible.

Mr. WHITE protested against any grant of money to the incoming Government until the House had been made acquainted with their opinions. He hoped their political measures would be better than their political morals.

Further Consideration, as amended, *deferred* till *Friday*, 12th March.

House adjourned at a Quarter before Five o'clock till Friday, 12th March.

HOUSE OF LORDS,

Friday, March 12, 1858.

Minutes.] Lord Chancellor—The Lord President acquainted the House, that Her Majesty had been pleased to create the Right Hon. Sir

Frederic Thesiger, Knight, Lord Chancellor of Great Britain, a Peer of this Realm, by the Title of Baron Chelmsford, and his Lordship, having retired to robe, was introduced in the usual Manner.

Their Lordships met and having transmitted the Business on the Paper,

House adjourned at Four o'clock to Monday next.

HOUSE OF COMMONS,

Friday, March 12, 1858.

MINUTES.] NEW MEMBERS SWORN—for Buckingham County, Right hon. Benjamin Disraeli; Cambridge University, Right hon. Spencer Horatio Walpole; Droitwich, Right hon. Sir John Somerset Pakington; King's Lynn, Right hon. Lord Stanley; Huntingdon Borough, Right hon. Jonathan Peel; Leicester County (Northern Division), Right hon. Lord John Manners; Oxford County, Right hon. Joseph Warner Henley; Stamford, John Inglis, esquire; Stafford County (Northern Division), Right hon. Charles Bowyer Adderley; Belfast, Hugh M'Calmont Cairns, esquire; Chichester, Lord Henry Lennox; Wilts (Northern Division), Right hon. John Thomas Henry Sotheron Estcourt; Wenlock, Right hon. George Cecil Weld Forester; Northumberland (Northern Division), Lord Lovaine; Suffolk County (Eastern Division), Sir FitzRoy Kelly; Bridgnorth, Henry Whitmore, esquire.

NEW WRIT—for Durham City, *v.* John Robert Mowbray, esquire, Judge Advocate General.

PUBLIC BILL—1° Agricultural Statistics.

AMEER ALI MOORAD'S CLAIM.

REPORT OF COMMITTEE.

SIR JAMES GRAHAM brought up the Report of the Select Committee appointed to inquire into the petition of Edward Lees Coffey, as follows:—

THE SELECT COMMITTEE appointed to inquire into the Allegations of the Petition of EDWARD LEES COFFEY, stating, that ISAAC BUTT, Esq., a Member of this House, did, in 1856, enter into an Agreement with his Highness AMEER ALI MOORAD KHAN, or his Agents for a Sum of Money to advocate the Claims of his Highness in the House of Commons for the Recovery of his Territory; and who were empowered to Report their Opinion, together with the MINUTES OF EVIDENCE taken before them, to The House;—HAVE considered the Matters to them referred, and have come to the following RESOLUTIONS, which they have agreed to Report to The House.

1. That Isaac Butt, Q.C., a Member of this House, did not, as stated in the Petition of Edward Lees Coffey, "in or about the months of July or August, 1856, corruptly enter into an agreement with his Highness Ameer Ali Moorad Khan, or his agents, to the effect that the said Isaac Butt should for a sum of money stipulated to be paid to him, advocate and prosecute in the House of Commons, with Her Majesty's Government, and the Honourable East India Company, the claims of his Highness for the recovery of his territory, of which he had been deprived by annexation by the Honourable East India Company;" nor, "in pursuance of such corrupt agreement, have divers sums of money been actually paid by the said Ameer Ali Moorad to the said Isaac Butt."

2. That Isaac Butt, Esq., in or about the month of July, 1857, did enter into an agreement with his Highness Ameer Ali Moorad Khan to go out to India to assist him in prosecuting his claim with the local Government of Bombay, in consideration of the sum of £10,000, of which the said Isaac Butt received £2,000 (£1,999 net), and the remainder was to be paid in bills proposed to be drawn or accepted by the Ameer.

3. That Isaac Butt, Esq., did, in the period which elapsed between the month of June, 1856, and the month of September, 1857, advise and assist his Highness Ameer Ali Moorad Khan in prosecuting his claim against the Government of India, and with that view had frequent personal interviews, in the year 1857, after the meeting of the present Parliament, with the President of the Board of Control, and also some communications with the Chairman of the Board of Directors of the East India Company, and with one other member of that Board.

4. That, on the 11th day of August, 1857, Isaac Butt, Esq., received from his Highness Ameer Ali Moorad Khan a cheque for another sum of £300, but it has not been shown to Your Committee that such payment to Isaac Butt, Esq., had any reference to proceedings in Parliament.

Report read; to lie on the Table.

OUR RELATIONS WITH FRANCE.

BUSINESS OF THE HOUSE.

On the Motion for adjournment till Monday,

THE CHANCELLOR OF THE EXCHEQUER: Sir, I think it is due to the House that I should take the earliest opportunity of communicating to it, that within the last hour Her Majesty's Government have received a despatch from the French Ambassador in answer to a similar document, which has been addressed to the French Government by the Secretary of State; and I have great pleasure in informing the House that those painful misconceptions which unhappily for a time subsisted between the Governments of the two countries have entirely terminated. They have been adjusted in a spirit both friendly and honourable, and in a manner which I believe will be satisfactory to the feelings, as I am sure it will be conducive to the interests and the happiness, of both nations. The moment, Sir, that we receive Her Majesty's permission it will be my duty to lay the whole of the correspondence that has recently

taken place on this subject upon the table of the House. I will also take this opportunity, with the permission of the House, to indicate the course we propose to pursue in respect to public business. The requirements of the public service are at this moment so urgent that I shall have to appeal to the cordial assistance and co-operation of the House, in order that we may be able to carry before Easter those measures that are absolutely necessary to be passed for the public service of the country. There is, Sir, at this moment a Supply necessary for the service both of the present and the impending financial year. With regard to the Supply necessary for the present year, the House will recollect that at the close of the last Session of Parliament, in the month of August, in consequence of the revolt in India, the House passed a Bill empowering Her Majesty to embody the militia, under circumstances different from those contemplated by the then existing law. By the law, as it then stood, Her Majesty could not embody the militia unless the country was in fear of foreign invasion, or was in an actual state of war. In the month of August, although we were not in apprehension of invasion, or in what could be called actual war, the House felt that, under the circumstances of the case, and in order to meet the drain upon our troops caused by the events in India, it was necessary, for one year at least, to give Her Majesty the power of embodying the militia without the existence of those conditions specified in the law. Now, the state of affairs in India is not such as, in our opinion, renders it prudent that that privilege, on the part of Her Majesty, should be allowed to expire; and, therefore, we propose to ask the House at once to continue it for another year. But in consequence of the Bill passed in August, a considerable expenditure was incurred for the embodiment of the militia, which was not contemplated when the Estimates were proposed, and when they received the approbation of the House. I think that for the embodiment of the militia a Vote of £200,000 only was taken. But the expenditure occasioned in consequence of the passing of this Bill in August has been, I should say, upwards of, or at least equal to, £700,000. It will, therefore, be necessary to pass a supplementary Vote in reference to this increased expenditure on account of the militia. That Estimate will, I believe, be presented to-night, and will come in due course under the consideration of a Committee of Supply. With regard to the Supplies to Her Majesty for the approaching financial year, which must be voted before the Mutiny Bill is introduced, we propose to take the course usually permitted to a Government under the extraordinary circumstances in which the House is placed. I ask the House, therefore, to permit us to take Votes on account of the public service. But without the utmost assistance and indulgence of the House it will, by a calculation I have made, be extremely difficult, if not impossible, to pass the Ways and Means Bill, which must be the result of the Vote of Supply, and the Mutiny Bill, before Easter. Under such circumstances I trust that the House will permit us on Tuesday next to take the Orders of the day before the notices of Motions. I do not think without such an arrangement we can accomplish the results we desire; and I trust also that hon. Gentlemen will forbear at this moment from discussing those Estimates. Of course it is not our wish, and were it our wish, I trust it never will be in our power, to curtail in any degree the privilege of discussion which exists in this House; but if the House should consent to the course I propose, and which is one that has been before adopted under similar circumstances—if the House will permit us to take a Vote on account for the great services, my right hon. Friends will in that case postpone their exposition of the conditions of those services until the Estimates are regularly brought forward. Hon. Gentlemen will then have the opportunity of proposing their Motions which are on the paper, and which, of course, it will be their duty to bring forward. If the House will consent to those proposals on our part, I calculate that our Ways and Means Bill can be introduced on Wednesday next. But with the utmost forbearance of the House, and availing ourselves of every opportunity, we cannot hope to pass that measure and the Mutiny Bill until the end of the month. I hope that the suggestions I have made will be acceptable to the House, and that it will allow us in Supply to obtain a supplementary Vote for the militia, and also to take Votes on account for the Army and Navy. With the assistance and permission of the House to take on Tuesdays the Orders of the day before the notices of

Motion, we shall be able to accomplish before Easter the passing of those measures that are absolutely necessary for the public service. I now, Sir, take the liberty of moving that the House at its rising do adjourn until Monday next.

MR. NEWDEGATE: Sir, I wish to make an appeal to the noble Lord the Member for London in reference to an important measure he has placed on the papers of the House for Wednesday next. Wednesday is the day fixed by Her Majesty for her levee, and it will be the first opportunity that many hon. Members of this House will have of paying their respects to their Sovereign. I find, also, that several other hon. and learned Members will be obliged to absent themselves in order to go on circuit. It will, therefore, be most inconvenient to have the question of the admission of Jews to Parliament discussed on that day. I am sure that the House will also feel that the elevations which have recently taken place in the persons of the present Lord Chancellor of England and the Lord Chancellor of Ireland will likewise render it most inconvenient to have such a discussion as that proposed by the noble Lord taken on Wednesday next. If, however, it should still be the determination of the noble Lord to persevere with his Motion on Wednesday next, I will certainly move the exclusion of the fifth and following clauses of the Bill, which propose to admit the members of the Jewish faith, and others not Christians, into this House, as it is my intention to take the same course which the noble and learned Lord on the woolsack proposed to take had he remained a Member of this House, and not been elevated to the other House, which he is so well calculated to adorn. I hope the noble Lord will be induced to accede to my appeal, and that he will excuse me giving him this notice.

MR. W. EWART said, he wished to ask the right hon. Gentleman the Chancellor of the Exchequer whether he considered that the proposition for taking the Orders of the Day before the Notices of Motion on Tuesday next would have the effect of preventing those Notices of Motion from being brought forward on that day.

MR. WALPOLE: The object of my right hon. Friend in proposing to give the Orders of the Day precedence on Tuesday next, is merely to facilitate the course of public business. The proceedings in relation to the Orders of the Day will probably be very short, so that the Notices of Motion may afterwards come on.

MR. RICH said, the House had heard with great satisfaction the statement of the right hon. Gentleman the Chancellor of the Exchequer with regard to the termination of the unpleasantness between this country and our great Ally the Emperor of the French; but, at the same time, he thought that it would have been more satisfactory, both to that House and to the country, and in accordance with the usages of Parliament, if the right hon. Gentleman had availed himself of the opportunity to have made some statement of the general principle upon which the Administration, which had been formed under such peculiar circumstances, intended to carry on the Government. He had informed the House that he should ask for Votes of money on account, and that afterwards the heads of Departments would state their views upon the different services; but the country wanted something more than this—it had a right to know what general course of policy the Government intended to pursue. This position required no enforcement; and he had no doubt that the right hon. Gentleman would thank him for having given him an opportunity of making such a statement.

MR. P. O'BRIEN said that, as a Member of a body not connected with either the past or present Government, he wished to elicit some explanation as to what was to be the policy of Her Majesty's present Administration. He was the more anxious for such an explanation from the addresses he had recently read of various Members of Her Majesty's Government. Different statements had been made at Stamford and in East Suffolk; and before giving the Government money to enable it to tide over until next February, he thought that those hon. Members who were not looking for the loaves and fishes had a right to ask the right hon. Gentleman which of those statements represented the views of the Government, and whether, indeed, the Ministry had got a policy at all. He had more than once heard the right hon. Gentleman say of previous Ministries—"They are a miserable Government; they have no connecting link; they are endeavouring to drivel on from day to day, and they have done so without a policy." He wished to know what was to be the policy of the present Government with regard to the question of Reform; whether it was to be that of the Attorney

General, who would disfranchise all the boroughs in England, and place all power in the hands of the territorial aristocracy. The present Ministry came in upon the grand cry of opposition to the Conspiracy Bill; and they had heard some of the Members of the Government, when opposing the measures of the late Ministry, express their opinions strongly in one direction; but afterwards they found the noble Earl, the British lion now at the head of the Cabinet, expressing himself in such a manner as almost to identify himself with the French army, while taking exceptions to the language of a few of their colonels. He wished to be informed whether the right hon. Gentleman who had been placed at the head of the Department of Public Education concurred in opinion with the First Lord of the Admiralty (Sir J. Pakington), or with the President of the Board of Trade (Mr. Henley). He should also like to know whether there had been any change in the views of the hon. and learned Gentleman who had been made Judge Advocate, and who, in the division upon the Conspiracy Bill, had voted in the minority. What were the views of the Government on the subject of church rates, and how far the noble Lord the Member for North Leicestershire (Lord John Manners) would support his colleagues in a measure for their abolition? Again, there was the question of National Education in Ireland; it was there confidently expected that the day was come when that system established by the Earl of Derby was to be abolished. He also desired to ask the Government what they intended to do with respect to the question of tenant-right. Did they mean to accept what the Earl of Derby had called the Communist Bill of the present Lord Chancellor of Ireland? It was all very well for individual Members of the Government to make different, and even contradictory statements to their constituents, for one to say one thing in Norfolk or Suffolk, and another to say something else in Buckinghamshire—where, perhaps, Jewish influence had been used for the return of an influential Member of the Administration; but the Members of that House and the country at large were entitled to know upon what principles the management of affairs was to be conducted. In Ireland, when a man said one thing and meant another, the people exclaimed, "Oh, it is policy." He did not know whether that was the kind of policy which the Government intended to pursue; but, at all events, they were bound, before asking the House to vote their money, to make a full and complete statement of their intentions.

THE CAPTURE OF THE *CAGLIARI*.

OBSERVATIONS.

MR. KINGLAKE rose to call the attention of the House and of Her Majesty's Government to the facts which have now transpired respecting the capture of the *Cagliari* on the High Seas by Neapolitan Cruisers, and to the continued imprisonment of the English Engineers, Park and Watt; and to ask the Chancellor of the Exchequer whether there are any further Papers on the subject which without detriment to the Public Service can be laid on the table of the House. And although he should have to speak of a long and cruel imprisonment unjustly suffered by two of his fellow countrymen, he trusted that in his observation he should abstain from complicating the difficulty by the use of any expressions which could be regarded as disrespectful to the King of Naples, for he thought it very unadvisable that discourteous language towards foreign Sovereigns should be used in that House. The right he was endeavouring to assert on the part of these men was one that might be justly asserted by the humblest state in Europe. He did not assert any privilege on behalf of Englishmen as distinguished from the subjects of other countries, but merely claimed for them that justice which was due to a subject of the humblest state. He proposed to show by a simple statement of facts and by a very short appeal to well known principles of international law, that these two men had been long detained in prison at Salerno, not because they were guilty of any offence against Neapolitan law, nor even because they had had the misfortune to be so circumstanced that the tribunals of that country were the lawful means of testing their innocence, but because, having been captured on the high seas, they had no authority to whom they could appeal for protection except that of the British Government, and, because, from circumstances which were yet unexplained, that protection had been withheld. The House might ask why it was, the circumstances having occurred so long ago as June last, that the rights of these men had been so long infringed.

He would first give a simple narrative of the facts. The *Cagliari* was a mail boat plying regularly between Genoa, Cagliari in Sardinia, and Tunis, and belonging to a steamboat company in Genoa. She was advertised to sail on the 25th June last. Her crew consisted of thirty-two persons, and there were thirty-three passengers on board. Her papers were regular, and the names of her crew were entered in the books in the usual manner. She left Genoa at seven o'clock in the evening. After being under steam for about an hour and a half the captain, whilst standing near the bow, was suddenly seized by a number of armed men, who told him that they had obtained possession of the ship, and that he was no longer her master, and who requested him not to attempt any useless resistance, but to give way to superior force. He was compelled to comply with their demand, and they then, by placing a pistol at his head, and threatening his life, compelled another person on board, who was skilled in navigation, to take the direction and guidance of the vessel, and she was steered for the island of Ponza. This seizure and appropriation of the steam packet was effected by twenty-five persons, who went on board in the character of passengers, but who were in reality conspirators. On the following day, the 26th, a circumstance occurred, which showed the innocence of the crew of the *Cagliari*, and still more clearly that of the two English engineers who were in charge of the vessel. About half-past eleven in the morning the steamer came in sight of an English squadron, consisting of five sail of the line and two steamboats. Thereupon the conspirators ordered all the crew to go down below, not allowing a single man to show himself on deck, and so fearful were they that the English engineers would make a signal to the squadron that they firmly closed the portholes of the engine house, in order to prevent the waving of a handkerchief or the adoption of any other means for attracting attention. The vessel at length arrived at Ponza. On that island were a number of Neapolitan prisoners. They consisted of three classes — ordinary criminals, military prisoners, and persons detained for political offences. The insurgents broke open the prison, released the prisoners, and brought them on board to the number of 391. The vessel then sailed for the mainland of Italy, and late at night on the 28th arrived off the coast near the village of Sapri. The conspirators and the prisoners released from Ponza immediately disembarked, and then, for the first time since the rising against him, the captain found himself a free man. He immediately determined to sail for Naples to inform the Consul and the Neapolitan authorities of the disaster, and on the morning of the 29th, while the *Cagliari* was on the high seas, at the distance, certainly, of not less than six miles from any land, she was sighted by a Neapolitan squadron of two steam frigates under the command of a Neapolitan Rear Admiral. It was important to remark that the Neapolitan steamers approached from a direction opposite to that in which the *Cagliari* was going, and consequently not in a direction which would imply pursuit. In point of fact, this was the first minute the officers of the Neapolitan squadron ever set eyes on the *Cagliari*. So late as the 5th of March last, Lord Clarendon, the then Minister of Foreign Affairs, had stated that the captain of the *Cagliari* had surrendered to the Neapolitan officers, but from the log of the vessel and from the statement of the Attorney General of the Neapolitan Government it appeared that this was not so. The truth of the matter was that, when the steamer was sighted by the cruisers, one of them the *Tancredi*, fired a shot across her bows. Both the Neapolitan frigates then cleared for action ; the drums beat to arms, and then a signal was made for the captain of the *Cagliari* to come on board with his papers. He was at once treated as a prisoner ; he was subjected to an inquisition, and an officer was sent on board the *Cagliari* to search for arms. When he had returned with two cases which he had found on board, one of the Neapolitan frigates — the *Ettore Fieramosca*—took the *Cagliari* in tow, and carried her, not to Naples, or to Salerno, but to a spot near Sapri, the place where she had come from, and that was how it had at first been made to appear that she had been captured near the shore. It was clear that at the time the *Cagliari* was captured there could be no right in Neapolitan frigates to seize her upon the high seas, because no sort of crime bearing the complexion of international crime was committed from first to last. When the insurgents rose against the captain they were committing an offence against the municipal law of Sardinia. When they disembarked in the island of Ponza, and again on the coast near Sapri, they were clearly

committing an offence against the Neapolitan Government; but on neither occasion was there an offence of such a kind as to justify a capture on the high seas. It being impracticable for the Neapolitan Government to treat this as a case of piracy, they had endeavoured to establish it as a case of war—not a war between the Neapolitan Government and the Sardinian Government, but between the King of the Two Sicilies and this small body of insurgents. And from this fanciful supposition of a private war they educed the consequence that they had a right of capture on the high seas, and they actually constituted a Prize Court—an institution belonging exclusively to a state of war—and the *Cagliari* was condemned as a good and lawful prize taken in war. And the Neapolitan Government asserted this right not only as against the insurgents, but as against all neutrals in this great war. They said that, finding this hostile force on the high seas, in the time of war, they were entitled to take the Englishmen found on board into custody, to bring them back, and to have their innocence tested by a Neapolitan tribunal, and in the meantime to subject them to those long and dreadful sufferings which are inflicted upon men awaiting their trials in Neapolitan Courts. Accordingly these two Englishmen had been imprisoned ever since the 29th of June; and from that hour to this nothing had been done by the Government of this country towards their liberation. The statement drawn up by Mr. Acting Consul Barber, who had acted throughout with great zeal and ability, showed the treatment to which these men had been subjected. He said:—

"Watt and Park were landed from the steamer *Cagliari* at the end of June last, together with the captain of that ship, her crew and passengers. The captain, engineers, and passengers were at once conveyed to the Vicaria prison unbound, but the crew were handcuffed. As soon as they reached the prison, the engineers, as well as the others, were desired that if they had any papers they would give them up. Watt had none; Park gave up his pocket-book, wherein he had a copy of a note which the insurgents had forced upon him when they took possession of the steamer shortly after leaving Genoa; the original remained on board. This note was not signed by any person, nor addressed to any one, and was worded nearly as follows—namely: 'We have resolved to free our country from the yoke of slavery under which we have so long suffered, and we call upon all upright men to aid us. If you do your duty, no harm shall befall you; but if otherwise, your lives are sacrificed.' They—the engineers and others—on arriving at the prison, were stripped naked by the police or prison authorities, and in that position were jeered at by them. After allowing them to dress again, the two engineers, with the passengers, were conveyed to a prison on the ground floor, consisting of two small rooms, which were very damp, with one small iron-barred window which looked into the prison-yard. Through this window the sun never entered, and scarcely were they able to distinguish daylight through it. To the misery of damp and bad ventilation was added one greater—namely, that in lieu of a water closet, a wooden tub was placed in the middle of each room. These two tubs were emptied every evening, if the engineers paid some person to do so, but not otherwise. They were never washed, and the stench, especially at night, when the small barred window was closed, was very great; and their health soon began to suffer. These two men were kept in those rooms during the three hottest months in the year—namely, July, August, and September. They were taken out of them when required by the police authorities to submit them to an interrogatory. On such occasions they were handcuffed before leaving the room, and brought back in the same manner. Park mentions that on one occasion they conducted him through damp underground prisons before bringing him to be interrogated; and from the manner of the men who guarded him, he understood that the intention was to intimidate him. The allowance made to them by the Neapolitan Government is—black bread of a very bad quality, and soup of so nauseous a nature that they turned always from it in disgust, and four grani per day each (less than twopence) in money. Money was occasionally sent to them by myself and some English engineers resident at Naples, by which they were enabled to buy better food. Their beds consisted of boards supported on wooden trestles, with one mattress stuffed with bad tow, mixed with bits of straw. They suffered much from vermin. In the beginning of October they, with the captain and crew, were removed from the Vicaria prisons to those of Salerno. The manner this was effected was as follows:—The police handcuffed Park, and passed a leather strap besides through both arms; they attempted the same with Watt, but he resisted this indignity as long as he had strength; but being overpowered, he was handcuffed and strapped in the same manner as Park. They were then tied together, put into a carriage into which three gendarmes likewise entered. The windows of the carriage were all drawn up, and thus, suffering from the tightness with which they were bound, they were forced to perform at a slow pace a journey of about thirty miles by night, in a carriage hermetically closed. They begged repeatedly that a window might be let down, for the sake of air. Their request was not complied with. When they reached the prison of Salerno, the crew of the *Cagliari* were placed in two rooms—one a large airy room, the other smaller but well ventilated. The captain and the two engineers were put into a small room immediately under those occupied by the crew, which belonged to the gaoler. The room being situated very low, and the space occupied by their three beds leaving them little space to walk in, the captain commenced suffering from bowel complaint. Watt has threatened insanity; and Park, who enjoyed very good health before his imprisonment, now suffers from fits. A petition was sent by them to the Attorney General, begging that they might be

placed in the same rooms with the crew, which was granted one day before our going to Salerno —namely, on the 24th November. They have now a certain space to walk in, in the larger room of the two. Since their arrival at Salerno, the engineers have frequently been conveyed from their prison to the tribunal to be examined by the Attorney General. On these occasions they have been paraded through the streets of Salerno, strongly guarded, and handcuffed. They have repeatedly begged that they might be spared the pain and humiliation of handcuffs, but their prayer has always been refused. The handcuffs are made of iron. Park states that for several days after they reached Salerno the marks were still visible on their wrists and arms, from the tightness with which they were bound when they were taken from Naples to Salerno. The small sum of four grani per day, allowed to each man by the Neapolitan Government, enables them to pay for the hire of their beds. The beds are of a better description than those they had at Naples. The company to whom the *Cagliari* belongs allows about 12*s*. 2*d*. daily to assist the crew in their subsistence, but this small sum having to be divided amongst twenty-two persons, helps them but very little."

Such was the cruelty to which they had been subjected, that one of them had been suffering from illness, and the other had been unfortunately reduced to a state of insanity. Under these circumstances, then, he had thought it his duty to put to the Government the question of which he had given notice, and after the production of the papers if the men were not in the meantime liberated he would certainly found a substantive Motion upon the materials which would be then in possession of the House.

THE CHANCELLOR OF THE EXCHEQUER: Though I have already spoken in this debate, I will ask permission of the House to be allowed to do so again; for it would be an apparent want of courtesy to the hon. and learned Gentleman if I did not answer the statement which he has made. No doubt the case of these two engineers, to whom the hon. and learned Gentleman has referred, is one of a very distressing character, and one which must command the marked sympathy not only of every Member of this House, but of the country generally. That men from the north of England, in the peaceable pursuit of that ingenious industry for which that district is celebrated, should be suddenly thrown into a prison in the south of Europe, under the circumstances in which these individuals find themselves, is an incident which at once engages the attention of all. It may be that these individuals are morally innocent. Indeed, I do not hesitate to say, that I entertain a very strong impression that they are morally innocent. But the hon. and learned Gentleman must know that a person may be morally innocent, and yet may, by unfortunate causes, be placed in circumstances in which it is absolutely necessary that, to demonstrate that moral innocence, he must submit to judicial investigation. I do not clearly understand from the hon. and learned Gentleman what it is that he expects from Her Majesty's Government. Let us look at the facts of this case without prejudice. It happened about nine or ten months ago; and of course that alone is a reason which would render us most anxious to pay every attention to the position of these individuals. But the late Government gave their attention to these circumstances. They were submitted to the investigation and to the decision of the law officers of the Crown, and the course of the Government of that day was taken in accordance with the decision of the law officers. They have continued, during this long period, to act upon the opinion and by the advice of those high authorities. The opinion of those authorities was not a casual or cursory opinion. The attention of the law officers was drawn to every incident as it occurred in these transactions; and therefore it was the continuous and frequent opinion of the law officers that guided the late Government in the course they pursued. It is not, therefore, a matter of policy which can be affected by a change of Government; it is a matter of law. The Government of this country has acknowledged the jurisdiction of the Kingdom of the Two Sicilies in the instructions which it has sent out, and has even been interfering in the regulation and management of the trial. They have, for example, demanded that these two English prisoners should have the privilege of receiving the visits of their relatives and legal advisers. The question, I repeat, is one of law, and not one of policy; and I have not heard from the hon. and learned Gentleman one reason why we should take it out of the class in which we found it. I cannot presume to give an opinion on this legal question. Some may think that the opinions which have guided the English Government ought to preponderate. There are other opinions which may be equally entitled to respect. But whatever opinions may be entertained, all will agree that it is a moot point of law, and therefore all that can be done by those who have the

management of affairs is to be guided in their conduct by the decisions of the responsible law officers of the Crown. The proceedings having been in progress for some nine or ten months—the jurisdiction of the Kingdom of the Two Sicilies having been acknowledged from the first by the English Government—and they having interfered as far as the management of the trial of these Englishmen was concerned—it seems to us that we are foreclosed from opening this question. We have admitted the jurisdiction; and I think the hon. and learned Gentleman is labouring under a false impression in supposing that this was a mere affair of policy which could be changed by a change of Government. I do not see that the present Government could do more, in the position in which this question finds itself, than to take the most efficient steps to obtain for our unfortunate countrymen prompt justice, and to take care that, while the investigation is going on, they should feel that they are not deserted by their country. Finding this state of affairs, I can assure the House that Her Majesty's present Government have not at all neglected these unfortunate men. It was the very first thing to which we gave our attention. My noble Friend the Earl of Malmesbury communicated immediately with a gentleman of ability and influence who happened to be at Rome, and he was directed to repair instantly to Salerno, to investigate from the first the whole of the proceedings against these two unfortunate individuals. The Gentleman to whom I refer was instructed to take every precaution that their trial should be conducted with impartiality, and that they should want no means of assistance in conducting their defence; in short, "to do everything (I believe I quote the language of the instructions) to comfort and sustain them in the grievous trial to which they are subjected." I am reminded, too, by an hon. Friend near me that he was further directed to accompany all this with as strong a protest as possible against any delay whatever in coming to a decision on this case. I hope the House will believe that, in the difficult position in which we found this affair, we have done all—I do not say that could be done—but all that it was advisable to do for the advantage of these two men. And I must express more than a hope that these exertions will not be fruitless, that we shall see our countrymen restored to their homes in England, and that the end of this unhappy affair will not be so mortifying and so shameful as the hon. and learned Gentleman thinks. The hon. and learned Gentleman guarded himself against any expression which at this moment might produce excitement or arouse feelings—unamiable feelings—towards the Government of Naples. I am extremely glad that he spoke in that spirit. I do not think at this moment that the position of our unfortunate countrymen would be benefited by the use of violent or intemperate language, or by a departure from that courtesy which is usually shown to foreign Powers. After all, what is more important now than the question of law—and what more nearly touches the heart and feelings of this country—is, that we should obtain the release of those two men, and that we should obtain that release accompanied by a full and public recognition of their innocence. Such a result will be facilitated, no doubt, by temperate conduct and temperate language. I can assure the House that the subject anxiously occupies the attention of the Government, and that no means will be spared by which we can obtain for these individuals that justice to which they are entitled, and the vindication of their character from that charge of misconduct of which I believe them to be entirely innocent.

MR. HEADLAM said, that one of the unhappy men, to whom the right hon. Gentleman had referred, was a native of Newcastle-on-Tyne, and consequently in some respects a constituent of his own, and he might therefore be excused for making some remarks on the subject. He, of course, was ready to admit that, as the right hon. Gentleman had said, the mere change of Government did not necessarily include any change of policy, nor could it affect questions of law; but it was not his intention to direct any argument, or indeed to say anything to the present Government which he should not have said to their predecessors. He confessed he had listened with some dissatisfaction to the statement that the previous Government had admitted the jurisdiction of the kingdom of the two Sicilies, and that the present Government considered themselves bound to take the same course. He confessed he felt somewhat alarmed lest, between the two Governments, the lives and liberties of our countrymen should be endangered if not destroyed. He had for some time watched the case with attention, and taken a deep interest in the result. Like the late

Government, for a long time he believed, upon the facts that were before the House and the country, that the strict letter of the law was with the Neapolitan Government. He had thought that the capture of the steamer was legal—that the Neapolitan Government had a right to try the English engineers, and, as an incident to that right, had a right to detain them in custody. Such being supposed to be the facts, the duty of the Government was limited to the course pursued by the late Administration, namely, a mere suggestion that the trial should be a speedy one—an endeavour to obtain justice when it did come on—and an endeavour, by remonstrance or other modes, to mitigate as far as possible the hardships to which these men were subjected in the intervening period. Now the facts appeared to be different, and the case assumed a totally different aspect. It now appeared that the Neapolitan Government had not the law with them, and that they were not justified in the capture of the *Cagliari*, and that, consequently, not only had we a right to complain of the cruelty to which these men had been subjected, and to say that they were entitled to an acquittal upon the merits, but far more, we were entitled to say that they never ought to have been confined at all, and that they ought not to have been put upon their trial. If this view were correct, then every hour during which they continued in their state of illegal confinement a wrong was committed on these poor men, and an act of humiliation was done to this country. The legal question involved was based upon a few simple principles. It was an undoubted fact that this capture did take place not within waters of Neapolitan jurisdiction, but upon the high seas. Now this was the essence of the whole question. When the case was first made known to them there was reason to suppose that the capture was made within the Neapolitan waters, and not where it actually was made. The reason of the mistake was this, that immediately after the capture of the *Cagliari* she was taken in tow by a Neapolitan war steamer, and brought within a few miles of the Neapolitan shore. Consequently, when the vessel was first seen in custody it was within the waters of Naples, and therefore the impression arose that the capture was made within those waters. This was the first and most important fact of the case. The second was, that when the vessel was captured she was not then committing any act of violence or wrong. She was peaceably navigating the Mediterranean sea, and nothing was being done by her which could at all be construed into an act of war or piracy, or an invasion of the municipal law of Naples or any other country. However, she was taken forcibly by two armed vessels. There was no doubt of the forcible nature of the capture. The two ships of war first fired a shotted gun over her. They cleared their decks for action, and despatched a launch full of armed men to board her, and bring the captain and crew on board the Neapolitan vessels. The question, under these circumstances, was one which any hon. Gentleman, learned or unlearned, could decide upon for himself. They knew of course that if any Englishman, however innocent, had been arrested in a street of Naples for an alleged breach of the peace they could not deny the right of the Neapolitan Government to try him even though they could bring the clearest proofs of his innocence. All they could do was to endeavour to mitigate the evils of his position and to get him a fair hearing. But if the Neapolitan Government arrested a British subject, even though undoubtedly guilty of a breach of the peace, or any other crime, on British territory, or on that of any other country, or even on the high seas, they were acting without the sanction of law, and beyond their right; and it would be the duty of this country to deny the right of the Neapolitan Government, and to seize the wrong-doer and demand his release. No dispute could arise as to the facts; and as to the matter of law he would undertake to say that, if the matter were argued, no doubt could exist as to the course which ought to be taken by this country. The case, however, did not rest here. This was the course taken by the Sardinian Government. The Sardinian Government contended that the *Cagliari* should be restored on the ground that the had been captured out of the Neapolitan jurisdiction, and he contended it was the duty of the present Government as it was the duty of the late Government, if they had known these facts, to support the same view, and to bring the matter, not before the Neapolitan tribunals, to whose jurisdiction he would not submit, but before the Neapolitan Government, for the purpose of insisting on the restitution of the subjects of this country. This was not the time, perhaps, to enter further upon the question, but he confessed, he felt very strongly upon he matter. He felt that these me were our fellow-subjects—men on who

great and grievous cruelty had been inflicted, and he for one was not satisfied with the course which Her Majesty's Government had pursued. He understood from the newspapers that Mr. Lyons had been directed to attend at the trial, and to see that justice was done. He doubted if that step was in truth a sufficient one, or adequate to the gravity of the occasion. He believed that the truest course to take for the honour and dignity of the country, and the best for those unhappy men who had been now subjected to ten months of grievous persecution, would be with firmness and dignity to deny the right of the Neapolitan tribunals to try them, and to claim, in conjunction with the Sardinian Government, that they should be restored to their liberty and their country.

Mr. ROEBUCK: If anything could astonish me in this House it would be the language of the right hon. Gentleman the Chancellor of the Exchequer—language wholly unworthy of a British Minister. Two Englishmen have been seized unjustly upon the high seas, and have been subjected to ten months of horrible imprisonment. The Government of this country were cognizant of these facts, though the right hon. Gentleman is not answerable for what occurred then. Sir, I do not care whether the men were taken in Neapolitan waters or out of them. I will enhance my case by saying that it appears that they were taken beyond the Neapolitan jurisdiction; but even if they were taken within it, I say that, being Englishmen, they ought to have been protected by the power of England, and to have had a fair and immediate trial. What, however, was the fact? They were not tried, but consigned to a dungeon. They were subjected to horrible privations; and we looked on—tamely looked on—while Naples committed this indignity on English subjects. But there the case does not rest. The men were taken out of Neapolitan waters, and then the Neapolitan Government attempts to say they were pirates. Sir, the piracy was on the part of the Neapolitan Government, and not on the part of these men. They were going from Genoa in the first place. They were seized, a pistol was held to their heads, and they were ordered to do certain things. They did them. When released they went back again, and were on their way to Naples to give information of what had occurred. Met by Neapolitan vessels, they were taken prisoners, were carried into port, and every man on board, though wholly innocent, was thrown into prison, and treated in a way that is a disgrace to a civilized country. All these facts came to the knowledge of the Government, now sitting on this (the Opposition) bench. Was anything done to vindicate the honour of England? Not at all. We had recalled our Minister. We had enacted that farce. And what happened? Why, two Englishmen were subjected to this horrible imprisonment, and nobody was there to watch over their interests. What ought to have been done? Why, an immediate message ought to have been sent to the King of Naples; and, supposing they were taken in Neapolitan waters, he ought to have been told—"These men are to be tried immediately; they are not to be treated injuriously; their honour, their fortunes, their very lives, are not to be endangered, but they are to be tried fairly and immediately." And if this was not done, instead of sending "Mr." Lyons, I would have sent Lord Lyons to Naples. A three-decker in the Bay of Naples within cannon-shot of the Royal palace—that is what I would have sent. The right hon. Gentleman talks about using amiable language. Sir, the "amiable language" that I would have spoken would have been cannon-shot. We are told of Britannia,

> "Her march is on the mountain wave,
> Her home is on the deep."

Now, I say that her home is no longer on the deep if these things are permitted. There was a time when Spain perpetrated atrocities on an Englishman who, after having described the horrors to which he had been subjected, said he believed his last hour was come, and that he committed his soul to God and his vengeance to his country. On the part of these men, I say that they, going abroad, ought to have gone with the broad ægis of England extended over them, and ought to have walked the waters as safely as they would have walked on the floor of this House. What is the worth of England's navy, what is the worth of England's name and of England's power, if protection is not afforded to English subjects wherever they go? These men were in the pursuit of peaceful objects; they were doing nothing contrary to any law of any country whatever; and yet we suffer them to be thus harassed, thus degraded, thus ruined. Why, one of those poor fellows has lost his reason from the severities of a Neapolitan imprisonment; and we have stood by and the House of Commons is now told not to

use "unamiable language." "Unamiable language!" when I know that one of my countrymen has been rendered insane by the conduct of Naples! Sir, I should be unworthy of the position which I hold as an English representative if I did not raise my voice to say that, in whatever clime, by whatever Government, an Englishman is injured, it is the duty of England and of the English Government to defend him.

MR. W. EWART said, it appeared to him that the circumstances of this case had completely changed, for it was now clear that the *Cagliari* had been captured on the high seas, and not within the Neapolitan waters. It was upon that view of the case that Count Cavour, the noble Minister of Sardinia, had founded his able and dignified despatch. As soon as he had discovered the real facts relating to the capture, he lost no time in sending a declaration to that effect to the Neapolitan Government, and in taking his stand on the rights of nations. Now, he (Mr. Ewart) wished to ask Her Majesty's Government whether their attention having been called to this change in the circumstances of the case, they proposed to act with the vigour which characterized Count Cavour, and to send a corresponding memorial to Naples on the part of this country? As long as they were ignorant of the real facts they were warranted in acquiescing in a judicial investigation of the case by the Neapolitan tribunals; but as soon as these facts became known to the English Government he thought they were bound to lose not a moment in demanding the observance of international law, and in vindicating the rights of Englishmen and the claims of justice.

MR. HORSMAN said, he fully concurred with the hon. and learned Gentleman the Member for Newcastle (Mr. Headlam) in thinking that the question under discussion could not long remain in the position in which the right hon. Gentleman opposite seemed disposed to leave it. Whether the present or the late Government were to be held culpable in reference to the matter, it was, in his opinion, high time that the House of Commons should take its consideration into its own hands and make itself acquainted with all the circumstances and all the facts of the case. After the facts which had been publicly stated, and which had, as far as he could see, continued uncontradicted in reference to the treatment of two of our fellow-countrymen, who had now been in prison for a period of ten months, the position of that House was, he could not help thinking, most humiliating; while the course which the right hon. Gentleman opposite had indicated it to be the intention of the Government to pursue was not, he thought, creditable to the Minister. It appeared from the public papers that a despatch had been sent by Count Cavour to the Neapolitan Government. That despatch had not been laid on the table of the House, but he presumed that that document had received an answer, and that a copy of the answer was in possession of Her Majesty's Government. Now, he wished, under these circumstances to know whether the right hon. Gentleman was not in a position to state that in that answer the Neapolitan Government had admitted that the capture of the *Cagliari* had taken place in the open sea, and that the vessel herself was such as she had been described to be by the Sardinian Minister? If that were the case, then he should like to ascertain whether Her Majesty's late or present Attorney General, or any lawyer speaking with any authority upon the question, was prepared to contend that the capture of the *Cagliari* was other than an illegal act? If the capture were illegal, did it not follow that the detention of the two engineers, their imprisonment, trial, and every subsequent proceeding taken against them, were also illegal and in direct violation of international law? If that was a true statement both of the facts and the law, could it be satisfactory to the House that the right hon. Gentleman opposite should tell them that the late Government having chosen to submit to a state of things, under which British subjects were imprisoned and tortured to such a degree that both lost their health and one his reason, therefore Her Majesty's present advisers, although they knew that these outrages had been perpetrated against their countrymen in violation of international law and every principle of justice, did not find themselves in a position to back the representations which had been made by Count Cavour, but must leave our Sardinian ally to fight the battle by himself? Did we admit the legality of the proceedings which had been adopted by the Neapolitan Government? Count Cavour, had disputed it. He had insisted upon the prisioners being delivered up, while we had refrained from taking any such decided course. The late Government were not perhaps much to blame for the line of conduct which they had pursued at the outset, when their knowledge of the transaction was neces-

sarily imperfect; but when they became aware of the circumstances of the case, and especially of the statements made by Count Cavour, they became liable to censure for the policy which they adopted, as Her Majesty's present Ministers would undoubtedly become, if they persevered in a similar policy. He trusted the whole of the papers connected with the subject would be laid before Paliament—namely, the communications which took place between the late Government and the acting Consul at Naples; those between the acting Consul and the authorities there, as well as any correspondence which might have passed between the noble Lord lately at the head of the Foreign Department and the Neapolitan Minister. He thought the time was come when the House ought to have the fullest information upon the question, as indeed he thought it ought to have upon every other important transaction in connection with our relations with foreign States. It was, in his opinion, most desirable that that system of secrecy in dealing with such matters which had hitherto prevailed should be put an end to, inasmuch as it was a system which, although it might be well suited to despotic Governments, was altogether alien to the feelings of our people and to the principle of our constitution, and which had more than once led England into difficulties and disaster. If, however, the Government should decline from a sense of duty to lay upon the table of the House the papers to which he had referred, he deemed it but fair to warn them that the House of Commons would hold them quite as responsible, as if they had been in office six months ago, for every step which they took now that they had a full knowledge of the circumstances of the case. He thought the House should insist on the production of all the papers without reservation, in order that they might be enabled to form their opinions on the whole matter.

Mr. GLADSTONE: I confess, Sir, I feel we are discussing, or rather half discussing, a question of great interest and immeasurable importance under disadvantages which almost preclude the hope of our making any practical progress towards its satisfactory solution. My principal object in rising upon this occasion is to express my earnest desire that Her Majesty's Government may be disposed to accede to the request which has just been made to them by the right hon. Gentleman opposite (Mr. Horsman) for the production of the papers which he has mentioned. I do not understand that any negotiations are at present in progress; and, if such be the case, I think the aspect of the facts, which have been brought under our notice is such as to render it incumbent upon this House to take those facts into its careful consideration. I cannot join with those who are prepared in the present state of our information to pass sentence upon the hon. Gentlemen who now hold office, and I may add that we ought, in my opinion, to wait for the acquisition of a much more minute knowledge than we yet possess of the circumstances of this transaction before we come to a decision with respect either to the culpability or the blamelessness in regard to it of any Government whatsoever. The point involved is one which turns very much on dates. It is one, with reference to the merits of which a complete misunderstanding seems originally to have prevailed; and I cannot help regretting that my hon. and learned Friend the Member for Sheffield (Mr. Roebuck) should, in our present state of ignorance, have entered into the hypothetical question as to what it would be the duty of the Government to do if the *Cagliari* had been captured in the Neapolitan waters. We are now aware that she was not captured in those waters, and also that when the circumstance of her being seized came to light she was supposed to have been captured within them. Well, if she was supposed to be captured within them, owing to whose fault did that error arise? So far as I can understand, it arose out of the proceedings of the Neapolitan Government; and therefore, if this essential and vital error arose out of the proceedings of the Neapolitan Government, it appears to me to clearly follow that that Government can on no good ground be held entitled to take any benefit by its own wrong. If, upon the other hand, the admissions which were made by the late Government were made in consequence of their being misinformed as to the facts of the case, then they are not, I contend, binding on Her Majesty's present advisers, and still less on the House of Commons. But if—what I trust may not have been the case—what I trust I may be informed has not been the case, but what is the case for ought we know to the contrary—any further representations have been made by Her Majesty's late Government after the facts, as they now

appear, were known to them for it is now a long time since I read in the newspapers the despatch of Count Cavour,—I confess it will be with pain, astonishment, and shame I shall find that the duty of vindicating the law of nations and the rights of Englishmen, even by accident, have fallen into the hands of feeble Sardinia, and has not been taken up by powerful England herself. I trust we shall have the whole of the circumstances connected with this transaction laid fully before us. It has now unfortunately reached a point when any expression of the wishes of this House may be too late, and may even seem ridiculous in the eyes of the world, inasmuch as that step may be taken when the trial of those two unfortunate engineers has been brought to a conclusion. At the same time, however, partly upon their account, but still more because of the principle of public right and of Ministerial responsibility which is involved, it is in my judgment of the utmost importance, unless public inconvenience could be shown to arise from the adoption of that course, that the House of Commons should be placed in full immediate possession of the facts. I may add that if there should be any reluctance on the part of the present Government to lay upon the table the papers which they have been asked to produce, that reluctance cannot certainly arise from any interested or selfish motives, inasmuch as they have but just assumed the reins of power. If they should, therefore, refuse to comply with the request of the right hon. Gentleman opposite, they will, I have no doubt, be able to justify that refusal upon the ground of the public convenience. I trust, however, that no such reason exists, and that they will find themselves in a position to accede to the request which has been so judiciously made by the right hon. Gentleman, and lay upon the table the documents in question.

Viscount PALMERSTON: Sir, the case which is now under discussion is one which occupied, for a considerable period, the anxious attention of the late Government, and I need hardly say that we should have been extremely glad if we could have found grounds which would justify us in making such demands upon the Neapolitan Government as would have tended to the liberation of the two Englishmen who have been confined in that country. Throughout the whole course of our proceedings in reference to the matter, however, we were guided by the opinions of persons more competent than ourselves to determine a question of international law. It certainly was, for a long time, our belief that the *Cagliari* had been captured within Neapolitan jurisdiction; but it at length turned out, from certain papers which were published by the Neapolitan Government in connection with the trial of the prisoners, that the capture took place beyond the territorial jurisdiction of Naples. Now, that was a circumstance which I should certainly have thought would materially alter the case as it had at first stood; but in that also we should have been guided by the opinion of those who, as I said before, were most competent to give an opinion. However, the question thus raised was one which was still under our consideration when we retired from office. With regard to the question of laying upon the table of the House any papers relating to this transaction, the House will permit me to remind them that some portion of those papers were laid upon the table during the last Session; and, speaking from a general recollection of what has passed since, I am bound to say, as far as we are concerned, there is no objection to the production of any other correspondence that had taken place up to the time of our retirement.

Mr. MONCKTON MILNES said, he thought the papers which had been referred to would not be sufficient, without the production of the opinion of the law officers of the Crown upon questions which had not been answered at the period of the retirement of the late Government. Without the whole of the papers, the House would not be able to arrive at a satisfactory conclusion. The right hon. Gentleman opposite (Mr. Gladstone) had truly stated that this was a question which not only affected those unhappy engineers, but also involved the honour of the country. Even should it happen that, before the tardy attention of the House could be brought to bear upon this subject, those unfortunate engineers should be, as he did not doubt they would be, fully acquitted—even under Neapolitan laws, there would be the question of exacting from the Government of Naples a just and adequate compensation for those unhappy engineers,—a question which he trusted the Government would not be permitted to blink in any way.

Mr. SEYMOUR FITZGERALD said, the right hon. Gentleman the Member

for Oxford University (Mr. Gladstone) had uttered nothing but truth when he stated that Her Majesty's present Government could have no reason on their own account to decline the production of any papers that would tend to give complete information to the House on this important subject. Since the Government had entered into office there had been, he believed, but two papers connected with these transactions, which had been received or sent by the Department with which he had the honour to be connected. One of those papers communicated the intelligence that one of the unfortunate engineers had been placed under the care of the British Consul, and had been discharged from prison. The other papers were instructions to Mr. Lyons from the noble Lord (the Earl of Malmesbury) at the head of the Foreign Department. Those were the only communications which had taken place since the present Government entered upon its duties, and there certainly could not be any disinclination to produce those papers from a fear on the part of the Government that the contents would not meet the approval of the House; but the difficulty they found in the production of the papers asked for was, that if nothing but mere statements of facts from the acting Consul at Naples to the Government were to be laid upon the table, it would be really giving the House no further information than was already possessed by every hon. Gentleman present, and, more than that, it would be giving official information in a very imperfect form. Besides those papers which might be produced there were the opinions of the law officers of the Crown. Now, he believed it was a known fact that when the opinions of the law officers of the Crown were requested for the guidance of Her Majesty's Government it was a settled rule that neither the papers laid before those officers, nor the opinions which they gave, founded upon them, should be communicated to Parliament. That was the settled rule which had always been sanctioned by the House, and therefore he submitted it would be an idle ceremony to lay upon the table a mere statement of circumstances that had occurred, without accompanying it with what is of much more importance—the documents showing the grounds on which the Government had acted. With reference to one statement of the noble Lord (Viscount Palmerston) I think he was rather in error in supposing that there was anything pending before the law officers of the Crown at the time his Government quitted office, or waiting their decision whether the altered circumstances caused by the claims of Count Cavour could in any way change the action of the Government. In reference to that point he wished to make a short statement. The claim made by Count Cavour was put forward towards the end of December, or at least communicated to the British Government about that time. The whole matter was laid before the law officers of the Crown, and it was their deliberate opinion that, whatever might be the merits of the claim made by the Sardinian Government to have the ship and cargo restored on the ground that the ship was carrying the Sardinian flag and was protected by that flag, the British Government, even supposing the facts to be as stated by the Sardinian Government and that the vessel had been seized beyond the Neapolitan jurisdiction, would have no right to demand the liberation of British subjects taken on board, without their undergoing a formal trial. The hon. and learned Member for Newcastle (Mr. Headlam) had assumed that the fact of the vessel having been seized on the high seas made such an alteration in the case that it was perfectly clear the British Government had a right to demand the liberation of the engineers. He (Mr. S. FitzGerald) could only say the matter had been laid before the law advisers of the late Government who, no doubt, fully considered it, and the conclusion they arrived at was that such a right did not attach to them, and that even if the claim of the Sardinian Government should be fully established it would effect no change in their own conduct. There appeared to be a general impression on all sides that Her Majesty's present Government could not, under any circumstances, pursue a course different from their predecessors, who months ago by directing the engagement of counsel, seeking out witnesses, and taking other steps in the trial, had recognized the jurisdiction of the Neapolitan tribunals, and had, moreover, distinctly stated they were willing to abide the result of the trial, as if British subjects offended against Neapolitan laws they must be tried according to those laws. The only question was, whether the position of the present Government was not different from that of the late in consequence of the knowledge of the circumstances detailed in Count Cavour's claim. In answer

to that, he would repeat that all those circumstances had been known to the late Government in December, who took the opinion of their law officers upon them, and it was not for the present Government to depart from the course which their predecessors, after deliberate consideration, had determined to adopt. It would be very difficult to make any selection of papers which would be at all satisfactory to the House, without embodying the opinions given by the law officers of the Crown, which it was a settled rule not to produce; and that being the case, he hoped the House would not press for the production of the papers at the present time. If, however, upon looking over the papers, it should be found that there were documents which would give any further information to the House without trenching upon the rule to which he had adverted he should be very happy to produce them.

LORD JOHN RUSSELL: I am sorry the statement of the hon. Gentleman who has just sat down is of so unsatisfactory a character. I concur in the opinion expressed by my right hon. Friend the Member for the University of Oxford, that it would not be satisfactory to discuss the question of the capture of the *Cagliari*, and the proceedings adopted by the Neapolitan Government in reference to those two British subjects, without being in possession of as full information as can be afforded to us on the matter; but I think we may discuss what is the best way of obtaining that information. The hon. Gentleman says, and says rightly, that according to invariable usage the opinions of the law officers of the Crown cannot be produced. That may be; but what can be produced are the letters or despatches of the Secretary of State or the Under Secretary founded upon those opinions and directing the agents of the British Government abroad to act accordingly. We have thousands of instances that when the opinion of the law officers of the Crown is taken for the purposes of guiding our agents abroad, the despatch of the Secretary of State follows as nearly as possible, not only the sense, but the words of the opinion so given. Although the Government may very properly and according to precedent object to produce the technical opinion or the case, it is possible for them to produce a despatch of the Secretary of State or of the Under Secretary or anything written recording the transaction, which will be of some service in aiding the House to come to some opinion upon the main question. There are two very important considerations involved in the detention of these engineers; one is as to the capture of the *Cagliari*, whether made in Neapolitan waters or on the high seas; and the other is as to the treatment of the engineers themselves. With respect to the first of these questions, the hon. Gentleman the Under Secretary for Foreign Affairs has given us additional information, for he says the opinion of the law Officers of the Crown was to the effect that, whether the Sardinian claim be well or ill founded, the British Government has no right to claim the liberation of the engineers. It seems to me that if the opinion of the law officers went to this—that the vessel, being a Sardinian vessel, and under the Sardinian flag, the British Government could not claim it, the House will generally assent to that proposition; but if it is meant to be said that the Sardinian Government, having according to the law of nations claimed that vessel, if that vessel contained two British subjects, whose capture in direct violation of the law had been followed by a long term of imprisonment before being brought to trial, nobody shall persuade me that the British Government ought not to support the Sardinian Government if they are satisfied that it is a just claim which is made, and to use the power and resources of their country, in the aid of the weaker State, in order to obtain a suitable measure of redress. But now comes the other question—namely, that of the treatment of those two British subjects. I must say, supposing the capture to have been justifiable, and that there were circumstances of suspicion attaching to the two engineers, the treatment of them went far beyond that which was necessary for their safe custody. The time was unnecessarily protracted, their treatment was needlessly harsh, severe, and cruel; and, even supposing the Neapolitan Government had a *prima facie* cause for their imprisonment, it was wholly uncalled for that that imprisonment should have been attended by circumstances resulting in the loss of health to one and the loss of reason to the other. The right hon. Gentleman the Chancellor of the Exchequer tells us to use "amiable language" towards the Government of Naples, and has expressed confidence in the result of the trial. Sir, I have no confidence either in the justice of that Government towards these unfortunate men

before trial, or in the justice of the court before which they are brought. I know perfectly well, it has not been unusual for the Neapolitan Government, when they found that there was any independence in a judge or a regard for law, to change the judges appointed to try prisoners either previous to the trial or, it may be, during the course of trial; and I should not be surprised to hear, if the Neapolitan Government wish these men to be convicted and the judges are not likely to convict them, that they had recourse to changing those judges and that other more subservient instruments had taken their place. My noble Friend (Viscount Palmerston) in speaking of these transactions did not seek to defend the Neapolitan Government; but said the House was aware that justice might be perverted in their courts of law. That is my own impression; but whatever course the Government may pursue on this subject, and whatever this House may think it essential to do hereafter in reference to it, I am not ready to make the admission that we are to consider everything that the Neapolitan Government has done has been according to justice, and that there is no need of enforcing on them the observance of those principles of equity on which other Governments act. I hope the noble Lord at the head of the Foreign Office, from whom I should expect every fair consideration of this question, will feel it consistent with his duty to produce all the papers bearing upon it. I hope that those papers will include the despatches of Count Cavour and any communications that may have been received from Sir James Hudson, and that the House will be enabled to form a sound judgment on the matter. I will only say, before resuming my seat, in answer to the question put by the hon. Gentleman the Member for North Warwickshire (Mr. Newdegate), on the subject of the Oaths Bill, which stands for consideration on Wednesday next, that I shall certainly not postpone it. If the hon. Gentleman chooses to make his Motion in any other stage of the Bill that is in his power, I shall only say that I will go on with the Bill on Wednesday next.

MR. RIDLEY said, if his memory served him rightly, when the Chinese papers were laid on the table the opinion of the Queen's Advocate in reference to the Chinese lorcha was among them. He thought, in order to enable the House to judge of the effect of the change of circumstances upon the case under consideration, it was desirable to have the opinion of the Queen's Advocate upon it, and that that opinion, when given, should be included in any papers that might be laid upon the table.

MR. BERNAL OSBORNE: Sir, I do not wish to stand more than a few moments between the House and the Motion for adjournment to Monday next on its rising. I quite agree with my right hon. Friend the Member for the University of Oxford, if he will allow me so to call him, that until those papers are produced we are not in a situation to discuss this question; still less to blame Her Majesty's present Government. But I must be allowed to express at once my regret and surprise that the two questions which were put at an earlier period of the sitting by the hon. Member for Richmond (Mr. Rich) and the hon. Member for King's County (Mr. P. O'Brien) have not been treated with that courtesy which I think they deserve, and which has been vouchsafed to that of the hon. and learned Member for Bridport (Mr. Kinglake). I think it is not unnatural when a Government has come into power—or rather, I should say, into office under such peculiar circumstances, to expect that some account should be given to this House of the policy which they intend to pursue. I believe that this has always been the case whenever a Government has succeeded to another Government, and still more so, I believe it has been the case when the head of that Government sits in what is called "another place," because any exposition of a course of policy given in "another place" is not constitutionally before this House. Therefore it was with surprise that I saw the right hon. Gentleman resume his seat, and not give any answer, even in the "amiable language" he so much insists on, to the questions which had been asked him by the two hon. Members, and which certainly call as much for a reply from the Government as this question of the *Cagliari*. I must take leave to say that these are very important questions. The right hon. Gentleman has told us to-night that it is his intention to call for large votes of money on credit, and he asks for the utmost forbearance of this House. So far as I, an individual Member, am concerned, I shall give him every assistance that I can conscientiously tender; but at the same time I think it would have been but respectful to this House, and still more to the country, if he had given us some programme of his intended measures

before calling on us to vote money. I do not on the present occasion press this subject, because, the right hon. Gentleman having already spoken on the Motion for adjournment, it is not competent for him to do so again, and he may perhaps have yet to make up his mind as to the policy he means to pursue. At all events you, the House of Commons, know nothing whatever as to what the policy of the Government is to be. We have heard to-night that they have succeeded to the noble Lord's foreign policy with regard to Naples. I do not know whether the House will be satisfied with that; but from what I have been able to see, I think it is probable some "painful misconceptions" are likely to arise with Naples. With regard to France, with which it was said "painful misconceptions" had arisen, when the right hon. Gentleman takes credit for putting an end to those "painful misconceptions"—which I shall only take leave to say originated in his own fertile imagination—I must confess I was not aware, before he went down to Aylesbury to address his constituents, that there were such "painful misconceptions," except those which the right hon. Gentleman and his party had chosen to create. When he asks a vote in Supply, I trust he will be prepared to give the House some programme of his intended measures, and that the House will not grant any supplies until he does so. The right hon. Gentleman has asked for the forbearance of the House, my intention is to use the utmost forbearance and the most "amiable language" towards the Government of which he is a Member, I believe, and have long believed, that the right hon. Gentleman who represents Buckinghamshire, if permitted to have his own way, is as good a Reformer and as advanced a Liberal as any in this House; and if he can only get rid of three or four of his colleagues, the head of the Ministry included, and be allowed a little of his own way, he will meet with some considerable support from the Liberal party. But I tell him he must weed his own party. I repeat that when the right hon. Gentleman calls on this House for any grant of money on credit, I trust that he or some one of his colleagues—say the right hon. Gentleman near him whom he has converted to the admission of Jews to Parliament, and who is supposed to be more immediately in his confidence—will be prepared to make some statement of how the Government of the country is to be conducted. If he does so I shall be prepared to listen to that proposition for a grant of money; but if he does not, when he comes down to the House to ask for that vote, I shall feel it my duty to call the attention of the House to the circumstances under which he has acceded to power, and ask how far they are ready to repose their confidence in the right hon. Gentleman. I shall be sorry to put the right hon. Gentleman in that position. It will be a much more graceful act on his part to make the exposition which I have suggested. I can make every allowance for the right hon. Gentleman opposite. I can imagine that the right hon. Gentleman, coming into power in the way he has done, has had to make up his mind as to the course he meant to adopt. An hon. Gentleman who sits next him said before his constituents that it was not humanly possible that the Government could make up their minds to a policy in so short a time. I am ready to admit, to some extent, the truth of that proposition; but will the right hon. Gentleman tell me when it is humanly possible? I am ready to wait any reasonable time; but before resuming my seat I must repeat that, unless the right hon. Gentleman does make up his mind, I will call for a direct vote of this House, or after consultation with my right hon. Friend the Member for Ashton-under-Lyne (Mr. M. Gibson) who knows so well how to draw Amendments, I will enter into some arrangement by which this House shall be favoured with a statement from the right hon. Gentleman, for I do not think a statement made by a noble Lord in "another place" is or ought to be sufficient either for this House or the country at large.

SANITARY STATE OF THE ARMY.

MR. LAURIE said, he rose to call the attention of the House to the Report of the Commissioners on the Sanitary State of the Army, especially to the portion that refers to the Foot Guards quartered in the Metropolis. When that Report reached him he could not help exclaiming—

> "Can such things be,
> "And overcome us like a summer's cloud
> "Without our special wonder?"

He had certainly been astonished at the high rate of mortality among the household troops brought to light by the Report of the Commissioners, and especially among that portion of the Foot Guards stationed in the Metropolis. There were several reasons expressed, but no doubt,

the principal one was the state of the barracks occupied by the troops. Since reading the Report he had himself visited one of the barracks—those in Portman Street—to judge for himself. There in a small apartment without ventilation, without drainage, and surcharged with vitiated air, he found not less than twenty men huddled together; and the commanding officer informed him that that apartment was preferable to many other of the dormitories which were in use in the barracks, and that the great mortality existing was entirely attributable to want of exercise and the crowding of the men. The subject was one demanding their most serious attention, but as he understood an hon. and gallant Member intended to make a Motion regarding it, he would not now press the matter upon the House. We had an illustrious Duke at the Horse Guards who took a deep interest in the British soldier, and we had now for Minister of War a gallant General who, he was sure, had not allowed one day to elapse without turning his attention to the propriety of having sufficient and comfortable barracks for the brave men who had devoted their lives to the service of their country. He, therefore, would not further trespass on the House than to express his conviction that no parsimony would be allowed to stand in the way, but that they would cheerfully vote any sum that might be required to secure the comfort of the soldiers.

General PEEL said, he could not but acknowledge the importance of the subject which had been brought under the notice of the House by the hon. Member. He could, however, agree with the hon. Gentleman that the first act he did in his official capacity as Minister for War was to ascertain what had been done by his predecessor in respect to this Report. He found that as far back as August last, Lord Panmure had appointed four different Commissions or Committees to inquire into the various subjects alluded to in the Report of the Commission presided over by his right hon. Friend the Member for South Wiltshire (Mr. S. Herbert), and he had the authority of the Government for saying that they would not hesitate to call on the House to vote such a sum of money as might be considered necessary to carry out the requisite improvements.

House at rising, to adjourn till *Monday* next.

SUPPLY.—NAVY ESTIMATES.

Order for Committee read.

Mr. W. WILLIAMS said, a Motion which had been given early in the Session stood in his name for referring the Army and Navy Estimates to a Select Committee. As, however, the right hon. Gentleman had stated that it was only intended on the present occasion to move for certain sums on account, and had asked the House not to enter upon the general discussion, he would not bring forward his Motion at this time. He wished to state, however, that the Estimates for the Army and Navy were the largest by many millions that had ever been submitted to Parliament since the termination of the French war, with the exception of the two or three years of the Crimean war.

General CODRINGTON said, he wished to express a hope that something would be done to raise the compensation given to the staff officers for the deprivation of servants. The sum of 1*s.* a day in England and 1*s.* 6*d.* in the Colonies allowed by the late Government, was utterly inadequate to provide the labour necessary to take care of the horses. He hoped the right hon. and gallant Gentleman the Secretary for War would take the matter into consideration and raise the amount, and also give the option of employing soldier servants when civilians could not be found.

House in Committee; Mr. Fitzroy in the Chair.

(1.) 59,380, Men and Boys for four months.

Sir JOHN PAKINGTON: Sir, I rise to move the first Vote on the Navy Estimates, but before doing so I beg to express my acknowledgments to the hon. Member for Lambeth (Mr. Williams) for the courteous manner in which in deference to the urgent position of public business, he has waived the Motion of which he had given notice, and which he had a perfect right to bring forward. I hope also that the urgency of the occasion will induce the hon. Member for Dover (Mr. Osborne) to waive the course which he indicated in his speech he would take on going into Supply, unless some statement was given of the policy of the Government. The hon. Gentleman has been of late years so little in the habit of addressing the House that now he has recovered his liberty he seems to have forgotten what is the usual mode of designating the hon. Members to

whom he wishes to allude, and therefore I had some difficulty in making out who the gentleman was to whom he referred a short time ago. I am inclined to believe, however, that he did me the honour to refer to myself, and to some observations which I made elsewhere; but the fact of the speech to which the hon. Gentleman alluded having been made should, I think, have shown him that he had little ground for the complaint that the present Ministry had made no statement whatever of their policy. Sir, a statement of our intended course has been made most distinctly in another place by the noble Earl at the head of the Government. A very full statement has also been made by my right hon. Friend the Member for Buckinghamshire (Mr. Disraeli.) I availed myself of a similar opportunity likewise to make a statement, and other members of the Government have done the same thing. I really think, therefore, that if my right hon. Friend (Mr. Disraeli) had now given us a repetition of what has already been so fully made known, the hon. Member for Dover would have been the first to rise in his place and complain of so great a waste of the time of the House. Sir, the state of the public business renders it desirable that we should have every assistance in obtaining some grant of money on account. The House has already been made aware of the necessity for doing so, and I accordingly rise to move the first of a series of Votes connected with the Estimates for the Navy. I have to state, in the first place, that the Votes on account, with which I shall conclude, are founded entirely on the Estimates of the late Government. My right hon. Friend stated the reason why it is essential that we should ask the House for this Vote immediately; but I hope the House will bear in mind that I have succeeded too recently to the arduous and important office which I have the honour to hold, to be able to come forward at once on the part of the Government with a distinct and definite opinion with regard to the Estimates of our predecessors for the maintenance of the Navy. I am bound to admit that I have received every possible courtesy from the right hon. Gentleman the Member for Halifax (Sir C. Wood), my immediate predecessor in office, and that my right hon. Friend has given me every explanation that was necessary to enable me to proceed with the duties the discharge of which I have undertaken. But, notwithstanding that assistance I think it will be admitted that if on the present occasion I should attempt to make a full statement on the subject of those Estimates and announce distinctly the policy of the Government—in regard to them, instead of fulfilling the duty which it is incumbent upon me to discharge, I should be guilty of an act of folly and presumption which could not fail to deserve and to receive the censure of the House, considering how elaborate and important they are. Undoubtedly, it would be in my power to come down to this House and declare that we had adopted the Estimates of the late Government for the whole year, and to shelter myself and the Government under the course which the late Government adopted. But we do not think that this would be either an advisable or proper course. Considering the present state of public affairs, and the demand upon the resources of the navy which the state of affairs in China and India has created,—considering, too, what all parties in this House must admit, the necessity on every ground of prudence and propriety that the navy at home and in the home ports should be maintained in an effective state, the House will think that the Government are only taking a proper course when we announce our intention to take Votes on account for four months, founded upon the Estimates of the late Government. At a later period of the Session I shall move the remaining Estimates, and I will then state distinctly the views of Her Majesty's Ministers, and move those Estimates upon the responsibility of the existing Government. This is the course which we think it our duty to take, and which we are more inclined to follow on account of the very large Estimates that we find were prepared by the late Government. It would be inconsistent with the announcement I now make to go into details, but I will state the leading points which justify the course which I propose to take on the part of the Government. In the first place, then, if the Committee will permit me, it is not unnatural to point out the difference between the amount of the Navy Estimates for 1858-9, prepared by the late Government, and the amount of the same Estimates in 1852-3, when my colleagues and myself were in office during the Government of the Earl of Derby. In the year 1852-3 the gross amount of the Estimates for the service of the Navy was £6,705,746. I find that the gross amount of the Navy

Estimates for 1858-9, including the packet service, is £10,128,615, the difference between the two years being £3,422,869, or in round figures not less than 50 per cent. I am quite aware that there are many circumstances which explain this large difference between the Navy Estimates of 1852-3 and those of 1858-9. In the first place the war with Russia led to an enormous increase of the Navy Estimates. I am bound next to refer to the war with China, or—to use a more appropriate expression—I might rather call it our quarrel with Commissioner Yeh, which has also led to a great increase in these Estimates. The House will also bear in mind the increase of steam ships, the great expenses incurred in the dockyards in consequence of that increase, and the recent transfer of the Coastguard service from the Customs to the Admiralty. All these are circumstances which, I readily admit, go in a great degree to account for this enormous difference between the Estimates of 1852-3 and 1858-9. If, however, I compare the Estimates now upon the table for 1858-9 with the Estimates for the present year of 1857-8; here again I find a very large increase, which I think imposes upon the present Government the duty of carefully investigating its causes. I will first take the difference in the number of men. The number of men voted for the current year, 1857-8, was,—officers, seamen, and boys for the fleet, 31,000; officers and men for surveying, troop, and store ships, 2,000; for the coastguard service, 5,700 making a total of 38,700 men. To these may be added 15,000 marines;—and thus we find that the Estimates submitted to the House by the late Government this time twelvemonth amounted to a gross total of 53,700 men. At a later period of the Session, however, in the month of July, the late Government came down and proposed a supplementary Estimate of 2,000 men, which made a gross total of 55,700 men for the year. In the Estimates now on the table for 1858-9 the number of men is very considerably in increase of that Estimate. The number of officers, seamen and boys, for the fleet is put down at 35,000 instead of 31,000; for surveying, troop, and store ships the number is the same as last year—namely, 2,000; but for coastguard service the number is increased from 5,700 to 7,380. The number of marines is the same—namely, 15,000, for both years: but the general result of the number of men proposed by the late Government to be voted for next year is 59,380 men. The difference in men between the original Estimate of the two years therefore stands thus:—There is an increase of 4,000 in the vote for officers, seamen and boys, for the fleet, and an addition to the coastguard of 1,680, being a gross increase of 5,680 men for next year as compared with the original Estimate for the current year. If, however, we take into account the men voted in July last, the difference between the two years will be 3,680 men. I am bound to add that as we stand at the present moment this increase of men is, in my opinion, absolutely necessary, [Sir C. Napier: Hear!] and I will show it to the House in this way:—The total number of men and boys voted last year for the service of the navy, including the supplementary Vote of July, amounted to 35,000. The number of men and boys borne on the books of men-of-war and vessels in commission by the return of last February was 35,915. So that the number of men in commissioned ships was 915 in excess of the number voted by Parliament during the year. The marines, however, fell short of the number voted by Parliament by 55, and the general result is that, including seamen and marines, the number of men last February exceeded by 860 the number voted by Parliament for the year. If, however, the numbers were raised to the full complement, so that all the ships in commission were fully manned, in addition to the present excess of 860 men, we should still require 1,356 men; showing a total excess above the men and boys voted in 1857-8 of 2,216. Well, Sir, the Estimates on the table prepared by the late Government for next year show an excess of only 2,000 men, and therefore if these Estimates should be agreed to, and if the ships now in commission were fully manned, we should still require 216 men more than are mentioned in the Estimate of the late Government for 1858-9. I mention this to show that the number of men is not in excess, but somewhat short of the requirements of the navy. With regard to the amount of money proposed to be voted, I find that the total estimated expenditure of the present year, 1857-8, including the packet service, is £9,172,509. The gross total Estimates on the table exceed this very greatly, amounting to, for 1858-9 £10,128,615, being an excess over the present year, 1857-8, of 956,106. I shall not trouble the House with further

details, but I have mentioned these figures to show that Her Majesty's present Government are only taking a proper course when, under pressure of our position, we only ask the House to vote supply for four months upon the Estimates of Her Majesty's late Government. I will once more appeal to my own personal position. In consequence of the forms in making out the patents of the new Board of Admiralty the present Board did not commence their sittings until Tuesday last, and it would be idle to suppose that any Board of Admiralty could in three days make themselves masters of all the complicated details of these Estimates in such a manner as to justify their pretending to deliver opinions upon them. Before the four months have expired we shall be prepared, upon our own responsibility, to state what we think those Estimates ought to be. But, in making this statement, I wish to guard myself against two possible misapprehensions. I do not wish it to be understood that I at all intend to hold out to the House that there is now on the part of Her Majesty's Government any deliberate intention or any fixed opinion that it was likely when the time comes for a more elaborate statement, they will be able to propose any reduction in these Estimates. I wish to reserve to the Government the most unfettered discretion, that they may investigate these Estimates and then come down to the House and state what they think ought to be done. I deem it equally due to the late Government to disavow the least intention of implying, from having mentioned these figures, any censure on them, or of leading the House to suppose from the limited experience I have as yet had, that there is the least reason to think that either with regard to the amount of force or the amount of votes the late Government have been negligent of the interests of the country. With this brief statement, I beg to submit to the Committee the first Vote, which, is the number of men for the Navy. I shall therefere conclude by moving that 59,380 men and boys be employed in the sea and Coastguard service for four months ending the 31st of July, including 15,000 Royal Marines.

Sir CHARLES NAPIER said he could assure the right hon. Baronet that he would throw no obstacles in the way of his administration of the affairs of the Navy. He was happy to observe that the late Government appeared to have come to their senses, and had agreed to increase the number of men in the Navy. Last year the Government, or rather the Parliament, had reduced the Navy to a very low figure, both with regard to the number of ships and men; but he was glad to find that what he had proposed last year, but which was then pooh-poohed, was now about to be adopted—namely, to put the block-ships in an efficient state, and send them as guard ships to different points of the coast. He would suggest some changes with regard to the Coast Volunteers, who were not to be confounded with the Coast Guard. There was a sum of money taken for the Coast Volunteers, but it was done in perfect ignorance of what their numbers might be. These men received a small sum for enrolling their names as ready to come forward when they were wanted. But it must not for a moment be supposed that they alone were fit to man our ships. They would be valuable as assistants no doubt, but it was absurd to suppose, as he had seen it stated in speeches and in the newspapers, that we were now able to blockade the whole of an enemy's coast at a week's notice. It was all very well to talk about; they might depend upon it they were not in a condition to do anything of the sort; and the best proof of that was the difficulties they had had in finding men for the *Renown*, which had been lying at Spithead for four months, and even now she was very imperfectly manned. So it was with the *Marlborough*, which was under orders for the Mediterranean. He did not say that if a war were to break out men would not be found to enter more freely than they did at present; but then they must remember that it was not men only that were wanted, but discipline. On former occasions he had proposed an increase in the number of Royal Marines. They were at present in want of soldiers. He did not say that numbers of recruits were not coming forward, but for the most part they were mere children—lads of fifteen and sixteen. Now, the marines was a more popular service than the army, though he did not know why. His plan would therefore be to increase considerably the marine force, and to hand over to them the garrisoning of all the sea ports in time of peace, which would at once set free a number of line regiments for India; and if a sudden war broke out the marines would be ready to go on board ship, and the militia regiments could take their place. He had made this suggestion to Lord Panmure before he left office, who told him he had

no objection to hand over the garrisoning of our sea-ports to the marines, if the House of Commons would consent to increase their number. He could not support the Motion of the hon. Member for Lambeth (Mr. Williams) to send the estimates to a Select Committee, for he believed that a Committee of this House was a very unfit tribunal to inquire into these matters; but he would strongly suggest to the right hon. Gentleman opposite to appoint a Royal Commission to inquire into the management of the Navy from first to last. It was not the men or the provisions that cost the money; it was the increased wear and tear caused by paying-off the ships; and until they gave up the system of increasing the number of ships in one year, and then paying them off in the year following, it was impossible they could ever have a thorough and efficient navy. The First Lord of the Admiralty was yet, perhaps, hardly aware that a ship was commissioned only for three years, when she might just as well be commissioned for five. The ships on the Chinese coast had been out for five or six years; if it had not been for the war they would all have been home by this time—the men would have been turned adrift, the stores taken out or sold as old stores, the ships pulled to pieces, and all sorts of alterations made to no purpose, and then they would have been commissioned again. But in consequence of the cry for economy which was raised last year a number of ships were paid off which were now all commissioned again; and he was sure that this system would be found to have been more expensive than if the services of the officers and men had been retained all through. There was another point he would recommend to the First Lord's notice. He had at present ten councillors; five of them were at Somerset House, and five at the Admiralty. Those gentlemen, whether from jealousy or some other cause, seldom agreed; and if the number were reduced the work would be done a great deal better and at a less expense. He would not throw any obstacle in the way of the Estimates being voted; but, on the contrary, would do everything possible to keep the Navy in proper strength, because he did not think that affairs at the present moment were in a state to justify any negligence.

Mr. W. WILLIAMS said, he thought the right hon. Gentleman was making too large a demand upon the House, in asking a Vote for so long a period as four months; and as he certainly did not agree in the amount of the Vote, he wished it to be distinctly understood that, in allowing the Government to take this amount without opposition, that course would not be held as binding him to support the Estimate when it came before the House at the end of the four months; and that when he came to propose to refer the Estimates to a Select Committee he did not expect to be met by the argument that the House had already voted a third part of them. The right hon. Gentleman had carefully guarded himself against being thought to hold out any expectation that the Estimates would be reduced. He had confined himself entirely to the number of men. Now, he (Mr. Williams) had always been an advocate for the efficiency of the navy; and though it had not been a fighting navy for a great number of years, still the gallant exploits of Captain Sir William Peel and his comrades showed that the men and the lower class of officers were at the present day, as they had always been, capable of performing daring and glorious deeds. He would not, however, appeal to the right hon. Baronet, but to the Chancellor of the Exchequer, who had a general superintendence over the expenditure both of the Navy and Army, and who would not have forgotten the difficulties he had in providing for the expenditure in 1852. The expenditure for the two services was upwards of £6,000,000 more now than it was in 1852, when the present Government were last in office. There were some other legacies which the predecessors of the right hon. Gentleman had left him; and, therefore, it behoved him, for his own sake, to reduce the expenditure as much as possible. He did not complain of the increase of men, but in the officers, who had of late years increased out of all proportion. For instance, in 1846, there were only 153 admirals; in 1851 there were 235; last year there were 316; and in the present Estimate provision was made for 341—about an admiral and a half for every ship in commission. He thought this was monstrous. By the new arrangements of 1846 it was proposed gradually to reduce the number of admirals to 150, but instead of that there were now 341, while only fourteen were employed in active service, and of these half were port admirals, or superintending dockyards. The right hon. Baronet had spoken of the increase required for China, but the fact was that only a few additional

small steamers had been employed. The city of Canton had been taken by one regiment and a few marines; in fact, the French claimed to have had the most important share in it. With regard to the dockyards, the waste there was perfectly astounding, showing that there must be either gross corruption or mismanagement. He had letters from persons who were in a position to know, though he was not at liberty to give the names of the writers, showing that the system of waste that went on was perfectly disgraceful, and that no control was exercised on the part of the public. A million and a half was now asked for, on account of timber and other stores, though it was a fact that, since the termination of the war with France, scarcely one of our ships had been damaged in action. Our ships had not been called upon to fight at all, and yet £77,000,000 had been spent upon them in a period of profound peace. If the right hon. Baronet would look well to the dockyards, he would render the most essential service to the country. He must say, to the credit of the late First Lord of the Admiralty, that his Estimates were put forward in a very clear and intelligible shape—there was no difficulty in understanding them; though how the right hon. and gallant General opposite was to understand the War Estimates of his predecessor passed his comprehension—for a greater mass of confusion he had never seen.

Sir CHARLES WOOD said, he would express his thanks to the hon. Gentleman for the compliment—though he could not take to himself the credit for the undoubtedly clear and intelligible shape in which the Estimates had been laid on the table, as they had always been presented in the same form for the last few years. He rose, however, to say that he quite approved the course which the Government proposed to take with regard to the Estimates. Of course, it was quite impossible that the right hon. Gentleman opposite could have had time to make himself acquainted with all the details of the Estimates, or even to form an opinion on his own responsibility of what they ought to be. The Estimates for the year ought certainly to be brought forward on the full and clear responsibility of the Government, and under the circumstances they had done quite right in proposing only a Vote on account at the present moment. For the Estimates, as they at present stood, he held himself responsible, and when the Estimates for the whole year were brought forward he should be happy to give the Government all the assistance in his power to pass them—always supposing that they were such as the knowledge which he had acquired told him were necessary for the public service. As, however, the voting of the Army and Navy Estimates would form almost the most important business of the Session, he hoped that they would be brought forward at the earliest possible period after Easter.

Admiral WALCOTT: Sir, I have heard with great satisfaction the proposal now made to augment, by 5,600, the present number of seamen and boys; nor can I doubt the ready acquiescence of this House, which has always been willingly granted on occasions when the country demanded a similar increase. At this moment our force at sea is unworthy of our pretensions to be the first maritime Power in Europe. Without doubt, our docks and harbours present an imposing array, and we had stages with gunboats jostling each other, a magnificent fleet, comprising sailing and steam ships of unrivalled strength, capabilities and speed; yet we lately paraded to the world the humiliating dearth of transports adequate for the conveyance of a few thousand troops, and were compelled to press into the service, as one only resource, the merchant navy. It was only last year that I recommended, as indispensable, the maintenance at sea of not less than twelve sail of the line, fully manned and ably officered, in the highest state of efficiency and preparation, because it would afford the immediate means, on the most sudden emergency, of supplying twice that number of ships for the service of the country, independently of frigates and smaller vessels. At a period when science is making fresh advances, hitherto unexampled, and other maritime Powers are strengthening their navies in proportion, no caution can be too great in a timely consideration of the construction of our ships before they are commenced. The position—one of the highest importance and responsibility—of the Surveyor of the Navy demanding, as it does, the display of great ability and a judicious expenditure of the public money, requires that he should be accompanied by a seat in the Board of Admiralty, by which opportunity and authority would be afforded to him to represent his opinions with freedom and cogency. The Navy requires, from its peculiar character, a far-seeing policy and a generous system of rewards. Encourage

those officers who exhibit zeal in acquiring the knowledge of their profession and in the discharge of its arduous duties. Let merit constitute the only claim to promotion. To ensure fidelity in the seaman you must show a scrupulous adherence to every promise, and discrimination with liberality of reward. Economy and retrenchment must be employed in careful forethought before incurring expense, and only as they are compatible with the integrity of the national defences. The Navy of England can never be reduced with impunity. Neither gunnery nor navigation are the acquirements of a few months; the landsman is only by long experience ripened into the practical seaman. The fleet undermanned can scarcely be called a questionable defence; there must be risk, and if there be ignorance of the profession on the part of the officers there might be a sad reverse. Here I might remind the Committee, that in order to fit out the Baltic fleet it was necessary to strip the coast-guard service of men, and then, when the landsmen had been turned into good sailors, they had been sent adrift on the sands at Portsmouth, Plymouth, and Chatham, to carry their energy, their zeal, and their vigour, it might be, into the service of any other nation which would find them employment, We wanted not ships, but the living hearts of oak—the gallant Tars—to quicken the mighty mass; but poor Jack was disregarded when he was no longer wanted, and he was discouraged when he should have been bidden hearty welcome in the name of England. I warn you, then, to be wise in time, and to show a more generous consideration, a wiser policy, and a more far-seeing system as regards the Navy. Justice requires imperatively one reform. May I ask the First Lord of the Admiralty's attention whilst I press it? I allude to the disheartening impression prevalent in the Navy, that no officer, unless possessed of family influence, or able to command official favour, can ever entertain a reasonable hope of attaining the object of an honourable ambition—the rank of Admiral on the active list. At present it is confined to the case of those who have held command as captain during four years in war time, five years at a period of war and peace, and of six years while there is peace. I am at a loss to reconcile the restriction with the dictates of wisdom or justice. Small as the residue of the required time may be, whatever the amount of his courage or zeal, his energy or capacity, he has neither appeal nor redress. The reserved list is his destination, and that of too many instances of a similar exclusion, which excite universal regret and enlist the widest public sympathy. The hardship is increased by the frequent reappointment of the same officers to commands. By their death the country is debarred the advantages it expects from their experience, while it is deprived of the services of their survivors, who have been unduly and capriciously denied the opportunity of that employment for which they have in vain reiterated the most earnest desire. The easy and obvious redress, if the present system continues in force, is to allow the time spent by a Commander in actual service to qualify for the Flag on the Active List. The Navy List is surcharged with the names of officers who despair of promotion. In the Royal Marines, or in the corps of Engineers and Artillery, as well as in regiments of the Cavalry and the Line, the officers destitute of patronage and means of purchase, by perseverance in the service, can obtain the highest rank, while the grey-headed lieutenant in the Navy is a proverb of neglect and hopelessness, and a standing reproach to the administration of a national profession. I can assure the Committee, that in offering these observations I am actuated by no party spirit or personal motive; but so long as I may possess a seat in this House, and on whatever side I may sit—and I have had a very comfortable seat on the Opposition side for about five years and a half—I shall do my utmost to maintain the welfare of the naval profession, because I believe the prosperity of the country to be inseparably bound up with it. The hon. Member for Lambeth has, as usual, remarked on the number of Admirals on the list; but those gallant men have deserved well of their country. During the war which extended from 1792 to 1815, with but slight intermission, near a thousand men-of-war were in continual employment and necessitated the services of a considerable number of officers. To hostilities which lasted over twenty years succeeded a peace, in which the happiness of England entailed a death-blow to the aspirations of these officers. During a term of twice that extent they were not required, their most earnest offers of service were denied opportunity; but they had fought the battles in time of war, and surely no generous mind would grudge

them that rank which had been so well earned. If it would be any satisfaction, however, to the hon. Member for Lambeth, I can tell him that these brave men are being fast removed from amongst us, and that not many of them will much longer need their country's bounty. They demand only this moderate requital in their age and compulsory retirement from service, for activity, energy, and fidelity, the aggregate of which rendered their country secure, and ennobled its national history.

MR. TOWNSEND said, he had given notice of his intention, on the Navy Estimates being brought under the consideration of the House, to press upon the Government that a sufficient additional sum should be granted to Her Majesty, in order that the wages of the dockyard labourers might be increased from 13*s.* to 16*s.* per week. His notice applied more particularly to Vote No. 8; but as he understood that there might be a long delay before that Vote would come on, he trusted that he might be allowed to bring before the Committee the claims of the dockyard labourers upon the present occasion.

The CHAIRMAN said, that it would be quite irregular to discuss an item in Vote No. 8 in the present stage of the Estimates, and the hon. Gentleman was therefore out of order.

Vote *agreed to.*

(2.) £1,000,000, on account, Wages.

SIR HENRY WILLOUGHBY said, that as the Committee had come to an agreement to waive all discussion upon the present occasion, it was not his intention to raise one; but he gave notice that on a future occasion he should call attention to a mode of proceeding by which, as it appeared to him, the voting of Estimates was rendered of no avail whatever. In the years 1856–1857 the grant, including the Supplementary Estimates for No. 10, naval stores, for the building of ships, &c., had been exceeded by £516,452, and that a sum of that amount had been applied to the purposes he had mentioned, without any authority from Parliament. That was a subject to which, on a future occasion, he should call attention; but in the meantime he wished to elicit an assurance from his right hon. Friend at the head of the Admiralty that all moneys voted for a special service should be applied to that service, and to that service alone.

SIR CHARLES WOOD said, that the circumstance to which the hon. Baronet referred had occurred when he (Sir C. Wood) was at the Admiralty, and it would be his duty, therefore, to explain it when the hon. Baronet should direct attention to it more in detail. He would only now observe that the course which was then taken was in accordance with the provisions of an Act of Parliament, and he had no doubt that he should be able to satisfy the House that there had been no irregularity in the proceeding.

SIR JOHN PAKINGTON said, that the particular subject to which his hon. Friend referred was one entirely between his hon. Friend and the right hon. Gentleman opposite. In answer to the appeal of his hon. Friend, he had no hesitation in saying that he entirely concurred in the principle that money ought to be strictly applied to the purposes for which it was voted. Under the terms of the Appropriation Act, considerable latitude was allowed with respect to the appropriation of grants; but how far it might be desirable to amend the terms of that Act he was not prepared to say.

SIR HENRY WILLOUGHBY said that a clause had been introduced into the Appropriation Act of last Session,—clause 26,—by whose authority he knew not, which entirely upset the whole system of appropriation. That clause had passed unnoticed in this House, and was not discovered until the Bill reached the House of Lords, where they took the precaution of printing their Bills before they passed them, At any rate he trusted the House would never agree to such a proposition again.

MR. WILSON said, the hon. Baronet was entirely mistaken about the clause to which he referred, and which was numbered 27 and not 26, in the Appropriation Act. That clause was originally inserted in the Act long before either the hon. Baronet or himself had a seat in Parliament. The Act was discussed clause by clause, and the clause alluded to was unanimously adopted. It would be in the recollection of the Committee that last year's Estimates were taken in two separate Sessions, part before and part after the dissolution. The same thing occurred in 1841, and as it was doubted whether the Estimates granted previously to the dissolution could be applied to the service of that year, a short Act was passed in the Christmas Session, declaring that the Votes of the two Sessions should be treated as applicable to the service of the entire year. The clause to which the hon. Baronet re-

ferred was inserted in the Appropriation Act of last Session, to avoid the inconvenience experienced in 1841.

Mr. W. WILLIAMS believed that the clause was a very mischievous one. He opposed it last Session, and would have insisted on a division if he had had any hope of success. He wished to see laid on the table a statement of every deviation from the Votes as they passed that House.

Sir CHARLES WOOD was anxious to prevent a false impression being made on the public mind by this discussion. In old times the whole of the naval vote was considered by the Government of the day to be applicable to any purpose. That however was put an end to in 1830 by Sir James Graham, who was First Lord of the Admiralty, who brought the subject before the House and induced them to effect a change. Hon. Gentlemen, however, must know perfectly well that it was altogether impossible to estimate accurately the expenditure under each head. If the House desired to prevent any surplus being applied to any purpose but that for which it was voted, it would be necessary for them to vote much larger sums under each head than the Government thought requisite at the time of proposing the Estimates. That would be a very inconvenient course; moreover, it was rendered unnecessary by the change effected by Sir James Graham, for by the Bill which he then brought in, the Board of Audit could revise the accounts under each head, and if any particular head fell short, then the Board was authorised by Act of Parliament to apply the surplus upon one Vote to the deficiency upon another, so that the whole sum should not exceed the whole sum voted for the naval service. As to the large expenditure which had been complained of by the hon. Gentleman (Mr. Williams) he did not propose to enter into that question now, but would be prepared to do so on a future occasion, when the House would find it was entirely justified by the extraordinary circumstances under which it was incurred.

Sir HENRY WILLOUGHBY said, that the clause to which he referred was much wider in its scope than the principle enunciated by the right hon. Baronet. The right hon. Baronet appeared to suppose that he had referred to the 27th clause, whereas he had directed his observations to the 26th clause of the Appropriation Act, under which any Vote of last year might be applied to such purposes as the Government might direct.

Mr. BENTINCK said, he must express his concurrence in the observations of the hon. and gallant Member for Christchurch (Admiral Walcott) as to the false economy pursued by this country for some years past, by which millions of money had been wasted. He contended that the naval department could never be efficiently conducted until the system of placing civilians in positions with which they could not possibly be conversant was done away with—until the Navy was, like the Army, administered by men of competent professional knowledge. He also contended that the principle of responsibility was not enforced against the Board of Admiralty. There was a total want of system in that department, and the responsibility was so divided that it was merely nominal. Another objection to the present system was the constant changing of the Lords of the Admiralty, occasioned by a change of Ministry; for no sooner had the civilians placed there begun to get conversant with the nature of their duties, than they had to go out to make room for fresh and inexperienced hands. He hoped the time would soon arrive when all these absurdities of the system would be abolished; and it would be a matter of astonishment that they were ever allowed to exist.

Mr. LINDSAY observed, that he had formerly thought that a naval man ought to be at the head of the Board; but experience had shown him that the important position of First Lord of the Admiralty was better filled by a civilian than it would be by a naval man, because the former would probably be able, as having no professional predilections, to take larger views than the latter. He by no means wished to decry professional experience, but the First Lord of the Admiralty at present was assisted by naval lords of great experience. There was one thing in the management of late Boards of the Admiralty which had frequently astonished him, and that was the non-employment of the magnificent screw-ships which formed part of the naval force of the country as guardships, instead of the inferior class of ships at present so employed. At Sheerness, Portsmouth, Plymouth, and other ports, the custom had been to have a flagship, but not a flagship of the first class; so that it often occurred that our finest vessels, the moment they were launched, were laid up in ordinary. Now, every practical man was aware that a ship deteriorated more when laid up in ordinary than when employed on

active service; and, independently even of that consideration, he believed that the finest ships in the service ought to be employed as flagships at the various ports, to be prepared in case of any sudden emergency either for defensive operations or to go to sea. He hoped that the right hon. Gentleman the First Lord of the Admiralty would take into consideration the suggestion which he had thrown out.

SIR JAMES ELPHINSTONE remarked, that he quite agreed with what had fallen from the hon. Gentleman who had last addressed the House, in reference to employing a better class of ships as guardships; but he could not help saying that, in his opinion, that branch of the naval administration of the country which related to the construction of ships was in a most anomalous condition. Ships for the Royal Navy were constructed without any reference to those principles of shipbuilding which obtained in the merchant service, and which were proved to be the sound principles for obtaining speed combined with safety. A class of frigates had only lately been constructed, of which he would take the *Diadem* as an example: that ship had cost an enormous sum of money in the endeavours to force her through the water, a thing which, from the appearance of her bows, it appeared almost impossible to effect; but at last, after an enormous expenditure of power, she was forced through the water at the rate of thirteen knots an hour. He considered that the plans of ships to be built ought to be submitted to a committee of practical men, and, even if they were laid before that House, there was enough practical experience in that House to prevent such blunders recurring as had already been committed. He believed that in the United States, where many a fine ship was built, the lines of all ships of war were laid on the table of Congress. He understood that a new frigate, the *Orlando*, was expected to prove much superior to her predecessors; but the experiment which had been required to arrive at her model, lengthening ships four or five feet at a time instead of fifty feet, had been most costly. For his own part, he did not think that the Board of Admiralty would ever be properly managed by a civilian, for no civilian could be expected to know anything about the matter, and under the guidance of civilians a sum of money had been wasted which would have sufficed to construct two navies.

Mr. Lindsay

Vote *agreed to*, as were also the following Votes:—

(3.) £450,000, on account, Victuals.

(4.) £70,000, on account, Admiralty Office.

(5.) £60,000, on account, Coast Guard Service.

(6.) 30,000, on account, Scientific Departments.

(7.) £70,000, on account, Naval Establishments at Home.

(8.) £10,000, on account, Naval Establishments Abroad.

(9.) £450,000 on account; Wages to Artificers, &c. at Home.

SIR FREDERIC SMITH said, he would beg to urge upon the right hon. Gentleman at the head of the Admiralty the propriety of giving to the artificers employed higher wages, as it was impossible to secure the services of the most efficient men without giving them an adequate remuneration.

ADMIRAL WALCOTT observed, that he desired to impress the same view upon the right hon. Gentleman, and that riggers should be paid at the same rate as the ropemakers.

MR. TOWNSEND said, he wished to press upon the attention of the Government and of the Committee the propriety of raising the pay of the labourers in our dockyards from 13*s.* to 16*s.* per week. The pittance now paid to dockyard men was so miserably small, that they were utterly unable to support themselves and their families. Many of these men received but 13*s.* a week, whilst the rate of payment of artificers in several firms with respect to which he had made inquiries, was never lower than 18*s.* He had himself been in the habit of employing many men, and he never paid them less than 18*s.* a week. He would remind the House that large sums had been yearly voted for luxuries. A sum had been given for a park in Finsbury. Other large sums had been voted for pictures. He was as fond of pictures as any man in England; but he thought that before we spent money upon them, we ought adequately to remunerate our working men. Then, again, the House had given £40,000 to the Princess of Prussia. Surely, if they could afford to do that, they could afford to give a body of poor men whose services were so essential in maintaining the national honour "a fair day's wage for a fair day's work." He had reason to believe that, had there lately been no change of Government an additional 3*s.* per week would have been granted to these hard

working operatives; and he therefore appealed to the present Ministry, whether they would not fitly inaugurate their advent to power by doing an act of justice to an humble but deserving class? The men complained that they had been deprived of a superannuation pension of £15 per annum which they formerly enjoyed; and they asked why it was that they were the only class of Government *employes* to whom this advantage was denied? At present one or two Lords of the Admiralty walked round Woolwich Dockyard periodically, and picked out annually five or six, or at the most seven poor labourers broken down with age and infirmities, and recommended them for a pension of £12 a year. But this was an entirely voluntary and spontaneous act, there being no regular system of superannuation on which the men could depend. It might be said that the measure he recommended would cost the nation £20,000 per annum; but he confidently believed that the public would not grudge such a sum to maintain these poor men and their families in comparative decency and comfort. Let them be just before they were generous. He had received letters from many working men, urging upon his attention the necessity for some measures being taken for ameliorating their condition. To whom were these poor fellows to appeal but to the Government, and in their default to the House of Commons? He had put a notice of Motion on this subject upon the paper, and he regretted that owing to his Motion not being in order, it was not competent for him to divide the House on this subject; but he trusted that the appeal which he now made would be generously responded to.

SIR JOHN PAKINGTON said, he doubted whether he should be able to give to the appeal addressed to him by the hon. Member for Greenwich an answer which the hon. Gentleman would regard as perfectly satisfactory. He could not, on the part of the Government, offer any distinct pledge that they would grant that application; and, as far as he could judge, the Members of the late Board of Admiralty were not less indisposed to make the proposed concession. He could only state that, from a sense of justice, he should be prepared to take the subject fairly into his consideration, and to do all that he could do in the matter consistently with a due regard for the public interest. But the question could be more fully discussed when the Estimates should be brought forward for detailed consideration, and he would remind the Committee that it was absolutely necessary they should that evening pass the Votes which had been submitted for their approval.

MR. BERNAL OSBORNE said, that the question raised by the hon. Member for Greenwich was merely a question of demand and supply, and it ought not to be settled either at the Admiralty or anywhere else on any other principles than those of sound political economy. The late Board had no intention even of considering the subject, and he hoped that a similar course would be followed by the present one. If the right hon. Baronet held out any hopes of an increase of wages, he would be overwhelmed with petitions from all the dockyards. Indeed, he (Mr. Osborne) did not know, but he should then trouble the right hon. Gentleman with a representation of the claims of his own constituents at Dovor.

SIR JOHN PAKINGTON said, he could assure the hon. Member for Dovor that he had not intended to hold out any false hopes. His promise of consideration referred rather to the question of superannuation than to that of wages, and he had carefully guarded himself by intimating that in whatever he did, he must have regard to the interests of the public service. Now, he was afraid that if men could be obtained for 13*s*., it would be rather hard to prove that it was for the interest of the public service to pay them 16*s*.

MR. WHITE said, he was quite ready to accept the inexorable law of supply and demand as laid down by the hon. Member for Dovor, if they were applied in all cases; but without disparaging the labours of the late Secretary of the Admiralty, he had no doubt that a person could have been found who would discharge the duties of that office, he would not say as well as they were discharged by the hon. Member for Dovor, but certainly for much lower wages. If the strict rules of political economy were not applied in the higher branches of Her Majesty's service, he did not see why they should be so rigidly enforced in the lower ones. He, however, believed there prevailed among the labourers in the national dockyards an amount of discontent which was not creditable to the country, and the right hon. Gentleman at the head of the Board of Admiralty would earn a well-deserved popularity by honestly endeavouring to remove that evil.

SIR E. PERRY said, the hon. Member for Dovor (Mr. B. Osborne) was mistaken

in supposing that the late Board of Admiralty had refused to take any step in that matter, for the fact was that they had last year raised the wages of the Dockyard labourers from 12*s.* to 13*s.* a week. The rate of those wages, when they had been fixed some years ago, had been higher than the average amount of wages in the agricultural districts; but the price of labour had since risen considerably in those districts, and it appeared to him to be desirable that a corresponding rise should take place in the payments made in our Dockyards.

Mr. LINDSAY remarked, that he thought that a great principle was involved in the question now before the House, for labour was to all intents and purposes a marketable commodity like everything else, and therefore this was essentially a question of demand and supply. He certainly regretted to hear that so much distress existed in the Dockyards; but how did it happen, he would ask, if there existed so great an amount of dissatisfaction, that persons were so anxious to get into the Dockyards? The effect of the Government raising the wages of labour in the Dockyards would be to raise them in private establishments in the same proportion; and the Government had no more right to entertain such representations than he would have to ask the House to fix the rate of wages for labour in the building-yards of the town which he represented.

General CODRINGTON said, there was no doubt but the payment of labour in the public departments ought in general to be regarded as a question of supply and demand. But under the present low scale of remuneration in the Dockyards, labourers entered those establishments for their own mere temporary accommodation; and it was for the Government to consider whether, under the constant changes which were thus taking place, they could expect to get their work performed in the most satisfactory manner. At present the Government Dockyards were considered only as the receptacle for inferior men when things were good outside; but, in his opinion, what the Government ought to consider was the rate of wages which would yield them a continual supply of the best labour.

Sir JAMES ELPHINSTONE said, he would admit that the Government could get plenty of men to enter their service for 13*s.* a week, but he feared, from their not acting as a good master would to a good servant, their workmen were not such as the hon. Gentleman opposite (Mr. Lindsay) would employ in his yard. In addition to their low rate of wages, it should be recollected that the families of the Dockyard labourers were tied to certain spots where the local burdens, in consequence of the Government not contributing to the support of the poor, were excessively high. He would take another opportunity of referring to the subject.

Mr. STEUART said he should support the Vote, as his experience was in direct opposition to what had been stated by some hon. Members. The rate of wages had fallen considerably during the last few months; and if 13*s.* a week was deemed sufficient a year ago there was no reason for increasing it now.

Mr. GLADSTONE said, he hoped the Committee would look with jealousy upon applications from the representatives of particular towns for an increase of wages among their constituents. It had been said that the Government paid 13*s.* a week, and did not get good work for it. Were they quite sure that they could improve the quality of the work merely by raising the rate of wages? It seemed to him that the difficulty lay deep in the nature of Government establishments. A labourer was apt to go into one of those establishments with very different sentiments and feelings from those with which he entered into the service of a private owner. When he went to serve a private individual he knew that he must stand upon his own merits, and that his work would fetch its real value, but no more. On the other hand, he obtained admission to a Government establishment generally by solicitation; the whole course of his ideas was dislocated, so to speak, by the manner in which he got there, and it was wrong to suppose that by merely raising the rate of wages we could secure a supply of good labour. How that difficulty was to be overcome he would not undertake to say; but he believed the wise and practical conclusion would be to have no Government establishments whatever for manufactures, except in cases where they were absolutely necessary. No Government could carry on manufactures except at a great disadvantage, and he trusted, without meaning the slightest reproach to hon. Members, whose duty it was to stand up manfully for the interests of their constituents, the House would receive with a jealousy proportioned to their fidelity and zeal the

representations which they made in favour of increasing the wages of their local friends.

Sir FRANCIS BARING remarked, that he was also a representative of a dockyard borough, and he was sorry to say that he had often incurred no small degree of unpopularity by telling his constituents that the Members for dockyard towns did more harm than good by pressing for an increase of wages. He was not surprised that an ex-Chancellor of the Exchequer had met the demand for such an increase by saying, "Dismiss all your dockyard labourers, and get the work done by private contract." Such, he was convinced, would be the result if the expense of the dockyards were very considerably augmented. At the same time he could not but enter his protest against what had fallen from those hon. Gentlemen who said that the work done in the Dockyards was badly done. He believed that the labourers in those establishments performed their duties as fairly as other labourers; and he would appeal to all the officers employed in them, whether they had not during the late war received the fullest support from the men under their charge?

Vote *agreed to;* as was also,

(10.) £20,000, on account, Wages to Artificers, &c., Abroad.

(11.) £600,000, on account, Naval Stores.

Sir CHARLES NAPIER said, he believed that we were at present building the finest navy in the world; and he considered that the improvements which had of late years been introduced into that branch of the public service were beyond all praise; but there was one point to which he wished to direct the attention of the Government. It was a fact—a fact which the present Emperor of the French was one of the first to discover—that an iron-lined ship would resist shells, but a shell would blow a hole in the bottom of a wooden ship through which a man might drive a wheelbarrow. He wished the Government would make an experiment; but he believed it would be found that an iron-lined frigate of twenty guns, within musket-shot of a wooden three-decker, would totally destroy the three-decker, let her fire on the frigate how she might. He admitted that they had not yet got the means of preventing iron ships from fouling, but he hoped the Government would offer a reward for some invention that would enable them to send such a ship to sea without being obliged to dock her immediately on her return.

Vote *agreed to;* as were also the following:—

(12.) £250,000, on account, New Works and Repairs.

(13.) £20,000, on account, Medicines and Medical Stores.

(14.) £30,000, on account, Miscellaneous Services.

(15.) £300,000, on account, Half Pay.

(16.) £200,000, on account, Military Pensions.

(17.) £70,000, on account, Civil Pensions.

(18.) £250,000, on account, Freight.

(19.) £400,000, on account, Packet Service.

SUPPLY.—ARMY ESTIMATES.

(20). 130,135 Men (Land Forces).

General PEEL, (who was indistinctly heard) said, that in accordance with the agreement into which the House had entered he should merely ask the Committee to vote the whole number of men which would be required for the service of the year, and a portion of the money upon each of the other Votes. The Vote for the number of men might perhaps require some short explanation. The number he should ask the Committee to vote on the present occasion, exclusive of the Indian establishment, was 130,135, as against 126,796 voted last year, showing an increase of 3,339 men. But this by no means showed the true state of the army. The total strength of Her Majesty's forces, including the troops in India, had increased from 156,993 men in last year to 222,874 required for the present year; the increase being 65,881. This augmentation arose from the number of troops sent from this country to India. The force chargeable to the East India Company, including the depôts at home, would be for this year 92,739 as against 30,197 last year, showing an increase on the East India Company's establishment of no less than 62,542. There had been sent to India last year, when the Indian establishment was voted, four regiments of cavalry and twenty-four regiments of infantry, and there were now there eleven regiments of cavalry and sixty regiments of infantry. There had been, therefore, sent out seven additional regiments of cavalry and thirty-six additional battalions of infantry, thus reducing the force of the home establishment by that number. It was intended to meet the withdrawal of that force by raising twenty-six new battalions of in-

fantry, and two additional regiments of cavalry, and this accounted for the increase in the present year of 3,339 men over the number voted in the last year, for though there was a reduced number of regiments the strength of each had been increased. He did not know what the increase was in the cavalry, but in the infantry it was from 840 to 950. It was, however, an extraordinary fact that though the number of men was increased the payment was absolutely less than in last year. This arose from the number of regiments sent to India, for the pay of the colonels then became chargeable to the East India Company, and the new battalions had no colonels, while the number of the other commissioned and non-commissioned officers was not increased but diminished. Therefore there was a decrease this year in the whole sum to be voted for pay and allowances of £706,990. He was happy to say that the recruiting was going on at the present time in a more favourable manner than he could by possibility have anticipated. During the time of the Crimean war he believed that the greatest number of enlistments in any one month was about 6,000, but in the last month the enlistments had amounted to 7,500. For the last half year men had been enlisted, including recruits for the East India Company, at the rate of 6,000 men a month, making 36,000 enlistments during the last six months. He would not detain the Committee any further, but would, in conclusion, move a Vote for the 130,135 men which were required for the service of the year.

Mr. W. WILLIAMS expressed his surprise that after the enormous sums of money, no less than £6,700,000 voted for barracks since the year 1834, the accommodation in them should be exceedingly defective. If the money had been expended honestly all the barracks which were required to accommodate the army during the last war ought now to be in an efficient state.

Mr. ALCOCK said it was, he believed, generally understood that the East India Company supplied bedding and clothing gratuitously to the Queen's troops employed in India, but he had been informed by a relative that in some cases the only clothing supplied consisted of two linen caps, while the soldiers were required to pay half the cost of their bedding.

Sir JOHN TRELAWNY said, he wished to observe that although the force demanded appeared to be moderate enough, yet they did not seem to make the best use of that which they had. It was a subject of complaint that the brigade of Guards, which was a very strong force, was entirely exempted from colonial duty. It was suspected that the reason of this exemption was that the officers of the Guards were more or less connected with the aristocracy, and were appointed by the colonels of the regiments of Guards, and not upon the responsibility of the War Department. He thought it desirable that battalions of the Guards should be sent to Madras, Calcutta, and Bombay, as the young officers of the brigade would then have an opportunity of seeing something of the world, and of acquainting themselves with their professional duties. He thought, also, that such a change would be beneficial to the health of the men, for he believed that from long residence in London they contracted bad habits, which might in some measure account for the ill health that was attributed to the state of the barracks. He saw no reason why the aristocratic officers of the Guards, brave and intelligent as they undoubtedly were, should be placed in a position which gave them more rapid promotion than could be attained by persons of a lower grade in society. A captain in the Guards at once became a lieutenant-colonel, and he (Sir J. Trelawny) was informed that the pay and allowance of an officer of that rank amounted to nearly £500 a year. Independently of the advantages in respect to pay, the officers of the Guards obtained rapid promotion; and during the war in the Crimea many of the higher military appointments were held by Guardsmen. No doubt these men understood their duty, and had conducted themselves well in the field, but he thought it was high time that the aristocracy gave up this sort of patronage. He hoped the gallant General at the head of the War Department would bring the appointment of officers of the Guards under his own authority, and would not countenance a system which was prejudicial to the interests of the service.

General CODRINGTON said, he thought that as it was necessary to raise a special corps about the person of the Sovereign, it was most desirable to retain in London such a corps as the Guards, which was specially suited to the performance of military duties in the metropolis. He knew that, in several cases, officers of

regiments of the line had been very glad to withdraw their men from the temptations by which they were beset in London, and which rendered the maintenance of discipline most difficult.

General PEEL said, that the clothing of Her Majesty's troops in India was supplied by the East India Government, and was not under the control of the War Department.

Mr. ALCOCK had spoken to three or four gentlemen who were acquainted with Indian affairs, and among others to the Chairman of the East India Company (Mr. Mangles), but he could not obtain from them the slightest information on this subject. He hoped the Minister for War would institute some inquiry as to the clothing of European troops in India, as he thought it would be attended with great advantage if these matters were brought under the more immediate supervision of the Government.

Mr. MANGLES said, he had told the hon. Gentleman that the expenses of Her Majesty's forces in India were defrayed by the East India Company, but he could not inform his hon. Friend what amount was deducted from the pay of the men for any portion of their dress. Those details were not within his cognizance, but he supposed the system adopted in this country was also in force in India.

General PEEL said, the extra clothing suitable to the climate of India was supplied to the troops by the East India Company, but he would cause inquiry to be made on the subject to which the hon. Member for East Surrey (Mr. Alcock) had called attention.

Colonel SYKES observed, that there was a great contrast between the treatment of the Native and European troops in this respect. The Native soldiers in the East India Company's service had not only to pay for their kits, but for every ornament of their dress, out of 14*s.* a month, while from such charges the European soldiers were altogether exempt.

Mr. BAGWELL remarked, that he had found that applications were made to young men who were studying for the military profession by parties who stated that they were authorized to give them commissions, provided they raised a certain number of men. Such an application had been made to a relation of his own, and it struck him as very odd that while the applications of young gentlemen of fortune and station on condition of raising men were uniformly refused by the authorities, persons who represented themselves as army agents should say that a certain sum might be lodged in a bank, which should not be drawn until a commission was granted. It would seem, certainly, from this circumstance that there was no attempt at fraud; but it was stated that if some fifty men were raised a commission might be obtained without purchase. He thought that such a proceeding was very strange and irregular, and he wished to know whether the Secretary for War could give any explanation on this subject.

General PEEL said, at present he could give no explanation, and could not understand how such an occurrence could have taken place. The hon. Gentleman had made the statement from his own personal knowledge, and he (General Peel) would have the matter inquired into.

Vote *agreed to.*

(21.) £1,227,000 on account Pay of Land Forces.

Mr. W. WILLIAMS said, he wished to ask what had been the result of the important change which had taken place respecting the army clothing, which was now supplied by the Government, instead of by the colonels of regiments. The Estimates were so confused that he found it impossible to ascertain the comparative cost generally; but he found that the cost of the Guards' clothing was now 40 per cent. more than it was when the Duke of Wellington was Commander in Chief and Colonel of two regiments. He thought this most extraordinary and most unwarrantable extravagance. The present Government could not make themselves more popular than by effecting retrenchments, especially in matters of this kind, and this was a subject to which he trusted the right hon. and gallant General would turn his attention. From what had transpired before the Committee on Contracts there seemed to be an immense amount of unfair dealing in connection with these, and unless the system was amended, and the receipt of perquisites put a stop to, especially in army contracts, no respectable man would offer to supply them.

Mr. P. O'BRIEN said, he wished to ask whether the present Government intended to adhere to the principle of competitive examination in reference to the engineers and artillery. The principle had worked satisfactorily, and the feeling of the country was decidedly in favour of competition, especially with respect to a service in which a knowledge of mathematics was

essential. Some change, however, appeared to be in contemplation, for it seemed that only on two more occasions was this principle to be recognized at Woolwich.

GENERAL PEEL said, he was much obliged to the hon. Gentleman for giving him this opportunity of stating what, so far as he was concerned, had taken place on this subject. It had been recommended by the Council of Education that all candidates for the military service should pass through the college at Sandhurst. If that course were adopted, not only would they as heretofore be subjected to competitive examination, but as far as the Engineers and Artillery were concerned the candidates for these services would in future have to undergo a double competitive examination. It was, however, pointed out to him that under the new arrangement great hardship would be inflicted on several gentlemen who had been preparing themselves for examination at Woolwich, because they would be past the age at which they would be admitted to Sandhurst. This was also represented to the Commander in Chief, and the result was that in conjunction with the Royal Duke he had determined that two more competitive examinations were to take place at Woolwich in order to allow those gentlemen to undergo examination there who would have been too old for Sandhurst. The principle of competitive examination, he repeated, was not at all given up; but, on the contrary, so far as the Engineers and Artillery were concerned, they would be subjected to two examinations, one on entering the college; and candidates would have no more difficulty in entering Sandhurst than in presenting themselves at Woolwich.

MR. P. O'BRIEN said, he must assert his right as the representative of a popular constituency—as one of the people and no aristocrat—to know the reason why a change had taken place after the success which had attended the new system. The House and the country had a right to be told this, and to know why an admission to Sandhurst was to be made necessary.

MR. GLADSTONE said, it was refreshing to hear an hon. Gentleman assert the right of the House to institute inquiries, and as a Member of the House he begged to thank the hon. Gentleman for his care of its privileges. The question which the hon. Member had raised was one of great importance, but he did not seem to have caught accurately what had fallen from the right hon. and gallant General the Secretary for War in reference to the subject. If he (Mr. Gladstone) understood his right hon. and gallant Friend correctly, he had stated that the interposition of the preliminary course at Sandhurst had been recommended merely as a measure of practical utility by the Council of Education, and was not intended in any way to bear upon or to restrict the principle of competition, upon which, if it had any influence at all, its effect would be to substitute a double for a single competition. If that were so then the statement of the gallant General could, he thought, be unsatisfactory neither to the hon. Gentleman opposite nor to the Committee. There was also another statement made by his right hon. and gallant Friend which he had heard with much pleasure—namely, that the competitive entrance to Sandhurst under the new system would be practically as free for all Her Majesty's subjects as the public competition at Woolwich.

GENERAL PEEL said, that any person seeking to be placed on their list of candidates for admission to Sandhurst had merely to apply to his guardian or some other person who could bear testimony to his respectability—and he thought it was desirable that some such reference should be required; but beyond that there would be no limitation whatsoever.

Vote *agreed* to, as were also the following Votes.

(22.) £206,000, on account, Miscellaneous Charges.

(23.) £100,000, on account, Embodied Militia.

(24.) £30,000, on account, Volunteer Corps.

(25.) £61,000, on account, Departments of War and Commander in Chief.

(26.) £116,000, on account, Manufacturing Departments, &c.

(27.) £180,000, on account, Wages.

(28.) £229,000, on account, Clothing.

(29.) £361,000, on account, Provisions.

(30.) £214,000, on account, Stores.

(31.) £93,000, on account, Fortifications.

(32.) £56,000, on account, Buildings.

(33.) £222,000, on account, Barracks.

(34.) £55,000, on account, Educational and Scientific Branches.

(35.) £9,000, on account, Rewards for Military Service.

(36.) £20,000, on account, Pay of General Officers.

(37.) £178,000, on account, Pay of Reduced and Retired Officers.

(38.) £69,000, on account, Pensions to Widows.

(39.) £17,000, on account, Pensions for Wounds.

(40.) £10,000, on account, Chelsea and Kilmainham Hospitals.

(41.) £400,000, on account, Out-Pensioners, Chelsea Hospital.

(42.) £44,000, on account, Superannuations.

House *resumed*; Resolutions to be reported on *Monday* next; Committee to sit again on *Monday* next.

EAST INDIA LOAN BILL.

CONSIDERATION.

Order for the consideration of the Bill as amended read.

THE CHANCELLOR OF THE EXCHEQUER: I have now, Sir, to move the further consideration of the East India Loan Bill, and upon the present occasion I would ask the House to avoid all unnecessary discussion upon this Bill. I am convinced that, next to the necessities of the State, there is really no subject which is more important or which requires more urgently to be dealt with, than that to which this Bill relates. If, however, we enter upon any discussion upon the principles upon which this Bill is based, and seek to connect this Bill with any measure which may be brought forward to regulate the government of India, we shall be led into very protracted discussions. The practical fact before us is, that the East India Company are in the same state from want of supplies as Her Majesty's Ministers. It is quite impossible this question can be longer postponed, and, under the circumstances, I hope the House will pursue the same course as Her Majesty's Government, and take a practical view of the matter, and not connect this Bill with any measure that has been or may hereafter be brought forward relating to the construction of the Government of India. There are pressing engagements which must be kept, there are liabilities which cannot be avoided, and obligations which must be answered and fulfilled, whatever changes may take place in the government of India; and these are questions not of days, but almost of hours. Since the Bill has been introduced there has been a discussion, at which, not having the honour of a seat in the House at the time, I was not present, but I am acquainted with the bearing of that discussion. I believe that the original amount of £10,000,000 was, in accordance with the prevailing opinion of the House, reduced to £8,000,000. The Government is willing to bow to the decision of the House in that respect, but we do not think it would be expedient to reduce the sum any further, and I trust the House will not entertain any such suggestion, as the sum of £8,000,000 is really necessary for the service of the East India Company. There was also a question about the 11th clause—the controverted clause. In my opinion it is not at all necessary to insist upon the retention of that clause. I therefore shall not ask the House to sanction it. The amount being reduced from the sum originally proposed, which might have been larger than was absolutely necessary—but on that I give no opinion—and having proposed to omit the 11th clause, I hope and trust the House will be of opinion that in the present state of affairs it is necessary we should pass this Bill, and, if that be so, it will also see that it is of the utmost importance that we should pass it without any unnecessary delay. I hope, therefore, we shall advance it a stage to-night, and afterwards proceed with it, so that it may speedily become law.

MR. CARDWELL said, on former occasions when the Bill was under consideration, two objections had been taken to its progress. One was to the 11th clause, which he rejoiced to hear from the right hon. Gentleman would no longer form part of the Bill. It must have been obvious that the labours of that House would be futile in limiting the amount of the loan to £8,000,000 if in the same Bill there remained a clause giving power to the same parties to borrow continuously, without limit of time or amount. The other objection had also now fallen to the ground, but while it existed it was a serious one. An idea prevailed that when the Bill passed through Committee in a House of scarcely forty Members, the Minister who was then responsible for the affairs of India made a statement which materially affected the obligations of this country in respect of debts contracted upon the revenues of India. Upon the last occasion the Bill was before the House the right hon. Gentleman (Mr. Vernon Smith) had had an opportunity of showing that the prevailing impression was unfounded. The House, however, knowing that no delay could occur beyond one day, preferred that the present stage, upon which alone Amendments could now be introduced, should not be passed until an opportunity was afforded to the Minister now responsible for the

finances of this country, of stating his opinion in regard to it. That opportunity had been given, and as they had now guarded against any misunderstanding which might affect the Consolidated Fund of this country, and as the controversial clause was to be omitted, he had the greatest pleasure in concurring with the right hon. Gentleman the Chancellor of the Exchequer that every facility should be afforded for the passing of the Bill, which was required to enable the East India Company to raise the money which they so much needed. He cordially agreed with the right hon. Gentleman that any discussion upon the large questions of Indian finance and other portions of Indian Government, which, no doubt, they were about to consider, would with advantage be deferred until they were called upon to deal with the general measure affecting the government of India.

SIR ERSKINE PERRY said, that he wished he could agree with the right hon. Gentleman that the reduction of the amount and the omission of a clause would remove all the objectionable features of the Bill. He did not wish to thwart the desire of the Government to raise money for the service of the East India Company, but he thought they could do so much more speedily by a simple Resolution of the House. There had been no previous opportunity for discussing the principles of the Bill, but he believed it was based upon two assumptions; first, that the finances of India were only lightly burdened with debt, and the other, that the course now proposed by the East India Company to meet their difficulties, was in accordance with Parliamentary practice. He denied both propositions. On the last occasion, the late Chancellor of the Exchequer, who appeared to have held a brief on behalf of the East India Company, notwithstanding his slashing speech against them on a former occasion, had quoted some figures which to his mind, were very unsatisfactory. He (Sir E. Perry) would call the attention of the House to the finances of India. It was certain that for the last four years there had been a chronic deficit, that deficit in the year before the outbreak of the mutiny being £2,000,000. They were now told upon authority that the deficit for the year ending April, 1859, would be £7,500,000. Therefore they began with a total deficit of £14,000,000 or £15,000,000. The right hon. Gentleman, the late Chancellor of the Exchequer, told them the total debt of the East India Company was £68,000,000. To that must be added the £14,000,000 of deficit which he had mentioned, and £20,000,000 more would probably be required to meet the expenses of the mutiny. Those sums made a total of more than £100,000,000. To this must be added an item for guarantees upon railways amounting to £20,000,000, so that altogether the real amount of the debt reached £120,000,000. On the other hand, it was said that the debt was small as compared with the revenue of India which was stated to be £23,000,000, whereas it was only £22,000,000 and a fraction. The revenue of India, however, which was derived from the taxes on land, opium, and salt, could not be raised by any additional taxation. Thus there was increasing debt and a fixed revenue. The course which had been adopted by the East India Company was to open a standing loan in India to meet every deficit, the inevitable result of which, unless Parliament interposed, must be the bankruptcy of India. It was now for the first time proposed to raise a standing loan in this country, for although the 11th clause was to be omitted, such was still the character of the Bill. And supposing the bankruptcy of the Indian Government, how would the finances of England be affected? He did not wish to raise the question of how far British credit was pledged to meet Indian loans, but it would be unwise to deny the fact that capitalists lent their money on the faith of the English connection. There was certainly no intrinsic security in Indian finance unless guaranteed by British credit, and if the references of India should be insufficient, the army and navy and other services would remain unpaid, and then would arise the question whether the revenues of England were not to be resorted to in order to retain India as a British dependency. The revenue of India was a fixed revenue, and the expenditure was greater than the revenue. These were facts, with respect to which he challenged contradiction, and taken together they must lead to national bankruptcy. Well, if this was the true state of the question, he contended that it was raised precisely and positively by the present Bill, because they were seeking to perpetuate here a system of borrowing to supply the deficit of the Indian revenue. It was true that the East India Company had power to raise £7,000,000 in this country, and that that power was now exhausted; but he denied that Parliament

had ever given to the East India Company, since they had been a political body, the power of borrowing in England. That power to borrow £7,000,000 was granted under peculiar circumstances. The last time it was given was in 1811, when they were a trading Company with large assets, and it was supposed therefore that there was abundant security. In point of fact, the East India Company during the eighteenth century were insolvent, but it suited their purpose from time to time to represent their affairs to Parliament as in a flourishing condition, and when they wanted their monopolies perpetuated they offered Parliament money as a kind of bribe to pass the Bill. He used the word "bribe" because that was the term used by the historian Mill. Having got their new charter on those terms, they came immediately to that House for a new Bill, giving them borrowing powers, and those were the precedents on which the East India Company now came to Parliament and asked for borrowing powers. As capitalists undoubtedly looked to English credit, and as it was only Indian credit that was a security for these loans, the result would probably be that that security would be very much depreciated, and that we should have to open the national purse. He believed the money actually required by the East India Company at present was only £3,000,000. If that was so, he contended that the course proposed by several hon. Members of that House of high financial authority, by the hon. Member for Huntingdon (Mr. T. Baring) and others, was a simple course, namely, for that House to lend the credit of the country directly to the East India Company, and to secure the interest on the revenues of India. This would be the most economical course, as by that means India would be enabled to take advantage of the great benefit of getting the money at a lower rate, and a stop would be at once put to that indiscriminate system of borrowing which had been the opprobrium of Indian Ministers, for it would have the good effect of inducing constituencies to pay more attention to Indian affairs, when they found that Indian expenditure might possibly become a burden upon the Imperial exchequer. Adverting to the statement of the late Chancellor of the Exchequer, that India brought little or no material advantage to this country, he contended, on the contrary, that, looking to the magnitude of our trade with India and its capacity for development, the benefits arising and to arise to us from our connection with it on commercial grounds could scarcely be exaggerated. The trade with India was already greater than with any other of our colonies or dependencies; indeed, it was greater than with any other country except the United States. But, beside the advantage we derived from commerce with India, we received in actual money from that country three or four millions a year. Upwards of two millions a year came into the pockets of individuals in England, bondholders, stockholders, and pensioners, which undoubtedly was a clear addition to the national wealth. He thought also that the army of India might be made ancillary to our military strength in this country. As Algeria was to France, so India ought to be made the nursery and training ground for our soldiers. We had lent our money and our credit to every other country, and he thought, if we could enable the East India Company to borrow the money they required on easier terms, by lending them the credit of this country, it was our bounden duty to do it.

Mr. BAILLIE said, it was not his intention on the present occasion to enter into a general discussion on the state and condition of Indian finance, because that would be done much better and more appropriately when the whole subject was brought before the House in the shape of an Indian budget. But, disagreeing as he did entirely with the figures stated by the hon. and learned Gentleman (Sir E. Perry) he was nevertheless prepared so far to agree with him that the finances of India were in a somewhat dilapidated condition. That, however, could not be said to be the fault of the present Government. They had not been in office for the last fourteen years, except for a few months, and they had not allowed the East India Company, year after year, to exceed their revenues by a large expenditure, and to increase their national debt. Nor had they forced the Company into wars of which they disapproved. All that had been done by preceding Governments, and all those Governments had received the support of the hon. and learned Gentleman opposite, who was therefore the last man in the House who had any right to complain of the state of the Indian finances. He (Mr. Baillie) thought the hon. and learned Gentleman was the more responsible because he had great experience and knowledge of Indian

affairs, and ought, therefore, to have been among the first to warn the House of the dangers of the policy they were pursuing. But the hon. and learned Gentleman had completely mistaken the present state of the Indian debt. He had fallen into the blunder of adding to the £68,483,000 stated by the Chancellor of the Exchequer as the Indian debt, the deficit of the last four years, whereas the deficit for the fourth year was not yet ascertained. Then he had adverted to the state of the East India railway stock, but for that the East India Company were in no way responsible. Besides, as soon as the railways came into operation, they paid the interest themselves; indeed, some of them paid as much as 6 per cent. The hon. and learned Gentleman said that it was the duty of the Government to take the matter into their own hands, and virtually to make the people of England responsible for this debt. He did not know the opinion of the hon. and learned Gentleman's constituents on this point, but the mass of the people of this country would be, he thought, disappointed at the change of Government if the first act of the new Ministry were to introduce a Bill to make this country responsible for the debt of India. On a former occasion a misunderstanding had taken place on this subject. It was then believed by some that there must be some moral responsibility on the part of the Government for the debt of India if this Bill passed. They thought that, in the event of the Indian revenue failing, the Government might be made responsible; but there was not the slightest foundation for such apprehensions. This had been clearly explained by the late President of the Board of Control, and the whole of this argument might at once fall to the ground. The question was very simple, The permission of the House was now asked to enable the East India Company to raise the sum of £8,000,000 on the credit of the revenue of India. There was no doubt the revenue of India would be perfectly able to provide for the debt. The hon. and learned Gentleman (Sir E. Perry) declared that the revenue of India was a fixed revenue, which he denied. It was liable to change, like all other revenues; but it was perfectly competent to bear this charge. The House was asked to give the East India Company permission to raise money in England for the very obvious reason, that the money could be obtained with much greater facility at present in England than in India. The East India Company already possessed the power of borrowing money on loan in India, and in ordinary times they were able to raise money there to any extent without coming to Parliament. Under these circumstances, and considering the great exigency of the public service, he trusted that no further obstacles would be made to the passing of this Bill.

SIR HENRY WILLOUGHBY said, he trusted that there would be no objection on the part of the Government to the insertion of a clause securing that returns should be made to Parliament of the sums raised under this Bill. He would not go into the question whether the British Exchequer ought to be liable for Indian expenditure, but we had one foot in the water, and whenever it was brought out, he was afraid we should slip into these liabilities. The debt of India rested on promissory notes, the security for which was the property of the East India Company, and if Parliament took the Government of India upon itself and with it the property of the Company, they must put something in its stead. He should move the insertion of the following clause after Clause 10.

"Provided always and be it enacted, that on or before the 1st of February in each year, the Court of Directors of the East India Company, under such direction and control as aforesaid, shall prepare, or cause to be prepared, a return of all moneys raised on loan under the provisions of this Act, and of the expenditure thereof; also, a return of all stocks, loans, debts, and liabilities, then chargeable on the East India revenues at home and abroad, up to the latest period of time to which such return can be made out. That all such returns shall be presented to both Houses of Parliament on or before the 1st day of February in each year, if Parliament is then sitting; and if Parliament is not sitting, then such returns shall be presented within ten days of the first meeting of Parliament after the 1st day of February in each year."

Motion made and question proposed, That those words be there inserted.

MR. MANGLES said, his hon. Friend the Member for Devonport (Sir E. Perry) as he understood him, wished to persuade the House to lend the Imperial credit to the Government of India, in addition to the security afforded by the territorial revenues of that country, in order to enable the Court of Directors to borrow the money of which they stand in need on the most favourable terms. But he took a very odd course to induce the House to adopt that step; for he proceeded to show that the Government of India was entirely insol-

vent, that its revenue coud not possibly be increased beyond its present point, that that was a chronic deficiency, and that that Government could only exist by a continual system of borrowing. Those assertions, if true, were not calculated to persuade the House to agree to the hon. and learned Gentleman's proposal to make the English Exchequer responsible for the Indian debt. No doubt the hon. and learned Gentleman's figures presented the appearance of the insolvency he asserted, but it so happened that those figures were not correct. The hon. and learned Gentleman asserted, that the total debt of India amounted to £120,000,000. The fact was, that in round numbers the Indian debt, including all that was known of the receipts of the loan now open in India up to last December, amounted to £53,842,000. Then there was the capital stock of the Company, amounting to £12,000,000, but against that there was a guarantee fund of £4,500,000, which would go on accumulating until 1874, when the debt would be paid, at which time the sum of £7,700,000 would be available towards meeting that debt. The hon. and learned Gentleman, however, had made no rebate on that account. The bond debt of the Company in this country was only £5,885,000, so that the whole debt of India, except the £12,000,000, was under £60,000,000. The hon. and learned Gentleman then estimated the deficiency of the present financial year in India at £7,500,000, to which he had added £20,000,000 as the expenditure of the war. But surely the £7,500,000 ought to be deducted from that sum, of which it is, in fact, a constituent part. Then he had added £20,000,000 to the debt on the ground of railway guarantees. But he must remind the hon. and learned Gentleman that the small portion of the Calcutta Railway now open paid 6 per cent, which was 1 per cent over the guarantee. That portion of the Bombay Railway now open paid 4½ per cent, which was within half per cent of the guarantee. Those best acquainted with the facts of the case, who knew how cheaply Indian railroads were made—at an expense of £6,000 per mile, for instance as compared with an average of some £40,000 or £50,000 per mile in England—were convinced that, instead of proving a burden on the State, the railways could greatly increase its resources. His hon. and learned Friend said, that the revenue of India was so utterly unelastic that it was quite impossible to look for any increase; and in the same breath he referred to the greatly increased and still increasing trade of the country, as if that would not produce any increase of revenue. His hon. and learned Friend spoke of what he termed the chronic deficiency; but the fact was, that with the exception of £200,000 or £300,000, the deficiency, during the last three or four years before the mutiny, was entirely caused by the expenditure on public works, many of which were of a reproductive character; and even those public works which did not seem to partake of that description, such as the barracks, would indirectly save future expenditure by preserving the valuable lives of European soldiers. His hon. and learned Friend had defied contradiction, but he thought he had shown that in facts and figures the hon. and learned Gentleman had laid an erroneous estimate before the House. He would not enter into what had been called the controversial clause, because it appeared to be the general opinion that it should be struck out; but he had very high legal authority for stating that there was nothing now to prevent the Indian Government, if they pleased, opening a loan in the European markets; and that such a course could not be prevented except by passing an Act positively prohibiting it. It was nothing more than what the Government of Canada and other colonies were continually doing. The hon. and learned Gentleman had spoken as if the Home Government had no expenses of their own to bear, and no need of money at present except to repay Her Majesty's Government. They had usually received large remittances from India to pay the half-pay and retired allowances in this country and many other charges; but those remittances, amounting to £4,000,000 a year had ceased under existing circumstances in India, and the expenses, not merely the expenses of the troops, but all the ordinary home charges must be defrayed out of the proceeds of the loan which this Bill would enable the Company to raise.

MR. CRAUFURD said, it was true that the proprietors of Indian railways had the power of throwing the undertakings upon the East India Company, and receiving back their capital at any time, although they were not likely to do so, as he could confirm the statement of the hon. Member for Guildford (Mr. Maugles) that the railway Companies were generally earning a dividend in excess of the guarantees.

Mr. WHITE thought it ought to be placed on record that the reason why the East India Company was compelled to resort to this country for a loan, was not owing to the mutiny, but because it had lost the confidence of the Native and other resident capitalists, by its utter want of good faith on a former occasion. A few years ago it was proclaimed in Parliament that the East India Company could obtain any amount of money they might require in India itself, and on quite as good terms as in the London market, and such was the case. But in 1853, under the administration of Lord Dalhousie, the fundholders were induced to assent to a conversion of the 5 per cent loan into a 4 per cent under the false pretence, which was officially circulated in the Government organ, the *Friend of India*, that the Company had superabundant funds in hand to pay off all dissident fundholders. He said, this conversion was effected under false pretences advisedly, because the Government organ proclaimed that the treasure actually in hand amounted to £17,000,000 sterling, and that the annual revenue was more than one million in excess of the expenditure. It was also alleged that the normal interest of the Indian debt could never be more than 4 per cent, and most likely would soon be 3½ per cent. This went on throughout 1854, and Sir Charles Wood (the then President of the Board of Control) confirmed and triumphantly referred to the saving which had been effected of £330,000 per annum by this conversion, in his speech on the presentation of the Indian Budget, on the 8th of August in that year. Sir Charles Wood said—

"I am happy to think that this is a satisfactory operation in the face of one war (Burmese) just terminated, and a general war just commencing. These facts prove the stability of the Indian finances."

Incredible as it may appear, yet it is not the less true, that in the following year—six months only after this glowing panegyric on Indian finance—and without any unforeseen event or catastrophe, the Company was reduced to such straits that it was compelled to become a borrower, and at the rate of 5 per cent. To mask the bad faith it had shown in the previous conversion, and, if possible, to conceal its poverty, the new 5 per cent loan was announced as a public works' loan for £2,750,000. The dismay and astonishment this announcement created, may be understood when it is said that the 4 per cent loan fell immediately to 20 per cent discount. This was an actual loss to the fundholders of the converted 4 per cent loan of £7,000,000 sterling. But the worst part of this extraordinary transaction is yet to be named. It was subsequently admitted that the finances of India were never in the condition to justify the conversion, and, moreover, the published Minutes of the Supreme Council of the 12th March, 1855, demonstrated that the public works' loan was necessitated (not for the object it professed to be raised), but to provide for the most urgent exigencies of the general public service. After such a wholesale spoliation could it be surprising that Native capitalists had so small a faith in the Company's financial integrity? Native and English holders of East India funds implicitly relied on the official statements of superabundant assets in the Government treasuries, and assented to the original conversion. But it afterwards turned out that so far from the Company having such superabundant treasure and annual surplus, as alleged, they were really wanting ways and means, and hence were so soon after driven to open a fresh loan at 5 per cent, under the discreditable disguise of a "public works' loan." Thus this conversion of the 5 per cent stock to 4 per cent, under such circumstances, amounted virtually to a confiscation of £7,000,000 sterling, on the ground that the Company were perfectly able to pay off the debt which it was so soon after proved they were not then in a condition to do. He might cite many cases of great individual hardships to both Native and English holders of Indian Stock. He might refer to the privations which many widows and orphans had been exposed to by this despicable fiscal oppression. In former times the Native community much distrusted the Company's financial faith, but this feeling was fast wearing away. For instance, he found that out of £23,000,000 of Indian debt, in 1834, only £7,000,000 was held by Natives, whilst in 1847, of the same amount of debt, as much as £13,000,000 was so held. The hardship of this transaction was much aggravated to the Native mind, when it is remembered that allied, or rather dependent Princes are, as it were, coerced into being large holders of the Government Stocks. The late King of Oude was a holder to the extent of two millions sterling, many other Native Princes and Princesses of proportionately

large amounts. To come nearer home he might refer to a case of a Life Insurance Company at Calcutta, (for the behoof of Europeans), and presided over by an honourable Friend, whom he did not then see in his place. This institution, in a very praiseworthy care for its constituents, had invested only in Government securities, and by this financial trickery of the Company were losers by the depreciation of their funds to the extent of £75,000 in one year. To show with what hot haste —despite the delays of the double Government—a bad measure could be carried out, the proposition of Lord Dalhousie to reduce the interest of the Indian debt was acceded to *instanter* by both the Court of Directors and the Board of Control here; and yet no agreement had yet been come to to carry out an imperial necessity—to wit—an electric telegraph communication with India. He (Mr. White) had only now to thank the House for its patient attention to the detail of an act of bad faith, such as people would sometimes be guilty of in their corporate, though they would shrink in horror from doing it in their private capacity.

Sir GEORGE LEWIS: I cannot assent to the doctrine laid down by the hon. Member that the financial question to which he alludes was an act of perfidy and spoliation. It was simply a conversion of a five per cent into a four per cent stock, it took place with the consent of the stockholders, who were offered the choice of receiving their money or a 4 per cent stock in lieu of it, so that nothing was done which, by the most perverse construction of the conduct of the Indian Government, can be described as an act of confiscation. Whether it was a successful financial operation is an entirely different question. It may not have turned out advantageously to the credit of the Indian Government, and, as often happens in such cases, the turn of the market may have been unfavourable to the conversion, and the reasonable expectations of those who designed it may have been disappointed. That may have occurred in the present case, but there has certainly been nothing in the affair to justify the very harsh manner in which the hon. Gentleman has spoken of it. I have no wish to prolong the discussion on this Bill, but I must protest against the doctrine of granting the Imperial guarantee in the case of India, of any of the colonies, or any public works without absolute necessity being proved with regard to the particular loan. If the Chancellor of the Exchequer listens to the claims which may be made upon him from all quarters for a Government guarantee to diminish the interest on the capital to be raised, — if he gives a guarantee for £10,000,000 one day to India, another day to a colony, and a third day to a project, say for cutting a great sewer through London, he will find that the national credit, which I am happy to say has been far superior to any private credit, and which during the late monetary crisis never underwent the smallest diminution, will not maintain its superiority. If the Imperial credit is given on all occasions without proof of absolute necessity, we shall no longer see the three per cents sticking at ninety-six and ninety-seven. In this case the absolute necessity has not been shown. The Indian bonds which bear interest at 4 per cent are now at a premium of from 25*s.* to 30*s.* and it is absurd, therefore, to say that the credit of India is so low as to require a national guarantee. There are very few of the continental Governments which could borrow money now at that rate. With regard to the hon. Baronet's clause, I see no objection to the first four lines, but this Bill is only intended to continue in force one year, so that it is scarcely necessary to call on the Directors to make a return year after year of their proceedings under it. As to the return of the manner in which the loan is expended, I do not believe it to be possible. The money will be paid into the Home Treasury, and it will be perfectly impossible to discriminate between the expenditure of the loan and of the other moneys arising from the usual sources of revenue, which are also paid into the home Treasury. As to the last return, I believe if the hon. Baronet will look into the documents on the table of the House he will find that it has already been given in them.

Colonel SYKES said, that he (Colonel Sykes) had not anticipated the attack of the hon. Gentleman (Mr. White), and he must therefore speak from recollection instead of from actual documents; but when the conversion alluded to was made, there was £16,000,000 in the Indian treasury to meet £8,000,000, so that there was an actual disposable balance of £7,000,000 or £8,000,000. Money was to be had in the Calcutta market at 4 per cent., and the 5 per cents. had risen to par, consequently it was an act of duty on the part of

the Government to reduce the interest on the debt. The plan they had adopted was in accordance with the precedents in this country. It was perfectly optional with the stockholders whether they would take their money in full, or accept a lower rate of interest, and a considerable amount was actually paid off. The operation was legitimate, equitable, and necessary. But then the House of Commons interfered, calling for more public works, although £1,000,000 a year was actually spent on them, and the Government of India, without any surplus revenue, had to undertake an expenditure of £2,500,000, for public works. Then the Burmese War breaking out a loan became necessary, and this could not be raised at a less rate than 5 per cent.

Mr. CAMPBELL said, that he considered that the House had departed in this discussion from the original object of the Motion before them. The wants of the East India Company at present could not exceed £3,000,000, and he thought that the House would exercise a wise discretion in now assenting to a grant to such an extent as was absolutely necessary. If this were done, he had no doubt that when the new Government of India should be settled they would be enabled to borrow on better terms than they could do at present, for the announcement of the intention of the Government to assume the powers of the East India Company had already caused a rise in their paper of 5 or 6 per cent.

Mr. AYRTON observed, that he thought that his right hon. Friend had fallen into an error in stating that the Act would only remain in force for one year; because the fact was that it remained in force for perpetuity, and operations might take place under it from year to year. He hoped that before long the Estimates for India would be brought before the House every Session in the same way as the other Estimates, for he was satisfied that that would be the only effectual mode of checking the gross mismanagement which at present pervaded the whole system of Indian finance.

Sir GEORGE LEWIS said, that the Bill as regarded its borrowing powers was only to last one year—until the 30th of April, 1859, and there was no power of borrowing an additional sum after that date. It was true that Bills issued before that time could be re-issued; but that was merely keeping the same instruments in force, and was incurring no new debt. He hoped that the hon. Baronet would consent to omit from his clause the words "and of the expenditure thereof."

Sir HENRY WILLOUGHBY observed that, he looked upon those words as very important, and felt inclined to adhere to them.

Sir GEORGE LEWIS said, that the Indian Government would render an account of the expenditure generally; but there would be no distinction between payments which were made out of loans and payments out of other revenues. That was not the way in which the accounts were kept, and it would be utterly impossible that the wish of the hon. Baronet in this respect, could be complied with.

It was then agreed to omit the words in question, and the Clause, as amended, was *added to* the Bill.

On the Motion of the Chancellor of the Exchequer, Clause 11 was *omitted*.

Bill to be read 3° on *Monday* next.

GOVERNMENT OF INDIA BILL.

SECOND READING POSTPONED.

Order for Second Reading read.

Viscount PALMERSTON said, he concluded that the Government intended to bring in a Bill of their own upon this subject. He was unwilling, however, to drop the present measure until the House should be able to see the Bill which the Government intended to introduce. He should therefore propose to postpone this Motion to an early day after Easter, by which time he presumed that the Government would have matured their plan, and have laid it before the House. He moved, therefore, that the second reading be postponed till Thursday, the 22nd April.

Second Reading *deferred* till *Thursday*, 22nd April.

ROADS (SCOTLAND.)—LEAVE.

Lord ELCHO, in moving for leave to bring in a Bill to enable counties in Scotland to abolish Tolls and Statute Labour, and to maintain their public Roads and Bridges by Assessment, said, that the subject had been so repeatedly discussed at public meetings, and in the public prints, that it was unnecessary he should occupy the time of the House by entering into any arguments in favour of the change proposed by the Bill which he asked leave to introduce. He assumed that all were equally anxious to get rid of what was admitted to be a great inconvenience and check upon the communication between counties and

parishes; and at that hour of the evening therefore he would not do more than briefly enumerate the heads of the measure which he proposed. There were three main features in the Bill. In the first place, it left as much as possible a discretionary power to the local districts; in the second place, it was not compulsory, but was permissive in its character, and might be adopted or not by counties as they pleased; and, thirdly, it endeavoured as far as practicable to avail itself of existing machinery. The mode of making it optional was by leaving the adoption or non-adoption of it to the Commissioners of Supply. It had been urged that it should be left to some more extended body than the Commissioners of Supply; but if he went beyond them, he could not stop short of the Parliamentary constituencies; as we had now a Radical Conservative Government, with probably a Revolutionary Whig Radical Opposition, it was difficult to foresee what the franchise might be next year, and therefore he preferred to adhere for the present to those persons who by themselves or their tenants would pay the greater part of the assessment. A county, after the adoption of the Bill, would form a general county road board, which would consist of all the existing trustees of turnpikes, and a certain number of representatives, chosen one from each parish, and elected by the parochial board. This would, he believed, give a fair and liberal body; but it would be too numerous to act executively. He proposed, therefore, that the general body should elect not less than nine nor more than fifteen to work as a sort of Cabinet. They would not be liable, indeed, to sudden displacements like Cabinets in that House, for he proposed that they should be elected for three years, and that one-third should go out in each year, and should be eligible for re-election, like Cabinet Ministers in Parliament. That body would have under its control the entire management of the county roads. Before the last Session he drew up a Bill hurriedly, which was circulated very generally throughout Scotland, and was the means of eliciting very valuable information. The decided opinion of the people of Scotland was that a distinction should be made between boroughs and counties; that counties should be left to manage the roads within their districts, and boroughs be kept apart. That opinion was adopted in the present Bill. He had already moved for returns on that subject, and expected that they would be laid before the House shortly after Easter. Those returns would enable the House to judge whether the proposal in this Bill to leave the towns to manage the roads in their boundaries and to give to the counties the management of those without those boundaries was equitable. He proposed that the roads both in towns and counties should be maintained by district assessments. His object was to leave each locality as much as possible to deal with its own matters, and with that view he proposed to enable the localities to levy the assessments in one of three modes. In doing so he had been guided very much by a very able Report drawn up on the subject by the county of Lanark—one of the most populous and influential counties in Scotland. That Report recommended that all tolls, without any exception, should be abolished, that the whole of the roads and bridges within boroughs should be placed under the management of the magistrates and town councils, and the remaining roads be placed under that of county boards. The Report also suggested that in making an annual provision for the annual expenditure, on account of the roads and bridges in counties, it should be left to the option of the several county boards to adopt one of three modes of assessment; first, a rate on horses with or without qualification; secondly, a rate on the occupants of land and heritages according to the rent; thirdly, a rate on horses classified or unclassified, and on the occupants of land and heritages. In another county the prevalent opinion was that the rates should be assessed upon property alone. The county that he had the honour to represent was of opinion that the rates should be assessed upon horses and property. He believed that the only way of coming to a conclusion was to give the local authorities the option of adopting whichever of the three modes they preferred. It would be in their power to exercise a discretion in levying the rate upon particular species of property, and there would be a right of appeal from them to the Sheriff. The next question he had to deal with was that of the road debts. He proposed to adopt the plan inserted in the Bill introduced last Session with regard to the Irish roads. A valuator duly appointed would be directed to estimate a road encumbered with debt at the market value, and an assessment would be made in proportion to that valuation. The total of the road debts in Scotland was £2,000,000, of which about £1,000,000

paid no interest at all. There were several minor details in the Bill with which he would not at present trouble the House, but would content himself with moving for leave to bring in a Bill to enable counties in Scotland to abolish Tolls and Statute Labour, and to maintain their public roads and bridges by assessment.

SIR EDWARD COLEBROOKE seconded the Motion.

VISCOUNT DUNCAN said, he did not rise to offer any opposition to the introduction of the Bill, but to express his obligation to the noble Lord for the great pains which he had bestowed upon the subject. He, however, could not pledge his support to all the details of the Bill. He was not opposed to road reform, but thought that much improvement might be effected by the consolidation of trusts and other measures tending to obviate unnecessary expense. He feared, moreover, that however objectionable might be the system of levying tolls, very great difficulty would be experienced when they came to the question of assessments.

MR. R. CROSSLEY expressed his satisfaction that the noble Lord (Elcho) had given so much attention to this important subject. The system of tolls levied on roads was a very great evil, and he thought that in this matter England was far behind Ireland.

MR. WALPOLE said the Government would not oppose the introduction of the Bill, but he must refuse to pledge himself to support it at a future stage.

Leave given.

Bill *ordered* to be brought in by Lord ELCHO, Mr. MONCREIFF, and Sir EDWARD COLEBROOKE.

CASHEL ELECTION.—PETITION.

SIR FRANCIS BARING said, he rose to move that the petition of John Joseph Scully presented to that House on the 18th day of August last, complaining that general and extensive bribery prevailed at the last election for the borough of Cashel, together with the recognizances entered into in respect of the same petition, and the report of the examiner of recognizances in respect of that recognizance, be referred to the General Committee of Elections. He brought the question forward unconnected with any party. The case was one of a petition presented just before the prorogation of Parliament, in which the proceedings were suspended by the prorogation. By 5 & 6 *Vict.*, c. 102, petitions alleging general bribery were to be referred to the General Committee of Elections, and by the 5th section if Parliament was prorogued before any Election Committee was appointed, then the General Committee in the following Session, and within two days after the meeting of Parliament, were to appoint a Committee to try the petition. In this case the petition was presented on the 18th of August, and the recognizances were entered into on the 25th. On the 28th of August Parliament was prorogued. On the 10th of December the recognizances were reported to be unobjectionable, but the petition had not been referred to the General Committee. The General Committee was unaware of the existence of this petition, and it now became a question whether it could be referred to the General Committee, in order that they should appoint a Committee to try it. The lapse had not arisen from any fault of the petitioners, but from the laches of the House itself. Though the Act required the General Committee within two days after the meeting of Parliament to appoint a Committee, yet it provided no time within which the House should refer such a petition to the General Committee of Elections, so that it was reduced to the question whether there was a power in the House of remedying its own laches. He mentioned the matter to the late Attorney General, who stated it as his opinion that the House did possess such a power. He knew nothing of the merits of the case.

Motion made and Question proposed,—

"That the Petition of John Joseph Scully, presented to this House on the 18th day of August last, complaining that general and extensive bribery prevailed at the last Election for the Borough of Cashel, together with the Recognizance entered into in respect of the same Petition, and the Report of the Examiner of Recognizances, in respect of that Recognizance, be referred to the General Committee of Elections."

COLONEL FRENCH said, there was a strong objection to the course proposed by the right hon. Gentleman. The petitioner had not complied with the 10th Section of 5 & 6 *Vict.*, c. 102. By that section it was provided that on the recognizances being completed certain notices should be given to the parties, but these notices had been omitted to be given in the present case. Besides, there was no fair ground on which the petition could be proceeded with, and no injustice would be done to the petitioner. Under all the circumstances of the case he did not think it advisable

that the House should take on itself a power never exercised before, and make a new law for a particular case.

MR. J. D. FITZGERALD contended that under the 4th section of the Act, the petition when presented to the House should have been referred to the General Committee of Elections; it was now too late to do so. Another objection was, that the parties had been deprived of the opportunity of objecting to the recognizances.

MR. WALPOLE suggested, that as the House had been taken by surprise, and then made acquainted for the first time with the facts of the case, the matter had better be referred to the General Committee of Elections to inquire and report on the facts.

MR. P. O'BRIEN said, that on behalf of his relative, the Member for Cashel (Sir T. O'Brien) he had no objection to that course. He was prepared to give a complete answer to the allegation of the petitioner.

SIR FRANCIS BARING consented to withdraw his Motion.

Motion by leave *withdrawn*.

MR. WALPOLE then moved, "that it be referred to the General Committee of Elections to inquire into the facts connected with the petition of J. J. Scully, presented on the 18th of August last, and report thereon to the House."

Motion *agreed to*.

Ordered,—

That it be referred to the General Committee of Elections, to inquire into the circumstances connected with the Petition of John Joseph Scully, presented on the 18th day of August last, complaining that general and extensive bribery prevailed at the last election for the Borough of Cashel, and to report their opinion thereupon to the House.

PROBATE DISTRICTS MAP.

PAPERS MOVED FOR.

MR. WYLD said, he rose to move for a copy of the instructions given by the Comptroller of the Stationery Office for the compilation and publication of a map of the Probate Districts of England. He should also be glad if he could obtain a copy of any correspondence which may have passed between the Comptroller of the Stationery Office and the Judge of the Probate Court, as to the alteration of the boundaries of the Probate Districts defined by the Act 20 & 21 *Vict.*, c. 77, and the authority for the alteration in the boundaries of the Probate Districts in the map said to be compiled by order of the Stationery Office.

Motion made and Question proposed,—

"That there be laid before this House, Copy of the Instructions given by the Comptroller of the Stationery Office for the compilation and publication of a Map of the Probate Districts of England.'

MR. G. A. HAMILTON said, no such instructions had ever been issued, and no such correspondence as was referred to had taken place. The alteration referred to by the hon. Gentleman had been made by the publisher on his own authority, without any reference to the Stationery Office.

MR. WYLD said, that in the maps issued to the different courts the boundaries were wrongly laid down. When the vote for the Stationery Office came before the House he would call attention to the case.

Motion by leave *withdrawn*.

AGRICULTURAL STATISTICS BILL.

LEAVE.

MR. CAIRD, in moving for leave to bring in a Bill to provide for the collection of agricultural statistics, said he had introduced a similar Bill towards the close of last Session, but did not press it beyond the first reading, as his only object then was to bring it under public notice, intending to proceed with it this Session. The present Bill was the same in principle; the inquiry would not be compulsory, but he had adopted a more simple machinery, which would attain the end at much less cost. The amount of acreage sown with a particular crop was the most important fact to ascertain, and it was the only information it was in the power of the House to attain under the influence of an Act.

MR. HENLEY said, he would not oppose the introduction of the Bill, more especially as he understood its operation was to be confined to ascertaining the amount of acreage. That was the information there would be the least objection to give. He should, however, reserve to himself the right to oppose the measure at a future stage, if he did not approve of its provisions.

MR. PACKE said, the Bill of last Session contained a clause authorizing certain official persons, in case of refusal to make a return, to enter upon the land of occupiers in the month of June, and if this Bill contained any similar clause he should give it his most determined opposition.

MR. BALL said, the Bill of last Session was so objectionable that any Bill eman-

ating from the same quarter would naturally be looked upon by agriculturists generally with suspicion; but as he understood that the most objectionable parts of the former Bill were omitted in the present one, he was prepared to give the measure his best consideration.

Mr. BENTINCK said, he also objected in the strongest manner to the clause alluded to by the hon. Member for South Leicestershire. He could imagine nothing more compulsory than that clause, and unless it was expunged he should give his uncompromising opposition. Indeed, he considered it a complete waste of time to discuss such a Bill at all, and regretted that the right hon. Gentleman (Mr. Henley) had assented to its introduction.

Leave *given*.

Bill *ordered* to be brought in by Mr. Caird and Mr. Garnett.

Bill *presented* and read 1°.

House adjourned at One o'clock till Monday next.

HOUSE OF LORDS,

Monday, March 15, 1858.

Minutes.] Public Bills.—1ª Tenants for Life, Trustees, &c.; District Courts of Bankruptcy Abolition Bill (No. 2); East India Loan.

THE MARQUESS OF CLANRICARDE.

NOTICE OF STATEMENT WITHDRAWN.

The Marquess of CLANRICARDE, who had given notice that he would make a Statement, and call the Attention of the House to certain matters relating to himself, said that upon the advice of some noble Friends he desired with the permission of their Lordships to withdraw his Notice of Motion.

THE SLAVE TRADE—RETURNS.

QUESTION.

Lord BROUGHAM begged to ask his noble Friend at the head of the Foreign Office when the papers in relation to slavery, which had been ordered some time ago, would be laid upon the table?

The Earl of MALMESBURY: I am sorry to inform my noble and learned Friend I am afraid that the papers alluded to will not be ready before May, or even June. The delay arises from certain formalities which have to be gone through; and all the Returns have not yet been received. They will run to a much greater length than was at first supposed. I am sure that my noble and learned Friend will not be disappointed by this delay, for when they are produced they will be found to be very satisfactory. Instead of 1,000 or 1,200 pages, as was expected, they would extend to 2,000. By the end of May or the beginning of June they will be ready for presentation to the House.

Lord BROUGHAM said, that the reason assigned for the delay was most satisfactory; but from what had passed outside of the House he expected that such arrangements would be made for the future as would ensure those Returns being made at an early period of the year.

THE IRISH MAGISTRACY—QUESTION.

The Marquess of LONDONDERRY: My Lords, in the month of August last a letter was addressed to me, through the then Lord Chancellor of Ireland, in which certain instructions were conveyed to me as Lord Lieutenant of the county of Down in reference to the appointment of magistrates. I should not have introduced this question to the noble Earl at the head of the Government, but that he must be sensible that matters may arise every day in which the discretion of the nobleman filling the office of Lord Lieutenant in respect to the distribution of magisterial commissions may be called in question. Apologizing, then, to the noble Earl for calling his attention to this subject, I beg to ask him whether the letter from the late Lord Chancellor of Ireland is still intended to stand as an instruction to the Lords Lieutenant of counties, or whether Her Majesty's Government are disposed to take a different view of the matter?

The Earl of DERBY: I have no difficulty in answering my noble Friend's question, because this is one of the subjects that engaged the attention of my noble Friend the Lord Lieutenant of Ireland (the Earl of Eglinton) before he left this country. I am quite sure that my noble Friend will do the noble Earl, who now presides over the Councils of Ireland, the justice to admit that there is no man who has a greater desire than he has to maintain the principles of equal justice to all parties in Ireland, and to discourage, as far as possible, those political and religious dissensions which have unhappily prevailed there. My noble Friend will, I am sure, be glad to know that the Lord Lieutenant of Ireland is no more connected than I am

with the Orange societies in Ireland; and I believe that he, like myself, is of opinion that, whatever may have been the advantages of that organization in past times, of which I will say nothing, and whatever may be the loyalty, good feeling, and conduct of Orangemen generally—upon the whole, the organization of Orange societies to certain parties for the magistracy was a step which was beyond the requirements of the law. But we are of opinion that the letter of the late Lord Chancellor of Ireland, which laid down an absolute disqualification, is rather calculated to do injury than service in the present state of Ireland, and that, although the Orange society may be one the existence and organization of which we may regret, it is yet one which, being legal, its members ought not to be subject to any disqualification arising from it. I will not say whether it is desirable or not that members of the Orange society should be appointed to the office of magistrates. I own that it is not desirable that, as a matter of ordinary occurrence, clergymen should be appointed to that office. If other persons can be found, I think it is undesirable that that office should be held by clergymen. It may also be undesirable that, as a matter of ordinary practice, Orangemen should be selected to fill the office of magistrate. I think, however, that nothing can be more inconsistent or inconvenient than that the Lord Chancellor should lay down a general rule refusing to grant the commission of the peace to any person belonging to any particular class or party. On this principle I think that the late Lord Chancellor went beyond the necessity and desirableness of the case in withholding the commission of the peace from the members of the Orange society, which was a long established society. I can, therefore, inform my noble Friend that it is not the intention of my noble Friend the Lord Lieutenant of Ireland, nor is it the intention of the present Lord Chancellor of Ireland, to continue to act upon the principle of disqualification laid down in the late Lord Chancellor's letter. It is undoubtedly desirable that no person should be appointed to the magistracy in Ireland whose peculiar political opinions are likely to interfere with the due administration of justice; but the recommendation of such persons, whatever may be their political opinions, to hold the office of magistrate in Ireland must be left to the unfettered discretion of the Lords Lieutenant of the counties, and the adoption of such recommendation must be left alike to the unfettered discretion of the Lord Chancellor of Ireland.

THE EARL OF CARLISLE: My Lords, I was not aware that the question of my noble Friend was about to be put, nor do I think it desirable that we should discuss the subject at the present moment. All I can say is, that if the question had been mooted before your Lordships' House while I retained my connection with the government of Ireland, I should have felt myself fully prepared to justify and vindicate the propriety of the letter of Lord Chancellor Brady. I beg to express my satisfaction with that general opinion with respect to the propriety of the Orange organization which has been thrown out by the noble Earl opposite; but I, of course, hold myself quite prepared to question the propriety of any future appointment to the magistracy in Ireland. I hope, however, that the appointments will be such as to render any observations on my part unnecessary.

FOREIGN REFUGEES IN ENGLAND.—RELATIONS WITH FRANCE.

CORRESPONDENCE LAID ON THE TABLE.

THE EARL OF MALMESBURY: My Lords, I beg leave to lay on your Lordships' table the correspondence which has taken place between the Government of Her Majesty and the Government of His Imperial Majesty the Emperor of the French since Her Majesty's late Ministers resigned their offices. I am happy, my Lords, to state that that correspondence puts an end to all the misapprehensions which unfortunately existed for a short time between the two countries. And it would be unfair in me if I were not to add, that that desirable consummation has been facilitated by the frank and handsome manner in which Count Walewski came forward after the House of Commons had expressed, on the 19th of February, its opinion upon, and disapprobation of, his despatch. I repeat, my Lords, that Count Walewski expressed to Lord Cowley his regret that he had been misunderstood, and frankly gave to Lord Cowley a most satisfactory explanation of the expressions which in his despatch had been misinterpreted. I think that your Lordships, when you read the correspondence, will see that this matter has been concluded with all honour and good feeling on the part of both Governments. I have nothing more to say upon the question than that Her

Majesty's Government place the highest value upon that alliance, which has been of so much consequence to the happiness of Europe, and, I must say, of the world, for the last five years; and that they have the most thorough conviction that the same feeling is entertained by the Emperor of the French, whose sentiments, through his Minister, your Lordships will find clearly and satisfactorily expressed in those despatches. That I may not alter a word of his expression, I beg leave to read an extract from one of them. We are convinced, my Lords, as the Emperor of the French says he is convinced, that—

"The reconciliation of the great nations, after centuries of antagonism, could be sincere and lasting only on one condition—namely, that the honour of the one shall never be sacrificed to the honour of the other."

Correspondence *presented* (by command) and ordered to lie on the table.

DISTRICT COURTS OF BANKRUPTCY ABOLITION BILL.

ORDER FOR THE SECOND READING DISCHARGED.

LORD BROUGHAM rose to move that this Bill be read a second time, in order that it might be committed *pro formâ*, and might receive various Amendments which he wished to introduce. This, he would observe, was not the only measure on the subject of bankruptcy which their Lordships would have to consider. There was already another Bill before the House; he understood that the Attorney General had a Bill in preparation in which he had great hopes, from communications he had had with the law officers of the Crown, that many of the most important portions of his own Bill would find a place. At the recent Congress on Social Science, Lord John Russell had suggested that the Chambers of Commerce ought not to content themselves with merely sending deputies and receiving their report, but that they should meet again in order to express their views on the subject of bankruptcy. Persons for whose benefit a particular system had been established might not be altogether safe counsellors with regard to the alterations they wished to be made; but they were witnesses beyond exception with regard to the existence of the evils they complained of in the system itself. Accordingly, the Chambers of Commerce had met and prepared a scheme which had been sent in to the law officers of the Crown. To these four Bills might be added a fifth—namely, one that was in preparation by his noble and learned Friend, the late Lord Chancellor. If all these measures were introduced into the House, the inevitable result would be that they would be referred to the same Select Committee which would be able, he had no doubt, to compound a satisfactory measure out of the ample materials so submitted to it. Under these circumstances, he now moved the second reading of the Bill which stood in his name, with the view of having it committed *pro formâ* to-morrow.

THE LORD CHANCELLOR requested his noble and learned Friend to postpone to a future day the advance of his particular measure a single stage. He admitted that the state of the law, both as regarded bankruptcy and insolvency, was most unsatisfactory; that there had been very extensive complaints for a considerable time throughout the commercial world, and that there had been a loud demand for an amendment of the law. He agreed, also, with his noble and learned Friend that in dealing with this subject it would be necessary, in the first place, to revise the whole of the law, and the result of such revision would be, he hoped, the introduction of very material amendments. His hon. and learned Friend the Attorney General (Sir FitzRoy Kelly) had turned his attention very closely and particularly to the subject, and he believed that he would be prepared, with the sanction of the Government, to introduce a measure of a very comprehensive and extensive description, which would probably include all those matters to which the attention of his noble and learned Friend had been more particularly directed. He believed that in a short time his hon. and learned Friend would be prepared to introduce such a measure to Parliament. The Bill of his noble and learned Friend (Lord Brougham) proposed to deal with only one portion of this vast subject; but it could not be denied that it would be very inconvenient that that there should be anything like piecemeal legislation on so important a matter. His noble and learned Friend proposed to abolish all the District Courts of Bankruptcy; but he (the Lord Chancellor) was afraid that there would be a most formidable objection to his Bill, seeing that it proposed to saddle the Consolidated Fund with an annual payment of no less than £400,000. However, whether that were so or not, he put it to his noble and learned

Friend whether it would not be advisable to postpone the further consideration of this measure, in order that he might ascertain what were the intentions of the Government on the subject—in fact, until the Bill of his hon. and learned Friend the Attorney General was introduced in the other House. His noble and learned Friend (Lord Brougham) would then be able to judge whether the whole subject had been properly dealt with, and possibly he might find that, owing to the comprehensive provisions of the general measure, his own Bill upon only a small portion of the subject would be unnecessary.

Lord BROUGHAM consented to postpone the second reading.

Order of the Day for the Second Reading read, and *discharged*.

DISTRICT COURTS OF BANKRUPTCY ABOLITION BILL (No. 2).

BILL PRESENTED. READ 1ª.

Lord BROUGHAM then *presented* a Bill to limit the jurisdiction of Her Majesty's Court of Bankruptcy; to Abolish the Courts of Bankruptcy for the Country Districts; to give to the Judges of the County Courts acting in the Country jurisdiction in matters of Arrangement and of Bankruptcy in certain cases; and further, to increase the jurisdiction of the County Courts, and to amend the Laws relating to Bankrupts and to the Estates of deceased Debtors.

The Earl of DERBY thought that the noble and learned Lord had taken a very wise course in consenting to discharge the Order. With reference to the course originally proposed by the noble and learned Lord of reading the Bill a second time and committing it *pro formâ*, he observed that his noble and learned Friend on the woolsack had had so short an experience in that House as yet that he was not aware, probably, how irregular they were. His noble and learned Friend on the woolsack very naturally supposed that the second reading of a Bill affirmed the principle of the measure, and that the details were regulated in its passage through Committee. But the custom had grown up in that House, which he could not but think was "more honoured in the breach than the observance," of bringing forward Bills, laying them on the table without a statement, reading them a second time *sub silentio*, when no one thought of affirming the principle, and passing them through Committee *pro formâ*. By this practice only one, or at most, two discussions could take place upon a Bill — namely, upon bringing up the Report, and upon the third reading. He (the Earl of Derby) could not help thinking that the more regular course of proceeding would be that of discussing the principle of a measure upon its second reading, and not of postponing its discussion until the latter stages of the measure.

Bill read 1ª.

AFFRAY AT DUBLIN.—OBSERVATIONS.

The Earl of RODEN said, he wished to call the attention of Her Majesty's Government to a circumstance which had occurred in Dublin, and the details of which were in the newspapers of that morning. It had, indeed, caused great excitement and no little disgust in the minds of large classes of the population. He referred to the most disgraceful attack that had been made by the police of Dublin upon a number of young gentlemen students of the University. It was not his intention to defend a riot which might have been caused by throwing orange peels among a crowd, because their Lordships well knew that such occurrences took place at all similar places when the students were assembled to exhibit their feelings; but what he complained of was, that the police of Dublin —the cavalry with drawn sabres and the infantry with truncheons—headed by one of their commissioners, made a cowardly attack upon a number of unarmed lads and inflicted serious injuries upon several of them. He believed that the case would have been very different if the police of London had been placed under similar circumstances, and he could not help thinking that the time had come when an inquiry into the constitution and efficiency of the Dublin police, and of the individuals who commanded them, had arrived, as it appeared clear that the force as at present constituted was wholly inefficient to preserve the peace and tranquillity of the city. He begged to read their Lordships an extract from a private letter from a gentleman, who was present during the affray:—

"I was present yesterday afternoon, and witnessed the attack, by mounted policemen, on some of the college students under the railing. I saw several of the police riding after the lads, and cutting at them, while they were running away, with sabres; also a great number of foot police following the students, and striking them on the backs of their bare heads and on the arms with their batons. I heard no Riot Act read by any

one. I did not consider there was any occasion for a Riot Act to be read. I saw an old gentleman on horseback, whom I was informed was Colonel Browne, inside the college railings. I went up to him, and called upon him to withdraw those police ruffians, who had no business inside the railings. The mounted police were at the moment cutting and driving at the students through the partly closed wicket. Colonel Browne did not appear, as far as I could judge, to have any command whatever over the police; he did not seem to be in possession of his faculties. I saw him shake hands with two of the young students, at the same time that his men were cutting and laying about them in every direction. Colonel Browne never interfered. I saw nothing in the conduct of the students to provoke so gross and fearful an outrage. I saw no stones thrown, in fact there were no stones to throw. I saw some squibs and crackers let off, and oranges flung, also eggs. I saw in the early part of the day a policeman who had been deprived of his hat, and got in amongst the students, but beyond a little squeezing I saw no injury inflicted upon him. I myself assisted in getting him clear of the crush of students and others. I particularly noticed the manner in which the mounted police were formed round the outside for the purpose, I suppose, of defying and exasperating the students. I also particularly noticed the savage butchery of the policemen, cutting and striking at mere boys, who were at the time running away. Nothing in the character of the Sepoys could go beyond the savage and revengeful demeanour of the Dublin police. Colonel Browne, the commander—I must do him the justice to say—appeared stunned and bewildered, but his conduct was not such as to entitle him to the command of the demons he could not control yesterday. Nor ought the public to permit drawn swords in the hands of such scoundrels, who have the character of being everywhere except the place in which they are most wanting. I should add that when the police first charged, the students ran away. There was then no occasion for the police to follow them. It will, as a proof of this, be found that most of the serious wounds were inflicted on persons whose backs were turned. I myself had to run, pursued as far by the police as the corner of the railing near College Street. I had not a cap or gown on, though an old college man. I am quite convinced that many students who were perfectly quiet were struck by the police merely for the fact of wearing a college cap. I saw no attempt at any party display, or party conduct, by the students; and nothing but the most perfect goodwill towards them by the townspeople."

The question which he wished to ask was, whether the Government had received any information on the subject of this most disgraceful and ruffianly outrage?

THE EARL OF DERBY: My noble Friend has given me notice that he intended to put this question, and nothing can be more natural than that he and all others connected with Ireland should feel deep interest in the unfortunate subject to which it refers. Whatever may have been the origin of the affray, the results have been most lamentable; — I believe that two of the young gentlemen wounded are not yet pronounced out of danger. I am not aware that any official account of the occurrence has been received, but I did receive this morning a private letter from my noble Friend the Lord Lieutenant, in which he assures me that he has caused the strictest investigation into the circumstances, and that he will leave nothing undone to arrive at the truth. My noble Friend has mentioned in his letter what the impression left on his mind is; but as the inquiry is still pending, I do not think it expedient that I should state what that opinion is. I may say, however, and I believe my noble Friend opposite, the Viceroy under the late Administration (the Earl of Carlisle), will confirm me, that the Government to which he belonged intended to cause a strict inquiry to be made into the general character and conduct of the metropolitan police, and I assure the House that it is our intention to take up the subject immediately.

THE EARL OF CARLISLE said, that the late Government, of which he had been a member, intended to inquire into the whole system of the working of the Dublin police system.

House adjourned at Six o'clock till To-morrow half-past Ten o'clock.

HOUSE OF COMMONS,

Monday, March 15, 1858.

MINUTES.] NEW MEMBERS SWORN—for Tyrone, Right hon. Lord Claud Hamilton; Salop (Southern Division), Right hon. Viscount Newport; Wicklow, Hon. Granville Leveson Proby; Cockermouth, Right hon. Lord Naas; Dublin County, Lieutenant Colonel Thomas Edward Taylor.

NEW WRIT—for Dublin University, *v.* the Right hon. Joseph Napier, Lord High Chancellor of Ireland.

PUBLIC BILLS.—1° Marine Mutiny; Mutiny; Commons Enclosure; Cambridge University Matriculation and Degrees; General Board of Health (Skipton &c.); Militia Act Continuance.

COLLISION BETWEEN THE POLICE AND THE STUDENTS IN DUBLIN.

QUESTION.

MR. GROGAN said, he wished to put a question to the Secretary for Ireland, with reference to the accounts which had appeared in the public papers respecting an affray which had taken place in Dublin between the students of Trinity College

and the Police. It would be necessary for him to state a few facts. The outrage took place on Friday last, on the occasion of his Excellency Lord Eglington assuming the reins of Government in Ireland. It was a general holiday and great crowds were assembled. ["Order!"]

Mr. SPEAKER: The hon. Member must confine himself to stating such particulars only as may be necessary to explain the question he is about to put.

Mr. GROGAN said, that such was his intention. The locality where it occurred was called College Green. On one side stood the College: and in front of it was a large semi-circular space of ground, the property of the College, divided from the street by a wall, with iron gates. Within these precints the students of the College were assembled in great numbers. ["Order, order!"]

Mr. SPEAKER: The hon. Member must confine himself to the facts on which his question is to be founded.

Mr. GROGAN went on to say that the boys who were assembled there amused themselves by throwing oranges and apples at one another, and also amongst the people outside; there was, however, no ebullition of party feeling.—["Order, order!"] —The procession of his Excellency passed the spot.—["Order."]

Mr. SPEAKER: If the hon. Member enters upon such details as these, it will be calculated to lead to a debate, which is contrary to the orders of the House.

Mr. GROGAN said, he did not know how he could put the House in possession of the facts without stating them. ["Question, question."]

Lord NAAS said, that it was unfortunately true that on Friday last a very serious collision took place between the Dublin metropolitan police and a number of the students of Trinity College assembled within the railings of that building, when, he was afraid, many of the students were seriously wounded, and some of the police also very much hurt. As soon as the matter was brought to his notice, the same evening he directed the Commissioners of Police to report to the Government upon the subject. Their report reached him at five o'clock last night in Dublin, and was now in the hands of the Lord Lieutenant. On Saturday, the Proctors and two of the Senior Fellows of the College waited upon him (Lord Naas) and informed him that it was their intention to draw up a statement of what they considered to be the case, accompanied by certain depositions which they were going to have taken, and to lay them before the Government. That statement would, he expected, be in the hands of the Lord Lieutenant either this evening or tomorrow morning. On the same day, in the afternoon, the College authorities expressed a wish that an opportunity might be afforded to some of the students who had been hurt, or had witnesssd the affray, to identify those of the police who had been most violent. He at once gave orders that the police should be paraded for that purpose, and the result was, that on Saturday evening, several of the horse police, and yesterday, some of the foot police, were identified by students and others, as having been most active in the fight. Under these circumstances it was impossible that he should state decidedly what course the Government would take. All he could say was that the matter would receive their most serious consideration, and that as soon as all the facts of the case were before them, in the report of the Commissioners of Police, and the statement of the College authorities, they would be prepared to form a judgment upon them, and to take such steps as it seemed to them most proper to adopt.

SCULPTURE IN THE PUBLIC PARKS.

QUESTION.

Mr. T. DUNCOMBE begged to ask the noble Lord the President of the Board of Works whether, in the event of any offers of sculpture, as approved specimens of the fine arts, being made by way of gifts to the nation, with a view to their being placed in the Parks, any objection would be raised on the part of the Government to their acceptance?

Lord JOHN MANNERS replied, that if any public-spirited individual made such an offer as that referred to in the question of the hon. Gentleman he should be prepared to take Her Majesty's pleasure upon the subject. At the same time, he should recommend the acceptance of none but really meritorious works.

THE INCUMBERED ESTATES COURT.

QUESTION.

In reply to Mr. Cogan,

Lord NAAS stated that the Government hoped to be able to introduce during the present Session a measure of a permanent character with regard to the In-

cumbered Estates Court. If the public business or other causes rendered that impossible they would, towards the end of the Session, ask the House to pass a Continuance Bill.

LONDON TRAMWAY BILL.—BY ORDER.

BILL PUT OFF.

Order for Second Reading read.

Motion made and Question proposed, "That the Bill be now read a second time."

SIR B. HALL said, he hoped the House would be induced to postpone the second reading of this Bill for six months. Private Bills were usually referred to a Select Committee, but this Bill was of such a nature that it deserved the consideration of the House. The Bill involved an entirely new principle, and would interfere most detrimentally with the public thoroughfares of the metropolis. Instead of applying, like Railway Companies, for power to make a road of their own, the promoters sought the use of existing roads which belonged to, and were maintained by, the public; they asked for power to appropriate sixteen feet in width of the public thoroughfares of the metropolis, in order that their omnibuses might run on rails laid for that purpose. Now as some of the public thoroughfares were only eighteen feet wide, only one foot would be left on each side for the accommodation of carriages, carts, and all the ordinary traffic. It must be admitted that there was hardly a thoroughfare in the metropolis at present sufficiently large to accommodate the existing traffic, and he, therefore, thought it a monstrous proposition to ask permission to appropriate sixteen feet of a highway to the purposes of a private omnibus company. He would therefore move that the Bill be read a second time that day six months.

Amendment proposed, to leave out the word "now;" and at the end of the Question to add the words "upon this day six months."

Question, "That the word 'now' stand part of the Question," put, and *negatived*. Words *added*. Main Question, as amended, put and *agreed to*.

Bill *put off* for six months.

PUBLIC BUSINESS.

SIR W. JOLLIFFE moved that Orders of the Day have precedence of notices of Motion on Tuesday.

Lord Naas

VISCOUNT PALMERSTON inquired whether the Motion had reference to to-morrow or to all Tuesdays?

SIR W. JOLLIFFE: To-morrow only.

Mr. W. EWART asked whether the Motion would give precedence to Bills introduced by private Members as well as to Government business?

THE CHANCELLOR OF THE EXCHEQUER stated, in reply, that the object was to receive the Report of the Committee of Supply, so as to enable the House to go into Committee of Ways and Means as soon as possible and facilitate the introduction of the Mutiny Bill. The Motion, if carried, would not interfere with the general current of business.

Ordered,—

That the Orders of the Day have precedence of notices of Motion To-morrow.

EAST INDIA LOAN BILL.

THIRD READING. BILL PASSED.

On motion that the Indian Loan Bill be now read a third time,

THE CHANCELLOR OF THE EXCHEQUER: With the permission of the House, I will take the present opportunity of stating the course which the Government propose to take with regard to a subject which was under discussion on Friday night, and with respect to which there is considerable misconception in the public mind, as well as in this House; I allude to the case of the *Cagliari*. When we accepted office our most serious attention was given, and naturally so, to that case, the circumstances being of a character—

MR. SPEAKER: I apprehend that the right hon. Gentleman cannot make a statement respecting the case of the *Cagliari* upon the Motion for the third reading of the East India Loan Bill.

THE CHANCELLOR OF THE EXCHEQUER: I will explain to the House in a single sentence why I have requested permission to make the statement now. The fact is that if I am not allowed to put the House in possession of certain information I shall be precluded from giving a satisfactory answer to the Motion which the hon. Member for Dover (Mr. Osborne) has put upon the paper for to-night. At the same time I have no wish to violate any of the rules of the House.

MR. SPEAKER: If the Chancellor of the Exchequer will allow the India Loan Bill to be read the third time, the House

will then, no doubt, give him an opportunity of making his statement.

Bill read 3° and *passed.*

CASE OF THE *CAGLIARI.*

THE CHANCELLOR OF THE EXCHEQUER: With the permission of the House I wish now to state that when we accepted office the question of the *Cagliari* was, with one exception, the first that engaged our attention, the circumstances being such as to demand the immediate and most serious and anxious consideration of the Government. At that time, after the greatest deliberation and investigation, it was the unanimous opinion of the Cabinet that the jurisdiction of the King of Naples had been acknowledged by our predecessors in office, and that we were consequently precluded from taking any steps in contravention of that decision. The jurisdiction of the King of Naples had, it appeared to us from the papers from which alone we could form an opinion on the subject, been absolutely admitted by our predecessors; and, with reference to those other circumstances which were so frequently alluded to in the debate last Friday, I beg to state that they also had been under the consideration of our predecessors; that the opinion of the law officers of the Crown had been taken, and taken more than once, after our predecessors had obtained a knowledge of those other circumstances; and it appeared to us, so far as we could form an opinion from the documents in our possession, that after the knowledge of those other circumstances, and after their consideration by the law officers of the Crown, the jurisdiction of the King of Naples was still recognised, and in no manner impugned by our predecessors. In this state of affairs it was our opinion that, according to the rules which regulate the affairs of nations, it was not open to us any longer to impugn that jurisdiction. We had then to consider what, under the circumstances, was the best we could do to assist our countrymen in the unhappy circumstances in which they found themselves. It was our opinion that the best course was to send instantly a person of character and influence to Naples, instructing him to insist upon the immediate trial of our countrymen, and to give them by all means and methods the utmost assistance and aid that he could. But when the discussion took place on Friday night the noble Lord the Member for Tiverton (Viscount Palmerston) rose and stated, in a manner most unexpected by us, that the late Government were considering again the case of the *Cagliari* previous to their retirement from office. I am bound to say that a careful examination of all the papers rendered that statement on the part of the noble Lord one for which we were entirely unprepared; and I feel it due to ourselves to add that a minute, laborious, and subsequent examination of those documents affords no clue whatever to the information which the noble Lord communicated to the House on Friday night. But I accept without hesitation a declaration made in Parliament by the late First Minister of the Crown, and it is impossible for myself and my colleagues not to perceive what must be the inevitable consequence of such a declaration. It entails upon us a great responsibility—a responsibility perfectly unexpected as well as great—but a responsibility from which we do not shrink. We have therefore felt it our duty, under those new circumstances, for which we were quite unprepared, to submit the case to the present law advisers of the Crown. We now deem ourselves perfectly free from that engagement which we apprehended bound the Government and State of England, and when we have obtained the opinion of the law officers of the Crown, and deliberated upon it, our duty will be to do what we think is for the interests of law, of right and of justice. We shall act without fear or favour, whether we may deem it our duty to recognize the jurisdiction of a Sovereign, or to vindicate the rights of our fellow-subjects. We have given directions that all the papers connected with the management of the *Cagliari* case by our predecessors should be prepared and laid with all reasonable despatch before Parliament. They are more voluminous than the House perhaps imagines; but no unnecessary delay will take place in their production. It is also my duty to state that, after great deliberation, while perfectly aware of the inconvenience which under ordinary circumstances would accrue by submitting to Parliament the opinions of the law officers of the Crown, we have arrived at the conclusion that in the peculiar and exceptional circumstances of the present case we ought to lay the opinions of the law officers of the Crown before the House. I hope the House will understand that in our judgment there are circumstances in

the case of the *Cagliari* which render it expedient that an exception should be made to a rule that ought to be generally observed. The remarks of the noble Lord the Member for London (Lord John Russell) were perfectly just so far as they related to the mode by which Parliament ordinarily becomes acquainted with the opinions of the law officers of the Crown, or with so much of them as Ministers may deem it expedient for the public service to publish; but the noble Lord will recollect that in the present instance there is no diplomatic machinery, in consequence of the cessation of diplomatic intercourse with Naples, by means of which the desired information could be imparted. Under these circumstances we think it best to place the opinions of the law officers of the Crown before the House. No time will be lost in so submitting them to the consideration of Parliament, and meanwhile I beg to assure the House that, freed by the declaration of the noble Lord the Member for Tiverton from the engagement by which we considered ourselves bound, we hope we shall exercise the utmost energy and prudence in the management of an affair that undoubtedly demands our most serious attention and our most earnest solicitude.

VISCOUNT PALMERSTON rose, and was about to address the House: when

MR. SPEAKER informed him that there was no Question before the House.

THE CHANCELLOR OF THE EXCHEQUER then moved the adjournment of the House.

Motion made and Question proposed, "That this House do now adjourn."

VISCOUNT PALMERSTON: I am very glad to learn from the right hon. Gentleman that the Government feel themselves at liberty to take this matter into consideration, and that they intend to lay before Parliament the whole of the papers connected with the case — not only, of course, the opinions given by the law officers of the late Government, but also, no doubt the opinions of the law officers of the present Government. It is perfectly true, as the right hon. Gentleman stated, that the late Government did practically acknowledge the jurisdiction of the Government of Naples in the case of these persons. For a considerable time we were unable to ascertain where it was that the capture was made, and the impression we had was that the capture was made within the territorial jurisdiction of the King of Naples. There was no ground, therefore, on which we could dispute the competency of the Neapolitan Courts. After a considerable time there came from Naples documents, — depositions, accompanied by a little sketch, which the right hon. Gentleman is well aware of, showing the place where the capture was made, and that the vessel was met six miles south-west from the island of Capri, beyond, therefore, the territorial jurisdiction of Naples. We then took the opinion of the law officers of the Crown; but there was nothing in the opinion we received which led us to think that we were entitled to dispute the competency of the Neapolitan Courts. The matter remained in doubt on the material point on which it must turn—namely, whether the capture was forcibly made, or whether the captain of the *Cagliari* willingly placed himself under Neapolitan jurisdiction. The opinion was that if the capture was made entirely by force on the high seas we should have had a right to claim the English engineers; but if, on the other hand, there was a voluntary surrender our right would not have been such as it otherwise would have been. This was the matter in doubt. It appeared clear that after the landing of the refugees at Sapri the captain and crew of the *Cagliari* determined to go to Naples for the purpose of giving themselves into Neapolitan jurisdiction and reporting the whole of the proceedings, and they were on their way to Naples when they met the Neapolitan frigates and gave themselves up. The Neapolitan frigates not knowing what their intention was, did what is usual on such occasions—fired a gun for the purpose of bringing them to; but the captain went voluntarily on board, and gave himself up to Neapolitan jurisdiction. On these grounds we were advised that it was not that clear case of forcible seizure on the high seas which entitled us to make an absolute demand on the Neapolitan Government for the surrender of the two engineers. A demand made must of course be supported by force, and we felt that when a step was to be taken which might eventually and probably would lead to the necessity of employing force to carry it into effect, we should not have stood justified in adopting such a proceeding unless we were informed by our law advisers that we had a clear case of right against the Neapolitan Government which would justify us in resorting to extreme measures. So stood the matter; and when I stated the other day that the question was still under the

consideration of the Government when they left office, what I referred to was that we were expecting further documents from Naples, and from the Sardinian Government with respect to the demand made by the latter for the restitution of the vessel: because, if that demand were acceded to by the Neapolitan Government, and the vessel were restored, then, undoubtedly, our claim for the restitution of the two engineers who were on board the vessel would have assumed a different character from what it had before. That is what I referred to; and I think the right hon. Gentleman will find—though I know not whether information on this head may be before the Government or not—that we were expecting, so far as I am informed, further documents from the Sardian Government with respect to the claim they were making on the Government of Naples. I am glad that the right hon. Gentleman says that he has no objection to laying the papers before the House, and when they are presented hon. Members will then be more fully masters of the case than they possibly can by any verbal statements made on one side or the other.

Motion for the adjournment of the House, by leave, *withdrawn.*

POLICY OF THE GOVERNMENT.

OBSERVATIONS.

On the Report of Supply being brought up,

Mr. BERNAL OSBORNE, pursuant to notice, rose to call the attention of the House to the course which Her Majesty's Government intend to pursue with respect to the business of the Session, and said: If I needed any justification for interposing between the House and the reception of the Report of Supply, I should seek it in the unusual course taken by Her Majesty's Government. But if that course is unusual, still more unusual was the reply made by the right hon. Gentleman the First Lord of the Admiralty (Sir John Pakington) in answer to several hon. Members who called on him to give some sketch of the principles and policy of the Government. The right hon. Gentleman the First Lord of the Admiralty, to my astonishment, and I believe to the astonishment of all present in this House at the time, referred us not only to a statement made in another place, but to certain speeches made on the hustings in Buckinghamshire and other parts of the country. In the first place, I believe we have no cognizance of any statement made "in another place," and still less of any statements made on hustings in Buckinghamshire or elsewhere. Therefore if I needed to make any apology for interfering on the present occasion, it would be entirely owing to the most unprecedented and most unparliamentary course taken by the right hon. Gentleman. He has referred me to a statement made in "another place." Well, even giving him the benefit of that statement, I nevertheless maintain that the House is as yet ignorant of any principle laid down in that statement, and that as yet no policy has been propounded. That statement was particularly obscure in itself, and it has not been made clearer by those references given me by the right hon. Gentleman. If it has not been made clearer by what was stated on the hustings at Droitwich, it has become still more ambiguous in Buckinghamshire; and if any one turns to North Leicestershire, it will be found peculiarly evasive—contradictory in King's Lynn; and utterly unintelligible in the county of Suffolk. What was the statement made and the course taken by the head of the Government? As far as we are informed by the public press, the noble Lord seems rather to have made an apology for his present conduct than to have given any indication of his future policy. It seems that the first persons to whom he appealed to aid him in forming a Government were two noble Lords and a right hon. Gentleman, a Member of this House, who have always been diametrically opposed to his policy. So much for his attempt at constructing a Cabinet on his own principles. Well, when these two noble Lords and the right hon. Gentleman did not think it consistent with their position or principles to assist him in forming a Government, the noble Earl then turned to his more immediate supporters; and, I am free to say, has constructed an Administration which, as far as the personal characters and abilities of the Members of the Government are concerned, is equal to any Administration I have seen in this House. But the question is, not about the abilities of those hon. Gentlemen nor their respectability; the question is, what have been their principles and what is to be their policy? Now, I am aware of the inconvenience of referring to statements made in "another place," but I have no other course to pursue; and as I have been referred to them, let me see what the noble Lord at the head of the

Government stated, with one exception, to be the groundwork of his policy. The noble Lord spoke at very great length, but I think that the country and the House would come to the conclusion that though he spoke much he said very little. I think that his speech turned more on the exigencies of his own position than the interests of the country. Now, what did the noble Lord say was to be the course of his policy? He said:—

"My Lords, it would be idle for me to enter into any general description of the opinions or the views which I hold upon public affairs. Such abstract declarations of policy are in point of fact of little or no use. They are mere words which may be construed into any sense, or, as sometimes happens, into no sense. I can only say, my Lords, that the policy of the Government to which I belong will be that which I hope might naturally be expected from the composition of the Administration."

And there we are left. The composition of the Administration! Before, however, we look to the composition of the Administration let us survey their position and examine their antecedents. A Government has come into office in an acknowledged minority. It is not pretended that they are the only possible Government. I will take upon myself to say that there are several hon. Gentlemen on both sides of this House who, if they had been called upon, could have formed a Government. It must not be supposed—and I think it would be a most mischievous thing if it were supposed—that the Government of this country depends upon one, two, or even three individuals. Let us see, then, what is the position of an Administration which numbers a considerable minority as its supporters. This Government call upon the House of Commons for three things—for time, forbearance, and money. Now, before granting any of these demands I think we are bound to ask what claim the Government have to make them, and what their past conduct has been. It appears to me that we have reached a new era in Parliamentary history. Formerly contests in this House were conducted not merely in order to obtain places, but for the establishment of rival principles. What do we see now? We see on the opposite benches a party who in Opposition systematically thwarted and opposed all the measures of the late Government. ("No, no!") I repeat that a party which systematically thwarted the late Administration have come into their places, and not content with bringing forward such measures as were upon the papers of the House, are ransacking the pigeon-holes of their predecessors with the view of proposing measures which have not their confidence. [No, no!"] In answer to that "No!" I will presently prove my assertion. Since I have been a Member of this House, if there is one thing which more than another I have heard insisted upon by the leaders of the present Government, it is the necessity that a Minister should have a policy and a principle. Over and over again have I heard the right hon. Gentleman opposite (the Chancellor of the Exchequer) denounce a Minister who had neither a policy nor a principle. Over and over again have I heard him, in most magnificent language, and in periphrastic phrases, denounce that hand-to-mouth system which characterized the Whig party. As we have been referred to speeches made at the hustings, however, I may quote the language of the right hon. Gentleman the First Lord of the Admiralty (Sir J. Pakington), who, in his speech at Droitwich, put the same idea into more homely phrases. The right hon. Gentleman said, —"What Englishmen like is, that, whether a man be right or wrong, he should have an opinion; and, having an opinion, should stick to it." Now, let us see what are the opinions of the right hon. Baronet, and whether his adhesion is to his past principles or to his present position. I must call to the recollection of the House the conduct of the noble Lord at the head of the Government at the commencement of the present Session. On receipt of intelligence of the guilty enterprise in Paris which we all mourn, that noble Lord called upon Her Majesty's Government in very strong language to bring forward some effectual measure for repressing such attempts in this country. A measure was proposed in this House by the late Administration; and what was the conduct of the present Government? When the hon. Member for Bridgewater (Mr. Kinglake) moved his Amendment, which I regard as the twin brother of the Amendment proposed ten days afterwards by the right hon. Member for Ashton (Mr. Milner Gibson), what was the course taken by the then Opposition? The present Lord Chancellor for Ireland (Mr. Napier), with all the solemnity which distinguishes him, called upon the House to pass the measure. "Be just," said he, "and fear not." The present Chancellor of the Exchequer was loud in support of the Bill. He treated the question as almost one of French feeling,

and gave his earnest support to the introduction of the measure, as being agreeable to the Emperor of the French. The Amendment of the hon. Member for Bridgewater met with no support. It was withdrawn, and the introduction of the Bill was triumphantly carried. Ten days afterwards, my right hon. Friend the Member for Ashton-under-Lyne (Mr. M. Gibson) moved another Amendment, which was singularly ingenious, but which, if you, Mr. Speaker, had not decided it to be Parliamentary, I should have said was highly irregular and unparliamentary. The right hon. Member for Ashton had hitherto taken a different course. He had always been the eloquent and able advocate of principles which are supposed to be symbolized by the lamb; but on the occasion to which I refer he mounted the lion. The opportunity was too tempting to the right hon. Gentleman opposite (the Chancellor of the Exchequer) and his party. He lost no time in getting up behind the right hon. Member for Ashton, and by good management and considerable address—aided, I am sorry to say, by the somewhat careless conduct of the noble Lord lately at the head of the Government—he defeated—I was almost going to say jockeyed—the noble Lord. Now, I do not charge the right hon. Gentleman who did this with intrigue, but I do say that it was a manœuvre discreditable to a party, and which will not add to the reputation of British statesmen. I will not detain the House by going into any discussion of the Conspiracy Bill. For my own part, I lament that the noble Lord (Viscount Palmerston) did not send an answer to the Walewski despatch; but I look upon that as a venial error, and, however strong my opinion may be, I do not think the omission called for the withdrawal from the noble Lord of the confidence of this House. Now, Sir, one word about this celebrated Walewski despatch, of which there have been so many various readings. I find that no two Gentlemen agree about it. The right hon. Gentleman the present Chancellor of the Exchequer, in his speech here the other night, called it an unfortunate "lucubration;" the present Attorney General for Ireland (Mr. Whiteside) called it an "insulting despatch;" but what did the First Lord of the Admiralty (Sir J. Pakington) tell his constituents at Droitwich? He said to them, "After all, my opinion is that the despatch has not been well translated. I feel certain that too much has been made of it, and that no offence was intended by the French Government." Well, if that was the opinion of the right hon. Baronet, he was bound, on such an occasion as the last debate, to have expressed it in this House. He was, I think, bound to tell the House that, in his opinion, no offence was intended, and that the despatch had not been "well translated." He was probably thinking of his own translation; but he ought not to have deferred acquainting us with so important a fact until he appeared on the hustings upon his acceptance of office. I too think the Walewski despatch has been made more of than it deserves. I believe that, if the counsels of the noble Lord (Viscount Palmerston) had been followed, an answer would have been sent to that despatch; but, as the House has chosen to expel that noble Lord from power upon such a ground, I, for one, am satisfied, and bow to its decision. We have been informed by a noble Lord (the Earl of Derby) in "another place," of only one measure which he intends to submit to Parliament—namely, a new India Bill. I think no one who recollects the course taken by the present Administration on the introduction of an India Bill by the late Government could fail to be struck with such an announcement. What was the course pursued on that occasion? It is, I believe, considered discourteous to oppose the introduction of any Bill, even when proposed by a private Member; yet the hon. Member for Huntingdon (Mr. T. Baring) would not permit the India Bill of the late Government to be introduced, and, in "another place," my Lord Grey, to whom the noble Earl (the Earl of Derby) applied for assistance in forming an Administration, presented a petition from the East India Company against legislation, before the Bill was even submitted to this House. On that occasion—the 12th of February—the present President of the Board of Control, Lord Ellenborough, after abusing the Directors of the East India Company, made this very remarkable declaration:—

"I think the time for making any change is peculiarly inopportune; if there had been any obstruction on the part of the Directors to the measures of Government, if they had not made themselves in all respects ancillary to the Government, then there would have been a necessity for instant legislation; but I have never heard it even suggested that there has been on their part the slightest obstruction to any measure proposed by the Government. Stand as sovereigns of the country before you think of forming a new Go-

vernment . . . . I regard with distrust the measure, whatever it may be which the Government intend to propose. I must say I always view with great distrust extemporized constitutions. Time and God's Providence alone make constitutions of great empires! When men in their self-sufficiency and arrogance think they can at once strike off a constitution which is to be the foundation of the happiness or misery of millions of our fellow-creatures they are baffled by their own weakness and the littleness of mind which pretends to grasp so vast and important a subject. Such persons defeat their own objects."

Well, when the Bill was brought into this House, what was the course taken by the present Government? In this House the right hon. Gentleman the present Chancellor of the Exchequer said:—

"I say again you are beginning at the wrong end; you ought to have adopted the course which I recommended last year. When you had put down the rebellion you ought to have sent to India a Royal Commission, with plenary powers, &c. Then, when you had made yourselves, when the country had made itself master of the situation, then it would have been high time to legislate."

But there was one speech made by a right hon. Gentleman who did not take the objection that this was an improper time to legislate. He, forsooth, was for continuing the present government of India for all time. The right hon. and learned Member for Enniskillen (Mr. Whiteside) answered the speech of my right hon. Friend the late Chancellor of the Exchequer (Sir G. C. Lewis) by quoting the observations of another right hon. Friend, the Member for Halifax (Sir C. Wood). Sir, I propose to answer him by quoting his own speech in the same manner.

MR. SPEAKER: It is irregular to quote in this House speeches made here during the same Session of Parliament.

MR. B. OSBORNE: I quote these speeches as they appear in print out of this House.

MR. SPEAKER: Certainly quotations from newspapers of speeches made in this House during the same Session of Parliament are not according to the rules of this House.

MR. OSBORNE: I bow at once to what you, Sir, have laid down as the law, but it is the first time I have ever heard it enunciated. However, hon. Gentlemen will not easily forget what was said on that occasion. The right hon. Gentleman the Member for Enniskillen denounced the Ministry in the strongest language for interfering with the East India Company at all. He said it was the most perfect Government that could be imagined, and he likened the Ministry to a weathercock for changing their policy with respect to India within four years. What is their course now? My Lord Derby says he has great respect for a majority of this House. Whence this sudden reverence? When we recollect that the admission of the Jews to Parliament has been passed here by numerous and overwhelming majorities, I say it is a species of hypocrisy to pretend that a majority in this House has altered his opinion as to the proper time for bringing in an India Bill. The right hon. Gentleman who has referred me to his speech at Droitwich found fault with Her Majesty's late advisers for their vacillation and weakness. I ask him is their no vacillation in his own Cabinet? What course do they intend to pursue with regard to the Bank Act? Hon. Gentlemen will recollect that in December of last year a Committee was named for inquring into the operation of this Act. The present Chancellor of the Exchequer opposed the appointment of that Committee. He said there was no occasion for further inquiry, and he added that he was ready for instant legislation. I ask the right hon. Gentleman have they settled that point among themselves? Then again, when he talks of vacillation, I ask him what course do the Government intend to pursue with regard to church rates? The noble Lord the Member for King's Lynn (Lord Stanley) votes against church rates, and has, I believe, written a pamphlet in favour of their total abolition. Then, what do the Government intend to do respecting education? The First Lord of the Admiralty (Sir J. Pakington), when, while in opposition, he has brought forward a Motion on this subject, has always been answered by the right hon. Gentleman the President of the Board of Trade (Mr. Henley), and by the right hon. Gentleman the present Vice President of the Committee of Council for Education (Mr. Adderley). Then, again, I should like to put a question with reference to the Jew Bill. There are three right hon. Gentlemen now in the Cabinet who vote in support of that Bill. On the other hand a noble Lord in "another place," who has been called to the peerage and placed on the woolsack (Lord Chelmsford) is its most efficient opponent. But, Sir, while I am on this subject, I find in one of the hustings' speeches to which I have been referred that the Solicitor General for England (Mr. Cairns) thus expressed himself:

"There are two sorts of questions—questions of principle and questions of expediency. Now,

the admission of the Jews, for instance, is one of principle which must never be abandoned. But take the question of Parliamentary reform. That is one of expediency, on which at different times, and under different circumstances, different opinions may be properly formed. On a question of expediency, every man in a Government must not hold on to his own crochet, otherwise the Government could not get on; but on a question of principle no man should yield."

There is another subject which has been totally omitted from the speech of the noble Lords and from the statements made on the hustings—I allude to the government of Ireland. I take it that the future government of Ireland, whatever party may be in power, is a subject of deep importance to both countries; yet we have had no allusion in any speech either delivered in "another place" or on the hustings as to the policy which is to be pursued with regard to Ireland. All we can judge of is from the appointments which have been made. Now, I do not hesitate to say that these appointments are not looked upon with any peculiar favour by the Irish people. I believe the present Lord Chancellor of Ireland drew up the rules and regulations of the Orange Society in that country. On the other hand, the late Lord Chancellor wrote a letter to the Lord Lieutenant, I think, of Down, declaring that the Government would appoint no man to the magistracy of Ireland who was a member of an Orange Lodge. What course does the Government intend to take in that particular? Then, what is their policy to be on the important question of national education in Ireland? The right hon. Gentleman the present Home Secretary (Mr. Walpole) moved and carried an Amendment in this House, the effect of which, if persisted in, would have been to destroy the existing system. The late Lord Chancellor was a Commissioner under that system, while the present Lord Chancellor is a supporter of the rival system of the Church Education Society. What, then, will the Government do respecting national education in Ireland? There is another question to which I should like to refer. The hon. Member for North Warwickshire (Mr. Spooner), whose honesty and integrity of purpose I shall always respect, is in the habit, irrespective of all Governments, of bringing forward a Motion for withdrawing the present grant to Maynooth. What has been the conduct of Her Majesty's present advisers with regard to this subject? I hold in my hand a paper by which it seems that no later than last year thirteen Members of the Government voted against the Maynooth grant. I will not trouble the House with the names, but all these thirteen Gentlemen supported the Motion of the hon. Member for North Warwickshire. What do they propose to do when he brings forward the same question next week? What, in short, is the policy of the Government with reference to Maynooth? Let the House remember what has been the conduct of the new Ministry on this question? There is but one right hon. Gentleman on the Ministerial bench, the First Lord of the Admiralty, who has ever stayed here and given his support to the Government when that Motion has come on; all the rest walked away, and were content to leave the Government to fight that question with the hon. Member. I do not think it is an irrelevant question, then, to ask what course is to be adopted respecting Maynooth? A promise has been held out for the year 1859 that Lord Derby will bring in a Reform Bill. The noble Lord has no great opinion of a Reform Bill. He says he rather objects to it, but still, if pressed, he will bring in such a measure. Here are his words:—

"Believing that, with all its anomalies and all its imperfections, that Act (the late Reform Bill) has given to the country a representative system the result of which is a House of Commons which fairly and fully represents the feeling of the numbers as well as of the intelligence and the property of this country, I should myself have been well satisfied if it had been the pleasure of Parliament that no legislation upon a subject so exciting should be called for or demanded from the Government."

That is the opinion of the noble Earl. He is very unwilling to do it, but he says he will do it. But what do we gather on this question from the description of right hon. Gentlemen on the hustings? The noble Lord the Member for North Leicestershire (Lord John Manners) said he was true to the principles of "rational Toryism." He asked what was the meaning of a Reform Bill, and went on to express his own opinion that no doubt the representation of the counties was deficient and unfair. That is the noble Lord's definition of a Reform Bill. The right hon. Gentleman the Member for Droitwich (Sir J. Pakington) said he had no particular regard for the £10 franchise, and that he would give no pledge as to what his course would be. The right hon. Gentleman the Chancellor of the Exchequer said the late Reform Bill was a gross Whig job. Yes, but how will the right hon. Gentleman reconcile this with

the language of one of the framers of the Reform Bill, Lord Derby who said that it adequately represented the property, intelligence, and feelings of the country? I want to know, then, what sort of measure we may expect; for I cannot believe that the Government intend to carry out the Reform Bill sketched by the last representative of the opinions of the late Mr. Feargus O'Connor in this House—I mean the present Attorney General for England. I wish to know what are the principles on which the New Reform Bill is to be founded —whether on the principle of "rational Toryism," as expressed by the noble Lord (Lord John Manners), or on the extreme Chartist principles enunciated by the Attorney General? It is true that we have had the speech of the noble Member for King's Lynn (Lord Stanley), who is, I believe, a true and rational reformer. But he occupies a very peculiar position in the Cabinet — a position which I think we should all honour; but, at the same time, I very much doubt whether this Reforming Æneas will be able to carry the Conservative Anchises on his back. No, Sir, I much fear that he will find some Dido of Conservatism to obstruct him in carrying out his good principles. Well, then, I think I am justified in asking what are the principles and what is the policy of Her Majesty's Government? We all remember that in 1846 there was a great statesman at the head of a Parliamentary party in this country. That distinguished man, in his wisdom and sincerity, thought fit to adopt certain measures which had originally been introduced by his opponents. What was the treatment which he received? Why, Sir, he was denounced by the Conservatives of that day as the head of an "organized hypocrisy." He was accused of having caught the Whigs bathing and stolen their clothes. He was hurled from power amid the regret of all right-thinking men in England. And what, let me ask, were the expressions which were then used with reference to his adoption of the measures of his opponents? This was the language which was held by the right hon. Gentleman opposite in this House:—

"The noble Lord (Lord John Russell), the representative of Mr. Fox, will not gainsay the motto of that great leader—'Men, not measures.' I would ask Gentlemen opposed to him, how has the opposite system answered for them? You have permitted men to gain power and enter place, and then carry measures exactly the reverse to those which they professed in opposition. You are reconciled to this procedure by being persuaded that, by carrying measures you disapprove of and they pretend to disrelish, they are making what they call the 'best bargain' for you. I say that the Parliamentary course is for this House to have the advantage of a Government formed on distinct principles. Here is a Minister who now brings forward, as his own measures, the very schemes and proposals to which, when in opposition, he always avowed himself a bitter and determined opponent; let me ask the admirers of the 'best bargain' system how they think the right hon. Gentleman would have acted had they been introduced by the noble Lord opposite? * * * If you are to have a Parliamentary Government, the conditions are you should have a Ministry which declares the principles upon which its policy is founded. What have we got instead? We have a great Parliamentary middle man—he is a man who bamboozles one party and plunders the other till, having obtained a position to which he is not entitled, he cries out, 'Let us have no party questions, but fixity of tenure.'"

This was the language which was used towards that great man, Sir Robert Peel, in 1845. What, I ask, is the Conservative party prepared to do now? Are we to have no party questions? Is there to be fixity of tenure? For my own part, I am indifferent to mere party cries. But I at the same time hold, that they who, when in opposition, honestly advocate certain measures, ought to deem it to be their duty, when in office, honestly to carry those measures into effect. I am not aware that that is a proposition from which any hon. Gentleman in this House is prepared to dissent; and of this I feel assured, that any Minister, who assumes the reins of power by a discreditable manœuvre, will advance neither his own cause nor promote the interests of the country. I have now, Sir, in as short a compass as possible, endeavoured to examine the antecedents of the right hon. and hon. Gentlemen opposite. They have given no explanation of their principles or policy in this House; and, if the observations which I have deemed it to be my duty to make should prove to be successful in drawing from them such an explanation, I, for one, shall be well satisfied with the result.

THE CHANCELLOR OF THE EXCHEQUER: Sir, one of the advantages arising from the recent change in the Government is, that some voices again sound within these walls which have for a long time been silent. I for one must confess that, when I listened on Friday last to that wild shriek of liberty which proceeded from the hon. Gentleman who has just spoken, it was with no feeling of alarm or apprehension, but rather with one of anticipated pleasure. He will, however, permit me to ob-

serve that the weapon which he was wont to wield so effectively has become a little rusty. No doubt, however, with sufficient practice, it will resume that brightness which dazzled us of yore. I may be allowed to add, by way of consolation to the hon. Gentleman for his present position, that it is only while in opposition he can find that practice which I can assure him it is absolutely necessary he should avail himself of before he can entirely regain that cunning of fence for which he was once celebrated.

Now, the hon. Gentleman has to-night repeated the charge which he made on Friday last—namely, that I have been guilty of an act of either great presumption or great inadvertence in taking my place upon these benches without offering to the House some formal programme of the measures which we are prepared to bring forward or of the principles which we profess. I am sure, however, the House will acquit me of any intention of acting towards it with disrespect. Had I supposed for a moment that hon. Members expected any such exposition upon my part, I should have been prompt in my endeavour to act in accordance with their wishes. But so far as my Parliamentary experience could guide me in those matters—and I believe I may say it is somewhat longer than that of the hon. Member for Dover—the course which he has indicated is not that which has been habitually, or, indeed, ever pursued in the House of Commons. I do not, for instance, recollect that the noble Lord opposite (Viscount Palmerston), when he acceded to office in 1855—and he was then in a more eminent position than that which I have the honour to hold, inasmuch as he was the chief of the Cabinet—favoured the House with any formal statement as to the measures which he meant to introduce or the policy which he intended to advocate: on the contrary, the noble Lord was brought into office—as most Ministers are—for a particular purpose—as the best Minister to fulfil a particular and pressing object, to the attainment of which he directed, with great success, all the energies of his mind; and I may be permitted—notwithstanding those imputations of intrigue and manœuvre which have been made against us, and which I am happy to think no hon. Member condescends to believe—to say, that I conceive Her Majesty's present advisers were also called upon to take the reins of Government for the performance of a special duty to which it was necessary we should at once direct our attention. A Bill was introduced into this House by the late Government and rejected—["No, no!"]—and the consequence was that the authors of the measure retired from office. ["No, no!"] I do not wish to misstate anything. A Bill, at all events, was brought in by the Minister, and upon the Motion for its second reading an Amendment was carried, which the Government declared they held to be equivalent to its rejection. I was, therefore, virtually correct in what I said. Under these circumstances, it became our duty to endeavour to effect a reconciliation between this country and our ally, and to refrain from pursuing that course of which the House of Commons had by a large majority signified its disapproval. Now, so far as that question is concerned I am not aware that we have exhibited any great neglect in the fulfilment of our duties, or that that which we have already achieved affords any very strong evidence of failure in our policy. Indeed, it was only this very night I laid upon the table of the House papers which will in a few hours be in the hands of every hon. Member, and which show that the misunderstanding which unfortunately existed between us and France is entirely at an end:—not only, I may add, is it at an end, but that great object has been attained without that condition which we were led to suppose was inevitable—that it should be accompanied by the passing of a measure which this House has virtually rejected, and of which the people of this country entirely disapprove.

Sir, while addressing myself to this point I may say, in answer to the accusation which has been made against me by the hon. Gentleman opposite of having voted for the Amendment on the second reading of the Bill after having spoken and voted in favour of the measure upon a previous occasion, I should not venture to trouble the House on the subject had not the hon. Gentleman pressed it so closely on its attention, that to pass it over in silence might seem to indicate a wish upon my part to evade the question. I may say in answer to that accusation—and the words which I used in the debate upon the introduction of the Bill will be in the recollection of many hon. Members—that I expressed my readiness to vote for the Motion of the noble Lord opposite, because I thought we should, by assenting to it,

be taking a step which would serve to show a faithful ally that we sympathized with him in the difficult position in which he was placed. I, however, at the same time stated that I reserved to myself the right of taking upon the second reading of the Bill, if ever it should come to a second reading—the very words which I used—a free and unfettered course. I described the measure as feeble and inadequate to the attainment of the object which its authors professed to have in view, and I do not think there is a single gentleman in this House who imagined that I would give it my support in its subsequent stages.

Now, Sir, the hon. Gentleman opposite maintains that, in not entering into an exposition of our policy in the House of Commons, we have pursued a line of conduct which is both unprecedented and unparliamentary. I have adduced the example of the late Minister to show that when the Government of 1855 was formed no formal programme was laid before us of its principles or of the measures which it proposed to bring forward. What, let me ask, was the course taken by the Government by which it was preceded? The Chief Minister of the Crown in this House, under the Administration of Lord Aberdeen, was the noble Lord the Member for the City of London (Lord John Russell). The Government was a coalition Government, and it was but natural that some explanation should be expected from the noble Lord of the circumstances under which he acceded to office, and why it was that he had placed himself in intimate political connection with a distinguished statesman to whom he had been opposed during the whole of his life. We might very reasonably have expected that the noble Lord would have taken the opportunity to inform us how he could reconcile the position which he then occupied with the opinions which he had previously professed. But what course did the noble Lord pursue? Why, upon the 10th of February, 1853, the day upon which Lord Aberdeen's colleagues took their seats after their re-election—an instance almost parallel with the present—the noble Lord said:—

"I think it may be convenient to the House if I state the course which Her Majesty's Government think it fit to pursue with respect to the measures which it is their intention to bring forward in the early part of the Session. In the first place, I beg to say at once that it is not my intention, nor is it at all necessary for me, to make any statement with regard to the general principles and views of Her Majesty's Government. A statement of that kind has already been made by my noble Friend at the head of the Government in another place, and that statement is so generally known as to require no further remark on that subject."—[3 *Hansard*, cxxiv. 17.]

Now, that was a Government of which the hon. Gentleman the Member for Dover, who is my accuser upon this occasion, was, although a subaltern, still a distinguished Member; and yet he submitted in silence for five years to this unprecedented and unparliamentary course. Now, let us remember what were the relations between the noble Lord the Member for the City of London and Lord Aberdeen. They had come together for the first time in a somewhat unexpected combination; and certainly there might have been reasons—though evidently not sufficiently valid—for the House expecting some formal statement; but none was made. But the noble Earl now at the head of the Government and myself have been for many years in relations of intimate political confidence, and therefore I can appeal to the statement made by my noble Friend in "another place" with much more authority than the noble Lord the Member for London could do under the circumstances I have mentioned. Yet the noble Lord's appeal was considered by the House of Commons to be perfectly satisfactory.

But then, the hon. Gentleman who is so anxious that we should take a course which is not unprecedented or unparliamentary—is indignant at the formation of a Government all the Members of which are not, upon all questions, entirely of the same mind. "What," says the hon. Gentleman, "are you going to do about church rates?" Well, then, I say to the hon. Gentleman, "What did you do about church rates?" I find that, upon the question of church rates, the late Government was beaten in this Session, and although I may not refer to the speeches, yet I may allude to the division of Wednesday, February 17th. I find that an Under Secretary of State, and a noble Lord holding high office in the Household, voted against the Ministerial suggestion, while the hon. Member for Dover, like most of the other Members of the Government, stayed away. Why do I mention these things? Not to taunt the hon. Member for Dover, or any of his late colleagues, but rather to remove some of the difficulties which are apparent to him, and which he considers to be obstacles in the way of the present Government. He will

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now know that those difficulties may possibly be evaded. But, again says the hon. Member, "What are you going to do about the Jew Bill?" I reply, "What did your Government do about the Jew Bill?" You respect Parliamentary majorities; you were proud of the majority you had upon the measure to which I have always given a cordial support; but what was wanted from the late Government was support in the House of Lords, where the difficulty arose; and what did we find there? We found a Member of the Government in that House always voting against the measure, which had been carried in this House by large majorities. Therefore, Sir, I hope the hon. Member is convinced this is not the only Cabinet in which differences of opinion exist, even upon the Jew Bill. Then, again, how did the hon. Gentleman and his friends act upon the ballot question? We had a division upon that question last Session, and I want to know how the late united Government—whose Members all held the same views upon the same subjects, or who ought to have done so—how they voted upon a question so interesting to all sincere and earnest Reformers? I find that upon the 30th of last June the subject of the ballot came before this House, and a division took place. I find the Prime Minister, the Chancellor of the Exchequer, the President of the Board of Control, and other Members of the Government voted in the majority against the ballot. But in the minority I find the names of a nobleman holding office in the Household, of the Attorney General, of the Vice President of a Board, and the distinguished Secretary for the Admiralty—that distinguished individual who is now alarmed at the prospect of a Cabinet being in existence which is not of the same mind upon all questions that can possibly be brought under the consideration of Parliament. Now, I think the course that was taken by my noble Friend in another place was a much more judicious course than that which should have been pursued according to the views of the hon. Gentleman—namely, that a Minister should state a formal programme of measures which are never carried, and elaborately develope a policy which a deluded people afterwards finds to be barren of all results. I think it is much better when the general principles of a political connection are known that the Government should bring their plans before Parliament than that they should simply give the House a long catalogue of measures which are never passed, and vague announcements of a policy to which no one can attach a practical or precise idea. We represent the Conservative party. We wish to support and maintain the institutions of the country, but we also wish to improve them. We believe that the best way to maintain the institutions of the country is to improve them; and therefore, we can't permit the hon. Gentleman to be such a monopolist of all plans for the amelioration of society as he and his friends on all occasions, in a manner so greedy and covetous, aspire to be considered.

Now, Sir, entirely in deference to these general views is our intended introduction of the India Bill, which the hon. Gentleman has treated with so much asperity. I deny that there has been in respect to that Bill upon our part the slightest inconsistency. I am prepared to maintain at the proper time—not now, when I should only weary the House — that the course we are about take upon the subject is one eminently consistent with all we have ever said, and which I believe will be completely satisfactory to the country. I never stated, nor do I say now, that the course we are taking is in deference to the majority of this House. A majority of this House is always to be respected, but is not to be obeyed with servility. We were opposed to the introduction of the Bill of the noble Lord opposite (Viscount Palmerston) upon the ground that it was inopportune in the present state of India, and that it was unwise to weaken the influence of the Government in a country where revolt was raging. But what are the character and influence of the East India Company after the vote of this House? It is not that a majority of this House is in favour of immediate legislation which influences our decision upon this point, but it is the moral consequences of that vote as affecting the position of the East India Company which make us consider it a duty to deal with a question which has been thus touched, and must no longer be tampered with. That measure, Sir, it is the wish, and at present the intention of the Government to introduce before the Easter recess, and therefore the House and the country will soon be able to decide upon the motives which have influenced us in the course we have taken and the propositions we shall submit to them to meet the exigencies of the question. I think when the House remembers that we have satisfactorily settled the

question which immediately brought us into office, and that we are prepared before Easter to lay upon the table a Bill for the government of India, it will agree that we have not been idle since we entered upon office, but that we have exerted ourselves to deserve the confidence of our Sovereign, our country, and Parliament.

The hon. Gentleman has referred to a subject upon which years ago he used to be singularly happy, but one which then excited feelings very different from those which now influence the House in respect to it. He asks us what policy are we going to adopt in Ireland? Years ago, when Irish questions excited all the acerbity of political passion, and when a question of Irish policy was certain to lead to an inflammatory debate, no one was more happy than the late Secretary to the Board of Admiralty in irritating a question of an irritable nature to the very climax of excitement, and in enlivening a painful subject with illustrations which excited our laughter even amid all the heat of a party contest. But really it is so long since Irish questions have been a source of disturbance and disquietude in this House that one hardly feels equal to the occasion, when the hon. Gentleman assures us the country is awaiting with deep anxiety the announcement of our Irish policy. I hope, Sir, our Irish policy will be the same as that pursued by Lord Eglinton five years ago. Lord Eglinton is again in the same office; he will be animated by the same feelings and guided by the same instructions; and I hope we shall find from those instructions and those feelings that the same result will be obtained —that he will be the popular representative of the policy of the Cabinet, and that Ireland will continue under his rule as quiet in temper and as prosperous as it is at present. Again, the hon. Gentleman says, "What do you mean to do about the Orange magistrates—do you mean to make Orangemen magistrates?" Well, I am not an Orangeman. I am sorry that circumstances over which none of us could have had any control have led to institutions like Orange and other kindred societies; but I cannot help thinking that they did not spring out of nothing. There were causes originally which occasioned their formation, and we must deal with the establishments and institutions which we find. But if the hon. Gentleman wants me to give a pledge that because a man is an Orangeman he shall not be a magistrate, I can only say I never will consent to anything so essentially unconstitutional. Sir, I contend that there ought to be no disqualification of magistrates except that which the law of the United Kingdom proclaims and defines. If an Orangeman ought not to be a magistrate, let us bring in a Bill to declare that; for nothing can be more unjust and more unconstitutional than that any ruler of a country should make that a disqualification for a place of trust which after all only depends on his own conviction or caprice, and not on the law of the land.

The hon. Gentleman next asks "What are you going to do about national education—do you mean to disturb the system of national education which was founded by the chief of the present Government?" Sir, we have no intention of the kind. We shall maintain that system of education inviolate; but if we can combine with it, without in the least impugning the principle on which that national system is founded—if we can combine with that a just relief to those Church schools which now receive no assistance from the State, I think that is a question which will deserve the consideration not only of Her Majesty's Ministers, but of Parliament. It is one which moderate men on all sides have considered with great respect, and if we see a mode of adjustment which we believe will be satisfactory to all parties we do not preclude ourselves from introducing it and attempting to give it effect.

The hon. Gentleman then went to the climax of all politics, and that is Parlimentary reform. He seems extremely alarmed at the opinions which are prevalent on these benches on the subject of Parliamentary reform. Nobody, it appears, may poach upon that manor except the Liberal party. The hon. Gentleman, in his profuse quotations,—for which he was always remarkable, though unfortunately they have not been on this occasion relieved by the brilliancy which in the old days reconciled us to endless extracts from *Hansard*—the hon. Gentleman has fixed on the speech I made recently at my county town as one of his texts; and he says I stated that the Parliamentary Reform Bill of 1832 was a gross Whig job. [An hon. MEMBER: "So it was."] An hon. Gentleman behind me says, "So it was." My hon. Friend is nameless—for I don't know from whom that expression of opinion proceeded—but I must tell the hon. Gentleman (Mr. Osborne) and the House that it is a mistake to suppose that I ever used

that phrase. On the contrary, I hope I shall always speak with the respect due to a Parliamentary statute of that importance, which had engaged for so long a time the earnest attention and solicitude of the country. I certainly did say—and I have said it before, not merely on the hustings of Buckinghamshire, but in the House of Commons—that, though it was a great statute, which no doubt in its primary purpose had the welfare of the country and the advantage of the State for its principal objects, unfortunately from the unreasoning excitement of the time, facility was given for perpetrating gross jobs during its progress through Parliament of which certain parties had not been slow to avail themselves. And, Sir, I believe that is the general opinion of the country. I am sure it is an opinion of this House not restricted to the Conservative benches, and I believe it will be the calm decision of posterity. Let us now meet this question, with respect to which the hon. Gentleman says it is necessary that we should be explicit, and that there should be no evasion—let us meet it, I say, with that frankness with which he desires to see it treated. Sir, I state that which hon. Gentlemen on both sides of the House will acknowledge to be true,—that when that Bill was first proposed in this House there was a violent party in the country who laid it down as a principle, while Parliament was deliberating upon it, that they would have "the Bill the whole Bill, and nothing but the Bill." The consequence was, that there were many Amendments at that time proposed and suggested, not only on the Opposition but the Government side, which were not duly considered—which were indeed rudely rejected; and after that Bill became law, there was considerable dissatisfaction with many points of detail which the country in its more sober moments recognized as not having been maturely considered at the time of its passage through Parliament. But in this House it was always laid down by the party who were then in power—and who were in power, and properly in power, in consequence of the passing of that Bill, that the great cause of suspicion against the Tories was, that they did not give a sincere adhesion to the Reform Bill. It was said the Tories ought never to be permitted to regain power in this country, because, it was alleged, if they got into power they would alter the Reform Bill. And this was so great a clamour, and such an amount of prejudice was fostered in consequence of it throughout the country, that for many years the noble Lord (Lord John Russell) and his friends sat upon these benches, although there was great discontent and dissatisfaction with their conduct amongst the Liberal party, who were committed to their support lest the Tory party should come into power and change the Reform Bill. Under these circumstances, in the year 1834 Sir Robert Peel rose in this House, and in the most solemn manner addressed himself to that question. He made a compact, as it were, with the country and with Parliament. He engaged, with the party of which he was the leader, and with the colleagues with whom he was acting in public life, that he would accept the Reform Act, and he did accept it heartily and sincerely, as the settlement of a great question, and that, if he found himself in power, he would neither directly nor indirectly attempt to change or tamper with its provisions. And on that compact the Conservative party, as it was called, sincerely and honourably acted; and whenever measures were brought forward to change that Act—not from our side, but from the Liberal party—the Whig Ministry were invariably supported by the Conservative party in maintaining intact the spirit and provisions of the Reform Act. At last, and late in the day, "finality" was deserted; and we were told—and told by the leader of the Whig party—that there must be a new settlement of the question and a new Reform Bill; and from that moment I held myself free—and I am sure I am expressing the opinions of those with whom I act and of the great body of the Conservative party, not merely in this House, but throughout the country—from that moment we held ourselves free to consider the question of Parliamentary Reform upon its merits, and that if any future plan were brought forward to change the Parliamentary constitution of this country we were open to offer those suggestions which, to our minds, might appear to lead to a settlement most conducive to the public weal. The noble Lord the Member for the City of London has had ample opportunities of bringing forward a new Reform Bill. It is, I think, seven years ago since a new Reform Bill was introduced to this House. It was not successful; though the opposition did not come from the Conservative side. The noble Lord brought forward another Bill. I am not aware that that measure engaged

the sympathy of the House to any great extent. But by the very fact that the First Minister in this House had twice brought forward a new Reform Bill, the question became of that public magnitude that it was totally impossible that a public man of any leading could ever neglect to recognise its importance. Lord Aberdeen became Minister; and after Lord Aberdeen the noble Lord the Member for Tiverton; and we always heard that those Ministers were going to introduce a new Reform Bill. At last the subject was introduced to the attention of the House of Commons even in a gracious Speech from the Throne; and this year the recommendation was repeated. Thus then its importance was distinctly recognised. Is it wise then that a question of this vast importance should remain unnoticed and unsettled? Is it wise that the country should be allowed to believe that it could be taken up by statesmen for party purposes or selfish ends? If there is anything more likely than another to poison the feelings of the people and to alienate their best sentiments from the institutions of the country, it is the suspicion in the public mind that schemes for reconstructing those institutions are used by public men for party purposes. It is impossible that a question like that of Parliamentary Reform can be hung up and taken down at the convenience of any statesman; so that when in Opposition he is to brandish it in the face of those in office, and when a Minister to replace it in the dark corner of forgetfulness. Under these circumstances, we feel that it is our duty to consider that question, and to consider it with the earnest determination of endeavouring to make a settlement of it that will be satisfactory to the sober-minded people of this country. The hon. Member for Dovor asked me what are the principles on which our Reform Bill is to be founded? I do not think I am called on to tell the hon. Gentleman what are the principles of a Bill which we do not propose to introduce to the House during the present Session; but if the hon. Gentleman asks me what will be our Reform Bill, I will tell him what it will not be. It will not be a Bill devised to prop up a political party, or to uphold the interests of a particular class. It will be founded on principles of general justice, and I hope it will give universal satisfaction.

But, says the hon. Gentleman, what business have you and your colleagues in that place; you have not a majority in the House of Commons? Why, that is the very question. I do not at all agree with him that we are not supported by a majority of this House. I entirely repudiate the statement of the hon. Gentleman, that the party in opposition constitutes the majority of this House. Where is the majority of this House, and who has it? Has the noble Lord the Member for Tiverton a majority of this House? If so, why is he sitting on that bench? Has the noble Lord the Member for London a majority of the House? Why, it is only a fortnight ago that the noble Lord the Member for Tiverton beat him by a majority of 200. Then, where is the majority? Is it represented by the hon. Member for Dovor, or by the hon. Member for King's County, or by the hon. Member for Richmond? for they are the gentlemen who want from us a declaration of our policy, and a programme of the business which we mean to introduce. If they have not the majority, and if the two noble Lords to whom I have referred have not the majority, it does not follow that I am to suppose we do not possess it. On the contrary, we shall carry on the affairs of the country with the utmost energy, and I hope with the utmost prudence; we shall endeavour to do our duty to our Sovereign, to the country, and to Parliament; and so long as we are animated by that conviction, and till the reverse is proved by facts which I do not anticipate, I shall believe that we possess the constitutional confidence of the House of Commons.

Mr. HORSMAN had the misfortune to differ from so much that had fallen from his hon. Friend the Member for Dovor (Mr. Osborne), that if he had confined himself to the constitutional question which he had raised, as to the position of the Government and the principles they were prepared to avow, he (Mr. Horsman) would have allowed the discussion to terminate with the display that had taken place between him and the right hon. Gentleman. But his hon. Friend, representing the late Government, and questioning the present one, gave the discussion rather the character of a triangular duel, by accusing a large section of his own party of having, in assisting to place the present Government in power, been guilty of a discreditable manœuvre. He felt bound to say that he differed from his hon. Friend, not only as to the circumstances by which the present Government were placed in office, but as to their present character and position, and

the duty which it was incumbent upon the Opposition to pursue. Those who sat on the Opposition side of the House had at present, in relation to the Government, the old and familiar option of three courses. They might proceed at once by a hostile vote to place them in a minority with the view of expelling them from office; or, avoiding that direct course, they might go on day after day with fearless and eloquent attacks upon the Government (like those of his hon. Friend the Member for Dovor), to a certain extent obstructing the public business, but, at the same time, raising no decided issue; or they might pursue the course of extending to them the courtesy usually shown to the servants of the Crown, and postpone till the occasion most convenient to themselves should arise for making that decisive and hostile movement which they hoped would one day displace them from those benches. It appeared to him that the first and last of these courses were perfectly legitimate, and such as no one could take any Parliamentary exception to; but he objected to, and he thought the House would not approve of, the second, of which his hon. Friend had unfortunately set the example. His opinion was, that if they could justly charge the present Government with having obtained office by stealing into it by some indirect method, or with grasping at it by any factious movement—if they could attribute to them when in Opposition a systematic course of unbecoming conduct to gain that object, then those who now sat on the Opposition side of the House would be justified in showing them no quarter; but he must say, differing from his hon. Friend the Member for Dovor, that ever since the day the late Government was formed the opposition to it had been, in his judgment, conducted with a moderation and forbearance to which he remembered no parallel in all his Parliamentary experience. During the whole time of the Russian war, during the negotiations respecting the treaty of peace, and the subsequent dispute on the Principalities, and throughout the disturbances in India there were many occasions on which the Opposition, if so minded, could have dealt towards the Government a good deal more than mere casual unfriendly criticism. He had a strong persuasion that if those on his side had then been occupying the Opposition benches, such a total abdication of the functions of an Opposition would have been considered unpatriotic; and unless his memory deceived him, when they had the pleasure of occupying those benches before, they had more party divisions in three weeks than their degenerate successors had ventured on in three years. So far did the Gentleman now in office carry their forbearance to the late Government that they frequently paid its supporters the compliment of saying that they preferred their leader to their own. He remembered he was rather astonished to hear at an election in his county an hon. Friend of his belonging to the opposite side state on the hustings that he was determined to give his support to the noble Lord the Member for Tiverton, because he believed him to be the best Tory in the House. He must also on another point do justice to the Gentlemen opposite. It could not be fairly charged against them that they had of late manifested any great avidity for office. On four occasions Lord Derby had been invited to form a Government. On two occasions he declined, and on two others he accepted the invitation. He declined in 1855, and they taunted him with cowardice. He accepted office in 1858, and they were astounded at his temerity. The hon. Gentleman beside him (Mr. Osborne) had only done justice to the noble Earl at the head of the Administration when he said that from the materials available to him he had constructed it in such a manner, and had placed in the head offices such men, as the public opinion of the country would be likely to endorse, while in his lesser appointments he had shown a commendable desire to sustain that intellectual character of the Government which the House must ever feel an interest in maintaining. It must be admitted that the country had received the change which had taken place in the Government with great indifference. It had not shown any of that anxiety and alarm which many gentlemen naturally expected. The funds had continued not to fall, and the country most provokingly refused to rise. A practical business-like country such as this could not be expected to rise very often. It rose last year, and returned to the House a most powerful majority to sustain the most powerful Minister that had been seen in modern times; and the country had a right now to ask what had become of that Minister and that majority. Now, he would speak of the Gentlemen who sat on the front Opposition bench with the feelings that he could not but entertain for those with

whom he had for so many years been associated in the intercourse of public life and private friendship ; and of the noble Lord the Member for Tiverton he could only speak in the manner in which every man must feel and speak of him who had ever stood to him in a position of official subordination—expressing the highest sense of his unvarying courtesy and kindness, and of that generous consideration and protection which superadded feelings of personal obligation to those of admiration and esteem. But standing there as one of the majority by whose votes the late Government had been displaced, by what his hon. Friend (Mr. Osborne) had described as a discreditable manœuvre, and accepting all the consequences of that vote, he was saying nothing inconsistent with the feelings he had expressed when he reasserted now, in Opposition, what he had stated publicly in his place behind the Government, and when he repeated out of office what he had respectfully but pertinaciously urged in office, that the downfall of the Government and the subsequent embarrassment and disorganization of the party were both inevitable from that fatal and inveterate habit of the noble Lord, lately at the head of the Government, of ever looking to the Opposition benches for sympathy and support, and turning the cold shoulder to his friends ; always more intent apparently upon neutralizing and conciliating foes than on confirming friends ; relying too much on adroitness and dexterity for that permanent strength which could only be acquired by solid fidelity to principles; and, above all, that committing the great mistake of imagining that that powerful, that earnest and that high-mettled majority which was so triumphantly given him last April had no other mission than to support the personal position of the Minister, instead of the principles of a party. It was this over-confidence and carelessness, and the false security arising from a miscalculation both of the noble Lord's own position, and of the position of his party, that had led to so fatal and rapid a change that, whereas in August last they had left the House a united party, under the most powerful Minister that had been seen since the Reform Bill, they had reassembled in February a disunited and disorganized party, under a Ministry that they knew could not live till Easter. When, therefore, his hon. Friend (Mr. Osborne) asked the present Government what their principles were, the right hon. Gentleman opposite (the Chancellor of the Exchequer) was perfectly justified in retorting, "Tell us what were the principles which you as a Government maintained three weeks ago." Why, that was a question which some of those who sat near him had asked themselves in vain. Was it the principle of Parliamentary Reform ? That was indefinitely postponed. Was it religious freedom ? Upon that point the answer of the right hon. Gentleman seemed to him most complete. The conduct of three Members of the present Cabinet on this subject, when in Opposition, did them great honour, and that of the right hon. Gentleman (the Chancellor of the Exchequer) in particular, had been of a character which it was impossible to speak of otherwise than with respect. But what was the position of the Liberal party on this question ? While their opponents were advancing they were retrogressing ? For the first time in the history of the Liberal party, to its disgrace and shame, the question of religious freedom had so retrograded, that that which was inscribed on the Liberal banner—that in connection with which they had gained their most glorious victories, and conferred the greatest benefits on mankind—for the first time, that question of religious freedom was made an open question in a Liberal Cabinet. That was what was done last year—this year the question had been abandoned by the Cabinet, and intrusted to more faithful hands. On the question of church rates, again, what were their principles ? Every one had heard, either from his constituents or from hon. Members who were present, that when a large and important deputation waited on the late Premier upon the subject of church rates, during the recess, they left him stung with the feeling that their reception had not been such as they had a right to expect. Was it, again, the principle of administrative reform and the pure dispensation of patronage? How was that illustrated in what he could not otherwise characterize than as the shabby nepotism which lately, in the county of Kent and at Manchester, filched from their legitimate claimants those professional appointments which, contrary to all precedent, had been appropriated to the aristocratic connections of the Cabinet? Was it then, last of all, the maintenance of the independence and honour of the country on which they prided themselves as a party ? The vote which had displaced

the noble Lord had given the reply to this question. He thought it right to bring all these facts to the remembrance of the noble Lord (Viscount Palmerston), in order that they might be well pondered over before he returned to office. It was the season of adversity that was ever most favourable to the admission of truth, while in the sunshine of prosperity there was nothing but adulation. The assiduity and eloquence of his hon. Friend (Mr. Osborne) were so great that they seemed likely to realize a speedy return to office, and to leave to the members of the late Government but a short period for penitence and good resolves. He heard it said that it would be unwise to allow the present Government to remain undisturbed in office, because the Liberal party might otherwise fail to get them out until next year, and they might do a power of mischief in the meantime. Now, he must say, for his own part, that this prospect of fixity of tenure on the part of the Government for five or six months did not appear very disheartening; and by the majority on the Opposition side of the House, who preferred principles to place, and the character of a party to the location of its chiefs, it would not be viewed with very great dismay. In the first place, he doubted the inclination of right hon. Gentlemen opposite to do mischief. He could not refuse to admit that the present Government comprised in their party very much of the intelligence, the wealth, and the character of the country. Their leaders were men of high honour and undoubted patriotism; and so far as great questions were involved, the motives of leaders of that House were equally to be trusted from whatever party they might be taken. Then, on the other hand, even if they had the disposition, they had not the power to do mischief. Power at present was deposited with the Opposition. He believed that the Opposition could control and dictate every measure, and that their power as a party was greater on that side the House than it was when they sat on the other side six weeks ago. He believed that the interests of truth and of progress would be more surely promoted by real liberality in an Opposition than by professed liberality in office. While he admitted it to be the most desirable state of things to see a popular Administration in power, with its adversaries in Opposition, yet he was satisfied that the most unsatisfactory, the most unsafe, and the most unwholesome of all conditions was that in which there was neither a Liberal Administration on one side nor a Liberal Opposition on the other. He would not say that the House ought to be satisfied with the cry of "measures, not men;" for he agreed with Mr. Canning when he said, "When you say I am to look to measures and not men, you might as well tell me I am to look at the harness and not at the horses that draw the coach." Public morality must have fallen to a very low ebb when you could not pretty well tell, from the known character of the men, what their measures were likely to be. The duty of the Opposition, under existing circumstances, was to take care that, by a false move, they did not give an advantage to their opponents. It was impossible not to see that the position of the Government was so weak, that it could only be strengthened by imprudence on the part of the Opposition. Right hon. Gentlemen opposite only occupied those benches for the first time on Friday—they had sat upon them one day, and they had already signalized the event by two remarkable concessions. The first was the announcement that the Conspiracy Bill, which he believed was originally suggested by Lord Derby, had been abandoned; and then the right hon. Gentleman the Minister for War, who appeared heretofore the mouthpiece of the Horse Guards, overtrumped his predecessor by declaring his intention to give further effect to that system of competitive examination for the Artillery and Engineers which Lord Panmure had intimated his intention to abandon. The difficulties of the present Ministry would increase with their Cabinet meetings. His hon. Friend (Mr. Osborne) had referred to the question of national education in relation to the present Cabinet. He believed that the last act of the late Government had been to accede to the appointment of a Royal Commission on this subject, and the first thing the noble Earl at the head of the Government would have to do, when his Cabinet met, would be, as his hon. Friend had intimated, to prevent the First Lord of the Admiralty from firing a broadside into the right hon. Gentleman the President of the Board of Trade. Then there was the Jew question. It was impossible not to see that between the Lord Chancellor in the other House and some of his colleagues in the House of Commons a very great difference of opinion existed. And when after all these points had been arranged, the noble Earl at the head of the Government, believing that an armistice

had for the present been concluded, went home to repose, he would be met on his own threshold by his youthful Secretary of State for the Colonies, and reminded that there was a small family difference to settle on the question of church rates. Their difficulties, in short, were such that, if the Opposition exercised that forbearance and judgment which they were bound to show, they would have no cause for alarm. His hon. Friend behind him (Mr. Osborne) said it was impossible to ascertain what the principles of the Government were. The right hon. Gentleman the Chancellor of the Exchequer said, "We are a Conservative Government, guiding a Conservative party." There was some difficulty in understanding what Conservatism meant. The best definition he had ever met with was that discovered by an ingenious Scotchman; it was so practical that he would venture to state it to the House, and they would then be able to judge of its truthfulness. It was immediately after the Reform Bill, when the word "Conservative" was first suggested by the late Sir Robert Peel. At the election for the county of Edinburgh, an old and intelligent ten-pounder said he had just been canvassed by Sir George Clerk, but had told him that he could not vote for him, because he had always known him as a Tory. Sir George said he was a Conservative. The elector said, "I was very much puzzled as to what he could mean by saying he was a Conservative, so I got a dictionary, and looked out the word. I found 'Conservative' came from 'conserve.' That did not help me much, so I looked out the word 'conserve,' and I found it meant 'preserve.' That did not help me much, so I tried once more, and I then thought I had made a discovery. 'Preserve' meant 'to pickle.' I then thought I saw the meaning of a Conservative. I always believed the Tories had got us into a pickle, but I never expected to hear that they would confess it." Now, he thought the course which the Opposition ought to pursue was to remain patiently on that side of the House, until they found themselves in such a position that a move might be made wisely and consistently with advantage. For his part, he did not think that sitting for a time on that side the House would be a very great disadvantage to them. He did not believe that their constitutions were likely to be much damaged by the change of climate, and he was for their remaining there until they found themselves under leadership which would enable them to move to the other side and maintain their position there with honour to themselves and advantage to the country.

LORD JOHN RUSSELL: I am not one of those who conceive it necessary for a Minister on taking his place in this House, to make a declaration of his policy. I stated that to be my opinion in 1852, and I remain of that opinion now. I, therefore, shall never call upon the right hon. Gentleman to make a declaration of the policy which he means to pursue. I conceive that when a party who have sat for years in this House and have given opinions upon a variety of questions that have come under consideration, come into office they will generally maintain those opinions. At the same time, having been in office myself, I am perfectly aware that a party succeeding to office may find some questions in such a position as precludes them from immediately acting upon the opinions which they formerly expressed, and compels them to take a course somewhat at variance with that which they may have formerly pursued. I, therefore, was not surprised when the right hon. Gentleman declared—or rather when a noble Lord in "another place" declared—that when this House had decided by a great majority that an Indian Bill should be introduced, he considered that the staving off the question for another year was not a desirable object. It is, then, not upon the subject introduced by the hon. Member for Dover, but upon another subject arising out of some part of the statement of the right hon. Gentleman that I feel it necessary to make a few remarks. Before I do so, perhaps I may be allowed to say, that I do not feel it necessary either to review the course pursued by the late Government or to make any statement with respect to the question which led to its resignation. With regard to the late Government, I shall always respect my noble Friend who was at its head, and shall always think the public indebted to him for the great exertions which he made during the war, and for the opportune moment at which he signed the treaty of peace with Russia. I think that nothing can efface those obligations from the memory of Englishmen. With regard to the vote which led to the dissolution of that Government, I cannot think that the hon. Member for Dover meant to impute any discreditable manœuvre to those Members of the Liberal party who considered it their duty from the first moment to

oppose the Conspiracy Bill which my noble Friend then at the head of the Government introduced. I stated at once my objections to that Bill. I persevered until by a vote we had got rid of that Bill; and I considered that a course, not only conducive to the benefit of the country, but a manly and open course to pursue with regard to a measure of public policy. The right hon. Gentleman (the Chancellor of the Exchequer) in going over with considerable talent—a talent which is not new to us—various questions, and making a contrast between the late and the present Government, has not succeeded in effacing from my mind the recollection that during the many years that I have been in this House, while the party to which he belongs has pursued a policy which they have deemed conservative, I have been in favour of a policy which I deem reforming, and that upon all the great questions of religious liberty, such as those affecting the Catholics, Protestant, Dissenters, and Jews—upon all questions of civil liberty, such as the Reform Act—and upon all questions of commercial liberty, such as free-trade—I have been opposed to the views of that Conservative party. And I cannot but expect questions will arise upon which, if they maintain their principles, I shall again find myself differing from them. But that is no reason why I should at the outset endeavour to embarrass a Government which have just taken their seats. Her Majesty having been pleased to confide the high offices which they hold to her present Ministers, it is our duty as a House of Commons to hear the various measures developed which they propose, and to consider the merits of those measures, and also how far we can rely on the promises which the Ministers held out to us. There are two questions which the right hon. Gentleman touched upon which I confess I am not entirely satisfied with what the right hon. Gentleman said, and those two questions are, in the first place, the appointment of Orange magistrates in Ireland; and in the next place the system of national education in Ireland. With regard to Orange magistrates, the right hon. Gentleman states very fluently a principle which no doubt is generally correct,—namely, that unless there is some Act of Parliament to disqualify, the Lord Chancellor ought not to impose arbitrary disqualifications. But the right hon. Gentleman apparently forgets that many years ago it was proposed by the late Mr. Hume to proceed by somewhat severe measures against the Orangemen of Ireland, and that I then proposed an Address to the Crown, praying His Majesty the late King to be pleased to discourage Orange societies on account of particular qualities which belonged to them — I know not whether the Orange societies retain those qualities at present—but with respect to that Address I had the good fortune to obtain the entire assent of the late Mr. O'Connell on the one hand and of the present Earl of Derby on the other. I do not think it would be beneath the consideration of the present Government to keep that Address in view, and to act in the spirit which influenced the House of Commons at that time, although there may be circumstances—(I am not entering into that question)—which make these Orange societies totally different from those to which the Address applied. With regard to the question of national education in Ireland, which the right hon. Gentleman professes to a desire to maintain, I observe with some alarm that he proposes to give some advantages to Church societies, which advantages will cut up by the roots the very institution he professes to prize—will destroy the system of national education in Ireland which by the avowal of all parties has been successful since 1831, when Lord Derby first established it—and will lead either to great jealousy of parties and to requirements on the part of the Roman Catholics, which neither the present Government nor probably this House would desire to yield.

But, Sir, I now come to the question which alone induced me to rise to address the House, and that is the description which the right hon. Gentleman has given of the Reform Bill. The right hon. Gentleman may at various times perhaps in this House, perhaps in his addresses to his constituents, have spoken of the Reform Bill of 1831 with very little respect; but the right hon. Gentleman is now in the position of a Member of a Cabinet who propose to bring in a new Bill on that subject; and I own I cannot expect a just or impartial measure from a man who has recently given such an unfair and, I will say, such an unfounded description of the Bill of 1831. This is the description which I find the right hon. Gentleman gave in his speech at Aylesbury last week :—

" I have never changed my opinions as to that Reform Bill. I consider that a subject of that magnitude was dealt with in a manner that was entirely unworthy of it; I did believe then, I

believe now, and I think almost everybody now considers, that there was in the concoction of that Bill a greater number of jobs than was ever perpetrated before ; and, though the nominal object of the Bill was to improve the representation of the people, the great substantial object was the consolidation of Whig power."

Now, let me ask who were the chief Ministers concerned in the framing of that Bill? At the head of the Ministry of that day was Lord Grey, a man who for many years of his life had been kept out of power, for which he was eminently qualified, by his perseverance in behalf of an unpopular question, — namely, the rights which belonged to the Roman Catholic ; and by his adherence likewise to the principles of reform. Another chief Minister of that day was Lord Althorp, a man of the purest public virtue, and known by all who were acquainted with him to be averse to office, averse to patronage, and to all the accompaniments of official position. These are the two men upon whose memory the right hon. Gentleman has uttered these reflections and cast this reproach. I say that that reproach is totally unjust and unfounded. Nor is that all. My right hon. Friend the Member for Carlisle (Sir James Graham) and I were both upon the Committee of the Cabinet which had to prepare that Bill ; and we had many persons associated with us in examining various plans, who acted according to statistical and geographical principles without regard to any party views whatever. Moreover, all these plans and measures which resulted from those principles so acted upon by myself and my right hon. Friend were submitted to a Cabinet of which the Earl of Derby was a distinguished member. I ask, then, if the right hon. Gentleman is prepared, without the smallest proof, to say that Lord Grey, Lord Althorp, and Lord Derby were parties to what he designates a series of Whig jobs. The right hon. Gentleman has never at any time brought forward the slightest tittle of evidence in support of his assertions. If he would do so I should be ready to go over the history of that Bill with him. Indeed, I am ready now, almost from recollection alone, to go through its various details, and to deny and disprove the assertions of the right hon. Gentleman. But before he brings this charge against the memory of such illustrious persons—before he prefers this accusation against the Cabinet of Earl Grey — I think he should make himself master of the details of the Reform Bill, and should also frame specific charges founded on some kind of fact, instead of putting forward mere vague unsupported allegations. But I must mention another circumstance. Upon the Opposition benches at that time sat the late Sir Robert Peel, Mr. Goulburn, and Lord Hardinge—men of the highest honour; and yet they never brought charges similar to these which we have now heard. Indeed, I remember Mr. Goulburn taking credit to himself for never having repeated the accusations on this subject which had been so falsely made out of doors ; and I believe there was only one person sitting on the Opposition benches at that period who uttered these imputations. The right hon. Gentleman can know nothing of the facts ; he did not sit in Parliament at the time ; but I own that I look with great suspicion, great doubt, and great jealousy, upon any Reform Bill of which the right hon. Gentleman is to be the concocter, if this is the belief which he holds of the last. I remember relating in this House on a former occasion a story which is told of Cardinal de Retz and the Great Condé. The Prince was opposed to the Cardinal in arms, and on entering the room of the latter one day in order to consider of some terms of peace, he saw a quantity of trashy pamphlets lying on the table. He looked them over, and found every species of bad motive imputed in them to both sides—to Cardinal de Retz on the one part, and to the Prince himself on the other ; upon which the Great Condé remarked, "These men impute to us the sort of conduct they would themselves hold if they were in our places." That, I think, was a just reflection. I believe the right hon. Gentleman's charge on this subject is a proof that that is the kind of spirit in which he would concoct a Reform Bill. The men who were intrusted in 1831 with the great duty of framing the Reform Bill had no wish to act with any unfairness, either as regarded the landed and the commercial interests on the one hand, or the great Conservative and the Reform parties on the other. I recollect stating in this House, at the end of the discussions on that Bill, my belief that on the whole the landed interest would probably rather have the majority in the Reformed House of Commons. I held that opinion because I reckoned among the representatives of the landed interest not only the county Members, whom the right hon. Gentleman assumes to be the exclusive representatives of that interest, but also

the Members for a great number of country boroughs, in which it was notorious that men identified in sympathies with the landed interest, whether as Peers owning large estates or as squires of more moderate means, possessed undoubted influence. With regard to the two great parties in the State, my belief was that that monopoly of power which the Tory party had then held for seventy years would not continue, but that the party which gave the greatest satisfaction to the country, and which by its measures and conduct most conciliated the people at large, was likely to succeed during the existence of that Reform Bill. I think events have shown that I was not wrong in my opinion. The position held by Sir Robert Peel, who certainly enjoyed the confidence and the good will of the people, was a proof that that measure did not give place or power to one party only. Under the circumstances I have stated, however, I own, with regard to this question of reform, that I think we have but very little security indeed. The speech of a noble Lord in another place, to which we have been referred, tells us that that noble Lord is not sure whether there are any defects in the present state of our representation; but that if he finds any such defects he will consider them, and if he finds a remedy he will produce it. We are, therefore, left to the chance—first, that he may find no defects, and next that, finding some defects, he may not find what he considers a remedy for them. I am sure Lord Derby would not hold out to the country anything that he did not sincerely believe to be true; and therefore I do not think, according to his own showing, that he is very likely to give us a Reform Bill. With regard to the right hon. Gentleman, on the other hand, I look with the greatest suspicion to any measure of which he may be in any part the framer.

I cannot, however, sit down without saying that I am very much gratified to find that the correspondence which has taken place between the Government of Her Majesty and that of the Emperor of the French has resulted in the termination of those differences which produced so bad an effect in this country. I think the noble Lord now at the head of the Foreign Office is likely to carry on the affairs of that department with great regard for the dignity and interests of England, combined with a conciliatory spirit towards other States. I hope that while we maintain the alliance with France—the most precious alliance to this country of any—we shall not consider that that Power is the only friendly Power in Europe. I believe the position of England at this time is such that there is nothing which she can ask, or nothing which she ought to ask, which should be hostile to any of the great, or, indeed, to any of the smaller Powers of Europe. I trust, therefore, that our relations with other States may be placed on a cordial and permanent footing; and then, whatever I may think of the domestic policy of the present Government, I shall hail with joy and gratitude the results of their foreign policy.

Mr. DRUMMOND: It cannot be the wish of the House on this occasion to enter into a debate on the Reform Bill: but having heard the remarks made by the noble Lord opposite, and those made by the right hon. Gentleman the Chancellor of the Exchequer, I cannot refrain from saying that I much more agree with what has fallen from this side of the House than with what has proceeded from the other. The noble Lord touched, perhaps unwittingly, the real motives of the framers of the Reform Bill when he spoke of their having been excluded from office by the rival party for nearly seventy years. That was the key to the whole of that measure. And as to the proofs of the way in which the matter was managed, and as to the evidence of the perfect equity displayed towards the Conservative party, the noble Lord will perhaps be gratified with some of the proofs which will hereafter be shown to him.

Viscount PALMERSTON: I do not rise, Sir, to interpose in the passage of arms which has taken place between my hon. Friend the Member for Dover and the right hon. Gentleman the Chancellor of the Exchequer, a passage of arms in which I think the House will admit that each knight has distinguished himself for the ability with which he has wielded his weapons, so much so, indeed, that it would be difficult to say which side had the advantage. But I wish to say one or two words in consequence of some remaks which fell from my right hon. Friend, the Member for Stroud (Mr. Horsman). I am not going to seek in his speech the answer which he appeared to give to the question put and repeated with great anxiety by the right hon. Gentleman the Member for Buckinghamshire—namely, where the majority of this House was to be found. My right hon. Friend the Member for Stroud seemed to

know where that majority is, and appeared as if he were conscious that he could wield it when he pleased. And, although, after the very handsome terms in which he expressed himself in regard to the Members of the new Government, one would hardly have expected such an announcement from him, he yet informed the House that whenever the time came at which he might think such a proceeding fit and proper he would be prepared to wield that majority against hon. Gentlemen opposite. With regard to those who sit on this bench, I can only say that we readily deferred to the opinion of this House, that we are willing to continue that deference, and that there will be no factious attempts on our part to anticipate the period at which that majority, if it exists, shall be manifested adversely to those who now occupy the seats of office. But, Sir, my right hon. Friend, reviewing the conduct of the late Government, and mixing with his observations many expressions of kindly personal feeling towards myself, seemed to think that our course had been rather to seek the support of those who sat on the other side of the House than to pursue an appropriate line of conduct, and depend for support upon those by whom the Government was ostensibly maintained. I can only say that, sorry as I was to lose the assistance of my right hon. Friend, I was not aware that that loss was occasioned by any want of political confidence on his part in the Government of which up to that period he had been a distinguished, useful, and an honourable Member. If it be, as my right hon. Friend says, that as the head of the Government I looked chiefly for support to the other side of the House, I must say that recent events have shown that my expectations of assistance were founded upon no good and substantial grounds. It is perfectly true that, pursuing that course which I and my colleagues thought was best for the interest of the country, we were glad to receive support from any quarter of the House in which were to be found members who concurred with us in the course which we were taking. I should have been ashamed of repelling the support of those who agreed with us merely because they happened to sit in one part of the House rather than another. I was always sorry when our measures were not sanctioned by all those who sat on the same side as we did; but I never thought that any measure was the worse because it obtained the concurrence of those who upon general grounds were not disposed to agree with us. I think that that occasional support was as honourable to the Government which received it as it was creditable to those by whom it was given; and undoubtedly if ever it should be our lot again to be responsible for the conduct of affairs, I shall not think that we are acting in opposition to the interests of the country because measures which we think right happen to meet with the concurrence of those who, upon general questions, are not disposed to agree with us. But, Sir, when my right hon. Friend seems to imply by a quotation which he made that I am not a Liberal but a Tory, I beg leave to remind him that in the case of all those great measures of domestic policy upon which my noble Friend the Member for the City of London so justly prided himself as the grounds upon which he appealed to the approval and confidence of the country, I had the honour of concurring with my noble Friend, and of assisting him, as far as was in my power at the moment, both in advocating and carrying them. My right hon. Friend has referred to the vote which placed us on this side of the House. Sir, if by the course of events we find ourselves here, rather than there, I will not impugn the motives of those by whom we were placed in this position. Undoubtedly a large number of those who honoured us with their support, from a most sincere and conscientious conviction upon the introduction of the Bill, afterwards voted against us, upon that Motion which was intended to get rid of it. I mean to cast no reflection upon Gentlemen opposite, but nevertheless I must remind the right hon. Gentleman the Member for Bucks that the vote which they gave in support of the introduction of the Bill and against the Amendment of the hon. and learned Member for Bridgewater (Mr. Kinglake) which was withdrawn, but upon which the House discussed the very question of the answering of Count Walewski's despatch, was utterly and entirely at variance with that which they afterwards gave upon a precisely similar question, on the proposal of the second reading of the Bill. The Gentlemen who pursued that course undoubtedly had reasons for it, which I am not impugning. They thought, and very fairly thought, that there was an opportunity of placing in a minority a Government which they did not approve. I do not blame them for adopting that course; but still I cannot altogether admit

the assertion that there was no manœuvre, no fair Parliamentary manœuvre, the result of which was to place them in the seats which they now occupy. I admit that that manœuvre may be a blameless one. I can only say that those who sit on this bench have no intention of adopting a similar course. The right hon. Gentlemen opposite have now, after being constitutionally called upon by the Sovereign, that responsibility which belongs to office. They have undoubtedly announced in general terms that they intend to adopt some of the principal measures which we had stated our intention of proposing, or had actually proposed. As long as they take up those measures without spoiling them by the manner in which they adopt them they are entitled to receive all the support which we can give them in making arrangements which we ourselves thought essential to the interests of the country.

Sir, with regard to the course which we pursued during the three years that we held office, that I am willing to leave to the impartial judgment of history. I was called to office, not by any effort of my own—not by any Parliamentary proceeding in which I was a mover; I was called to office because two other combinations which had been attempted had failed, and I felt it my duty under such circumstances to do all that I could to promote the interests of the country. We carried that great and difficult war to a successful termination. In conjunction with our great ally the Sovereign of the French empire, we obtained a peace which I believe every one admits sufficiently accomplished the objects for which the war was undertaken, and we persevered in requiring the complete execution of that treaty, although great difficulties were interposed in the way of the fulfilment of some important conditions of the compact. We had to encounter other foreign difficulties of less magnitude, which we overcame; and when that great event occurred which convulsed our Indian empire from one end to the other, we spared no exertion to put an early termination to the struggle. With regard to our internal legislation, I maintain that during those three years we have succeeded in pursuading Parliament to pass several measures of great importance—measures connected with the industry of the country, and measures abolishing systems which had endured for ages,—and making arrangements which had long been desired, but which had previously been wished for in vain. It was owing to our perseverance that, although the last Session of Parliament was shortened by the dissolution, and although we were told by the right hon. Gentleman the Member for Buckinghamshire we intended to waste a Session, we carried through Parliament three measures of great importance—the two measures concerning divorce and testamentary jurisdiction, and the Criminal Breaches of Trust Act. We carried those measures, which were of great importance and effected great improvements, by the perseverance with which we urged the House not to separate until they had been passed into law. I merely mention these things; but, as I said before, we are willing to leave our administration to the verdict of impartial history, and I feel perfectly satisfied that when the results of that administration shall be impartially regarded we shall be found not to have abused the trust which our Sovereign, our country, and Parliament placed in us.

Mr. HORSMAN said, that the noble Lord had completely misunderstood one of his expressions. In reply to his hon. Friend (Mr. B. Osborne) who spoke of the proceedings of Gentlemen opposite as having been sytematically hostile to the Government, he quoted as a proof of a rather friendly feeling an expression used by the late Member for Northamptonshire (Mr. Stafford) on the hustings. He had not the least idea of adopting that expression as his own, and he could assure his noble Friend that he would not, as a matter of courtesy, so speak of him, however he might at any time criticize his measures.

SUPPLY.

Resolutions *reported* and *agreed to.*

WAYS AND MEANS.

Committee *appointed* for *To-morrow.*

COMMISSIONS IN THE ARMY.

QUESTION.

On Motion for going into Committee of Supply,

Mr. W. WILLIAMS inquired whether it was intended to take Votes on account, or to pass the gross sums?

Mr. G. HAMILTON stated, in reply, that the Government had adopted the Estimates prepared by their predecessors, and, as it was important that the whole should be agreed to before the end of the financial year, he intended to ask the Committee to vote the entire charges.

MR. BAGWELL said, he wished to call the attention of the Minister for War to a curious fact which had recently come to his knowledge, and which appeared to require serious consideration. Some time ago, a young gentleman under his guardianship, who was preparing himself for a commission in the cavalry, saw in *The Times* an advertisement to the effect that certain army agents would procure a commission for him without examination upon the payment of £550. Communications were opened with the agents in question, who offered, upon the sum of £550 being lodged in the hands of their bankers in Regent Street, to obtain by Tuesday next an order for the young gentleman to raise fifty men for Her Majesty's service, which being done would entitle him to a commission in the cavalry. They did not seem inclined to name the military authorities by whom the transaction was to be completed, and upon application being made to Sir Charles Yorke, he said that he knew nothing whatever about it. At first sight the affair might appear to be a swindle; but there could be no doubt that the agents were quite able to fulfil their engagements; and, in fact, numerous commissions had been obtained in a similar manner. Now, from the statement made by the Minister for War on Friday night—namely, that no fewer than 7,500 men joined the army in one month, there seemed to be no difficulty in getting recruits, and what the House ought to know was, what became of the £550 obtained from young gentlemen by parties in the position of the advertisers in *The Times*. There seemed to be something wrong going on; and it was with a view of clearing up the matter that he now asked an explanation of the Government.

GENERAL PEEL said, that immediately on hearing this question put to him the other day, he made inquiries at the Horse Guards, and found that no agent was authorized by the Commander in Chief or the Adjutant General to issue the advertisement alluded to. On the contrary, by the 87th section of the Mutiny Act any person who should directly or indirectly interfere with the recruiting service, without permission in writing from the Adjutant General or the Directors of the East India Company, should for each offence forfeit the sum of £20. The advertisement had been issued without any authority from the Horse Guards.

SUPPLY.

CONSIDERED IN COMMITTEE.

(In the Committee).

(1.) £500,000, Embodied Militia.

GENERAL PEEL moved, as a Vote in excess, that £500,000 be granted to defray the charge of the Embodied Militia in Great Britain and Ireland which would come in payment in the year 1858. He said, that the necessity for voting this additional sum had obviously arisen out of the Indian mutiny. In consequence of the number of regiments sent out to India, it had become necessary to call out a part of the militia to do garrison duty. Thirty-seven regiments had been sent to India since the commencement of the mutiny. Only £200,000 had been taken in the Estimates for that charge, and the excess of expenditure would exceed that sum by £500,000.

SIR GEORGE LEWIS said, that there had been an extra Vote of £200,000 last Session for the embodiment of the militia when the late Government proposed the embodiment of that force; and the estimate then formed was that, by the saving which would accrue on other Votes in consequence of the large number of men to be transferred to India, there would be a sufficient sum, together with the additional £200,000, to defray the extra expense of the embodied militia. Before he left office he was not led to believe by information from the War Office that any supplementary Vote would be required in the present year for the expense of the embodied militia. If the Vote was merely a supplementary one, and it was intended to make a saving on other Votes to the stated amount, he should not object to it; but if it was intended practically to increase the Vote for the Army Estimates by half a million of money, he thought some further explanation should be given.

THE CHANCELLOR OF THE EXCHEQUER said, that the proposed Vote would not increase the Estimates. There was a sum of £800,000 voted for the Army Estimates in the current year, which would not be wanted, and out of which the required £500,000 would be taken. There was no power of transferring it to the militia; but the saving would tell in the gross amount.

SIR GEORGE LEWIS did not see the necessity for the Vote, for under the Appropriation Act the Government had the power to transfer sums from one item to another where they made a saving. He

suggested that the Vote should be postponed.

MR. G. A. HAMILTON explained that the sum mentioned by the Chancellor of the Exchequer had been "declared" a saving, and, therefore, without the present Vote the sum required could not be applied to the purpose.

MR. BRISCOE thought it desirable to postpone the Vote for the present.

MR. W. WILLIAMS deemed the proposition of the late Chancellor of the Exchequer most objectionable. Knowing that there was a surplus of £800,000 from the Army Estimates, that right hon. Gentleman proposed to take the £500,000 surreptitiously — [SIR G. C. LEWIS: No, legally.] He could not for a moment imagine that the Government intended to apply a portion of the £800,000 without a Vote of the House. He desired to know the number of the embodied militia in service for the present year.

GENERAL PEEL replied, that very nearly 30,000 were embodied at the present time.

SIR GEORGE LEWIS stated, that there was nothing in the slightest degree surreptitious in the transfer he proposed, but it was quite in accordance with the provisions of the Appropriation Act. He objected to the vote of half a million of money, if the vote were unnecessary.

MR. G. A. HAMILTON said, that the cost of the embodied militia for the current year had been £700,000. The estimate voted was for £200,000. There had been a saving in other items of the army service sufficient to supply the deficiency; but it was necessary that the proposed sum of £500,000 should now be voted in order to be introduced into the Ways and Means Bill, it being part of the expenditure of the present year.

MR. W. WILLIAMS again expressed his disapproval of the suggestion of the late Chancellor of the Exchequer. For his own part he entirely approved the course adopted by the Government in asking for the Vote.

SIR JOHN TRELAWNY did not approve that clause of the Appropriation Act which allowed money voted for one purpose to be applied to a purpose entirely different.

LORD JOHN RUSSELL also concurred in the propriety of the course adopted by the Government. If £700,000 had been expended upon the embodied militia, it was surely most convenient and most useful that that sum should appear in the Estimates as a distinct item.

THE CHANCELLOR OF THE EXCHEQUER said, that the hon. Baronet the Member for Tavistock was mistaken in supposing that the Government were proposing to put into operation the provisions of the Appropriation Act. The fact was that £500,000 more than had been voted had been spent, and all that the Government was now doing was to ask the Committee to vote that sum in order to make up the deficiency.

Vote *agreed to.*

£849,285 for the Salaries and Expenses of the Customs' Department.

Motion made and Question proposed,—

"That a sum, not exceeding £849,285, be granted to Her Majesty, to defray the Salaries and Expenses of the Customs Department, which will come in course of payment during the year ending the 31st day of March, 1859."

Motion, by leave, *withdrawn.*

MR. W. WILLIAMS thought that some explanation ought to be given with regard to the estimates for the Revenue Departments. As regarded the Post Office alone there had been an increase in the estimate of £500,000 since 1854, and he thought that the House ought to be placed in full possession of all the circumstances of the case.

MR. G. A. HAMILTON said that he was bound, in justice to the late Government, to admit that he had never seen Estimates so thoroughly explanatory. Care had been taken to furnish information as to each particular item, but if any additional information was required he would do his best to afford it.

MR. WILSON said, he supposed that Votes on account would be taken for the Revenue Departments, as had been done in the case of the Army and Navy Estimates, and therefore he was himself unable, as he had come down to the House without even a copy of the Estimates, to offer any explanation with regard to them. He would suggest to the Government the propriety of either postponing their Votes to a future Committee of Supply, or of following the same course which they had adopted with regard to the Army and Navy Estimates.

After some further conversation,

THE CHANCELLOR OF THE EXCHEQUER said, that the sole object of the Government was to obtain Votes in order to enable them to bring in their Ways and Means. The only reason why any difference had been made between these Votes and the Army and Navy Estimates was, that the Government adopted the former in their entirety, while they reserved to

themselves the right of revising the latter, and, if possible, of reducing them. If it should, however, be the wish of the Committee that the same course should be adopted which had been followed in the case of the Army and Navy Estimates, he could offer no objection.

MR. WILSON said, that he still thought that as no notice had been given of the intention of the Government upon this point it would be better that Votes on account only should be taken.

Motion, by leave, *withdrawn.*

After a few words from Mr. BRISCOE, SIR DE LACY EVANS, and Mr. WILLIAMS, advocating this course,

The CHANCELLOR of the EXCHEQUER assented.

The following Votes were *agreed to:*—

(2.) £1,000,000, Post Office.

(3.) £650,000, Inland Revenue Department.

(4.) £242,700, Superannuations.

(5.) £425,000, Customs' Department.

House *resumed.*

Resolutions to be reported *To-morrow;* Committee to sit again on *Wednesday.*

House adjourned at Nine o'clock.

HOUSE OF LORDS,

Tuesday, March 16, 1858.

MINUTE.] PUBLIC BILL.—2a East India Loan.

AFRICAN SLAVE TRADE.—FREE NEGRO IMPORTATION.

PETITION.

LORD BROUGHAM presented a Petition of Committee of the British and Foreign Anti-Slavery Society, praying for the more effectual Suppression of the African Slave Trade. The noble and learned Lord said, he wished to draw the attention of the noble Lord the Minister for Foreign Affairs to certain of the allegations contained in it and to a statement he was about to make. He wished at the outset to say that he believed no blame attached to the French Government in any part of the proceedings he was about to mention; on the contrary, there was every reason to believe that it disapproved of them, and so far as it had not been able to prevent, it sincerely lamented them. It had been represented to him (Lord Brougham), according to intelligence received from most respectable quarters—and he had himself read five or six letters from persons who were well known as respectable and trustworthy — that there had been recently passed by the Government of Guadaloupe, under the name of a *reglement de travail,* or a kind of vagrant act, a law which had an immediate and direct tendency to reduce to a state of slavery the free negroes in that colony, and thus to counteract the law which was passed in 1848—almost, he (Lord Brougham) ventured to say, the only good act of the Provisional Government—for the emancipation of the negroes in the French colonies. But the institution of this vagrant act was a direct retrograde movement on the part of the authorities of Guadaloupe, and was accomplished, no doubt, without the knowledge, and much more, without the approval, of the Government in the mother country. And why did he say that no blame attached to the French Government? For the reason that the *reglement* had been in some measure followed by our own countrymen in Jamaica. He was told that an act had passed the Jamaica Assembly to the same effect, and which, under the name of a vagrant act, had a tendency to reduce the free negroes to a state of slavery. That such an act had ever been passed with the knowledge and had ever received the sanction of Her Majesty's Government was utterly impossible. He (Lord Brougham) doubted whether indeed it had yet come over to this country. Then with respect to the practice of "free negro" importation—as it was hypocritically called—which was the main subject of the Petition, he would beg to state further that the greatest suffering attended the project of obtaining so-called free slaves in Africa, and then pretending to carry them into what was nothing but a state of bondage. Some short time since the Messrs. Regis, of Marseilles, had fitted out a vessel called the *Stella,* for the purpose of calling at Loango and other places on the African coast, and purchasing as many of these free negroes as they could. By that contract the captain was limited in price, being only allowed to give a certain sum —some forty dollars for each negro. He found, however, that other merchants, Spanish and Portuguese—but more of the former than the latter—who were under no control as to price, came also into the market, and accordingly he had great difficulty in completing his cargo. He did so at length, however, by taking those negroes who had been left, and shipped them to a large amount—950 it was said

—on board his vessel. It was stated that the contract, as they called it, with these negroes was only completed after they were on board ship. Now, as the vessel was small, not above 400 tons, there was necessarily very bad accommodation; and as the voyage had been prolonged thirty days, owing to the deficiency of provisions both in quantity and quality, and the want of proper medical attendance, no less than 33 per cent. of these unfortunate negroes thus shipped, or upwards of 300, died on the passage. The 600 that remained were landed in Guadaloupe; but no preparation or provision had been made for them at the place where they arrived; and whilst some were taken by land across the island, others were removed by sea. These, to the number of 110, were put on board a coasting vessel, and as they had been on the voyage from Africa, the so-called free negroes were treated precisely as if they had been slaves in the time of the old execrable African trade. These free negroes were crammed into the hold of the vessel, like animals in a kennel, to the number of between eighty and ninety, as many as the hold could contain, and the rest only were allowed to remain on deck. While on the voyage the vessel foundered, having struck upon a rock, and every one of these unfortunate beings thus crowded into the hold perished. Thus the old slave trade was revived under a new name. In all this he (Lord Brougham) repeated that he believed no blame attached to the French Government; and, indeed, with respect to this subject, he had authority of an important kind—namely, that of our own Emigration Commissioner, who had compared different plans pursued on board the French and English vessels. We had no such traffic in free negroes to the West from the East Indies; but with respect to the transport of Coolies from the East Indies, a different mode of accommodation was provided on board the French and English vessels. The result of the Commissioners' inquiry was that, as a general result, there was much less mortality on board the French than on board the English ships. There might be greater allowance of tonnage in our vessels; but there was greater mortality also. The subject, however, of this scheme, as carried on upon the west coast, deserved the most vigilant attention of Government.

The Earl of MALMESBURY: My noble and learned Friend having called my attention, before he rose, to the subject on which he was about to speak, I am desirous of communicating to him all I know on the matter, and I can only say that at any time he gives me notice in respect to any question he desires to be informed on, I shall be ready to give my noble and learned Lord the best attention I am able. Since I have had the honour of occupying the post which I now hold no information has reached me from Her Majesty's Consul in regard to the particular proceedings which my noble and learned Friend says have taken place in Guadaloupe. I quite concur with the noble and learned Lord that whether this new plan of "free emigration" be carried out, or whether the old slave trade be renewed, it is a distinction without a difference. I need not tell my noble and learned Friend that Her Majesty's Government will direct all their endeavours to discourage the practice, although my noble and learned Friend knows that we cannot effectually interfere to put it altogether down. With respect to my noble and learned Friend's observations about the conveyance of Coolies, I cannot think, as the noble and learned Lord seems to do, that the present system is at all satisfactory; I am afraid, upon a clearer view of the subject, that a great deal of suffering is endured, and many lives are lost, in the passage from the East Indies and China to those islands referred to. It is only within the last two or three days I have seen a report in the Foreign Office which convinces me that there must be a much stricter surveillance exerted in relation to those matters than has hitherto been in force.

Lord BROUGHAM also wished to call his noble Friend's attention to the use made of the French flag by the Spanish and Cuban slave traders. Those persons conceived that if they hoisted the French flag it would prevent the possibility of any interference for the inspection of their vessels. His noble Friend would find that great abuses were thus practised by noted slave traders under colour of the French flag.

THE MARQUESS OF CLANRICARDE.

EXPLANATION.

The Marquess of CLANRICARDE, after giving notice of his intention to ask the noble Earl at the head of the Government on Friday next what course he proposed to pursue with respect to education in Ireland, proceeded to say,—As I am upon my legs I wish also to allude to a misreport of what I said last night, when I withdrew the notice which then stood upon your

Lordships' Minutes. I find that I was misapprehended, probably through my indistinct utterance, and have in consequence been misreported; and as I am anxious that there should be no misconception thereon among your Lordships at least, I beg leave to repeat exactly what I did say, which was this—that I had received such representations from learned and other noble Friends that my notice and the statement I proposed to make were at variance with Parliamentary usage and practice, and might, if admitted as a precedent, lead to much inconvenience hereafter, that I felt it right, with your Lordships' permission, to withdraw that notice.

TRUSTEES RELIEF BILL.

COMMITTEE.

Order for the House to go into Committee read.

The LORD CHANCELLOR asked his noble and learned Friend (Lord St. Leonards) if he would be good enough to postpone going into Committee upon this Bill, as, since he had been entrusted with the Great Seal, various matters had been pressed upon his attention, and consequently he had had no opportunity of examining the clauses of this Bill.

LORD ST. LEONARDS said, this was the same measure which passed through their Lordships' House in August last, and went down to the Commons, but too late to be passed through that House. He thought there could be no objection to its going through Committee.

House in Committee (according to order).

Clauses 1 and 2 *agreed to.*

On Clause 3.

LORD CRANWORTH said, that this clause provided that if a trustee invested funds upon the advice of counsel and communicated the fact of his doing so to the parties interested he should be indemnified. This implied that in the event of the trustee not communicating the fact he should not be indemnified. He apprehended, however, that the law was clear, that if a trustee took proper and reasonable precautions in the investment of trust money he was indemnified at present. He thought that the clause raised doubts which would be very detrimental to the interest of trustees, and that it had better be struck out.

LORD ST. LEONARDS said, that he had prepared a proviso which would meet the objections of his noble and learned Friend.

THE LORD CHANCELLOR said, he quite agreed with the noble and learned Lord opposite (Lord Cranworth) that this clause was quite unnecessary. It was clear that if the trustee acted conscientiously to the best of his ability in the investment of trust funds he was not responsible under the existing law. The effect of the clause would only be to infuse doubt into the law and to put trustees in a position of considerable danger. The proviso showed that the clause was unnecesary.

Clause struck out.

Clauses 4 and 5 struck out.

Remaining clause *agreed to.*

Report of Amendment to be received on *Friday* the 26th *instant.*

TRANSFER OF ESTATE SIMPLIFICATION BILL.

COMMITTEE.

On the Motion for going into Committee on this Bill,

LORD ST. LEONARDS said, that its object was to simplify titles to real property, and thus to save great expense both to the purchaser and seller. The law of England had varied very much as to the time at which all suits should be barred and a title might be acquired good against all the world. In the reign of Edward I. a year and a day was the limit, but this was found to lead to great inconvenience, and the law was repealed in the reign of Edward III. There was then no limitation at all, which was found to be equally inconvenient, and ultimately in the reign of Henry VII. a fine, with proclamation, was made an absolute bar, but with a saving of five years for persons under a disability, having a present right and a further saving for persons entitled in remainder of five years after their right accrued. These bars were effected by what was termed a fine which was a fictitious suit which terminated by a supposed agreement, and which was proclaimed so as to give notice to all. This mode of assurance was recommended by Sir Edward Coke, as being with respect to land a sale in market overt, in a great measure similar in its binding operation to a sale of chattels in a like market. This bar remained unaffected until the reign of the late King William IV. when this great prop and support of titles was taken away. So long terms of years were for centuries kept on foot as a protection to purchasers against intervening incumbrances, but such terms with the protection they afforded have recently been swept away. It should never

be lost sight of that by these changes, purchasers were left exposed to many outstanding claims against which for ages they might have defended their possessions. Besides these remedies a statute in the reign of Henry VIII. made sixty years a bar; that was altered by a statute of James I., which made twenty years a bar to all rights of entry. The existing law passed in the reign of William IV. declared that twenty years from the time when the right of possession accrued should be a common bar. That statute also saved the rights of persons labouring under disabilities and of remainder-men, and gave them a term of ten years after their rights had accrued. The whole period was limited to forty years, and after that time the statute meant to give a title good against all the world. Up to the time of the passing of that Act all abstracts of titles were required to be for sixty years, and when the time was reduced to forty years it was thought that a great boon would be conferred on purchasers and sellers by limiting abstracts to forty years also. But the longer time continued to be retained, for, though forty years would ordinarily be a bar, yet as a tenant for life might live beyond forty years, it was thought necessary to go at least to sixty years; so that in order to meet a case which did not occur once in 5,000 times every man in England who sold land was forced to furnish an additional twenty years' title and every purchaser was compelled to incur the great expense of examining it. This additional twenty years to the forty years adds enormously to the expense upon sales. The object which he had in view was to shorten the time of limitation for the benefit of purchasers, and to shorten abstracts. He proposed to start from the time of purchase, and to say that twenty years from that time should be a common bar against all the world. To persons who might be entitled, but were under a disability, he proposed to allow five years from the time when that disability ceased. He had to deal with the difficulty of the remainderman, whose right did not accrue until after the death of the tenant for life. He proposed that at any time within twenty years any person having a right in remainder, or any person on behalf of a lunatic, infant, or children unborn, having similar rights, might obtain a decree from the Court of Chancery, establishing their rights whenever the property should fall into possession. He believed that would meet every contingency. He proposed also, that in future abstracts of titles should only be for forty years instead of for sixty years, according to the present practice, unless the parties should specially contract for a longer abstract, or the Court should be of opinion that there was some special contingency which ought to be provided against. In all his experience he had never known the case happen of a tenant for life selling the fee, and it was very improbable that it would happen, because it was very soon known whether the person in possession held the fee or only the life interest; and the way in which he dealt with the property, in granting leases, &c., showed at once whether he was owner in fee simple or not.

Lord WENSLEYDALE mentioned that Mr. Preston, the conveyancer, had bought a property where the settlement was concealed.

Lord ST. LEONARDS said, that during his long intimacy with Mr. Preston he had never mentioned the circumstance to him, and he repeated, that in his large experience he had never known an instance, and it was therefore a very rare case. But he proposed that such a person should forfeit his life interest, and that the purchase-money should be in his hands trust-money to be invested in another estate to be settled to the former uses, but excluding his own interest. He had also introduced a more stringent provision, which had been much approved by the profession, that if a vendor, or his attorney or agent, should, upon a sale, suppress a settlement or deed, or alter or falsify a pedigree, they would commit a misdemeanour, for which they might be fined or imprisoned, or both fined and imprisoned with or without hard labour. He thought, with those precautions against what undoubtedly was a great social crime, the case never could arise. It was said further, what would he do when a child was born after the twenty years? Would he exclude him? His answer was, "Yes." He would prefer the claim of an honest purchaser who had paid his money and enjoyed the estate for that long period to a claimant under a concealed settlement, born twenty years afterwards. But there was little danger of such a case, for to every settlement there are two parties and trustees for the wife and children of the marriage. It is indeed seldom that a life estate is sold, and no man attempts to sell the fee immediately after his settlement. Where a settlement is concealed, and the tenant for life fraudulently sells the fee, it

is long after the marriage, when, it may be, the interest of the wife and children have been lost sight of. The probability of the birth of children, therefore, will not date from the time of the purchase, but from the marriage; and there is but little chance of children being born whose right would not be known and could not be established within twenty years from the purchase. It is said there may be an issue of a second marriage. But that would not endanger a purchaser, for, in general, settlements are confined to the children of the marriage contemplated; and if they fail, the settler has still the fee to dispose of. If even children by a second marriage were provided for, they could not attack the purchaser. For the consideration of the first marriage, which would make the settlement on that marriage binding on purchasers, would not, as against purchasers, support the settlement on the children of a second marriage. As to them, the settlement would be voluntary, and, under a statute in the reign of Elizabeth, would be void against purchasers; and, of course, any settlement made after the sale would not affect a purchaser. After all, contemplate the case of an honest purchaser having to wait twenty years, nay, thirty years in possession before he is sure of his title. If he had the power, he would make twenty years, without any saving, a bar against any claim adverse to an honest open purchase for full value. It might defeat some claims, but no statute of limitations was ever passed which was not open to the objection that it destroyed some rights for the sake of the general good. With regard to judgment, he had been the means of inducing their Lordships to pass Bills to facilitate purchases with respect to judgments. He now proposed that no judgment should affect any land as to a *bonâ fide* purchaser for valuable consideration, unless a writ or other due process of execution of such judgment or other charge should have been issued and executed before the execution of the conveyance and the payment of the purchase-money. There was no reason why judgment should be held to be continual charges as against purchasers, and he proposed that if a man had not issued execution upon a judgment at the time an honest man came in and paid the purchase-money, such judgment should not be a charge on that particular estate; but in other respects he left judgments to have their full power. It should be borne in mind that when a man sells he receives the value of his estate in money, which enables him to meet his engagements. Their Lordships all desired to offer facilities to the transfer of lands, yet he could hardly offer any measure for this purpose to which half a thousand objections could not be made. He wished, however, to sweep away all impediments in the way of title and conveyancing which might safely be dispensed with, and thereby to save an immense amount of delay and expense. He proposed that no *lis pendens* should bind an honest purchaser unless he should have actual notice of it before the execution of the conveyance and the payment of the purchase-money. All men were formerly supposed to be attending in courts of justice, and therefore were bound by what was passing in the courts. The absurdity at the present day of the rule in equity is, that when the suitor has actually established his right and obtained a decree, the decree is not notice to a purchaser, although the pendency of the suit before a decree is. Further, as the law at present stands, a purchaser, wholly unconscious of any adverse right, may be held to have what is termed constructive notice of it—for example, notice to his agent or solicitor. This has led to extensive litigation and great hardship, and he proposed by this Bill that a purchaser henceforth should only be bound by express or direct notice. He further proposed that a purchaser should not be bound to see to the payment of the Succession duty. No fiscal law ought to impose additional obligations on purchasers. The next point was a very simple one. The Courts of Equity, where persons were appointed as trustees with power to sell, drew a distinction as to the liability of the purchaser to see to the application of the purchase-money. If, for example, an estate were sold by trustees under a will, and if the money were to be applied in payment of legacies, the Court of Equity might hold that the purchaser was bound to see to the application of the money; and if he did not he might be held liable to the extent of the purchase-money. Now, if a man left property to trustees with power to sell, he thought they ought to be competent to receive the money and to exonerate the purchaser from any further liability. He therefore proposed that the *bonâ fide* payment to and the receipt of any person to whom any purchase or mortgage money should be payable upon any trust should effectually discharge the person paying the same from seeing to the

Lord St. Leonards

application or being answerable for the misapplication thereof, unless the contrary should be expressly declared by the instrument creating the trust or security. He believed that such a clause would meet with general approbation. Lastly, he proposed a clause which declared it to be a misdemeanour in the vendor of land fraudulently to conceal any deed or to falsify a pedigree. He trusted that their Lordships would now consent to go into committee *pro formâ* on the Bill.

LORD CRANWORTH said, he had no objection to the course now proposed to be taken. His noble and learned Friend had truly said that the Bill was a most important measure, and his fear was that important as it was, it would not receive all the attention it demanded, not from the law Lords, but from the lay Lords, because it affected the interests of every landowner in the country. The Bill went not merely to the technicalities of the law, but to the very root of that which constituted the enjoyment of property. He would not follow his noble and learned Friend into the details of the measure, but would say at once that several of the provisions of the Bill he considered extremely advantageous. Nothing could be better, for example, than the proposal that the seller under a false title, knowing it to be false, should be punishable just in the same manner as the obtaining goods under false pretences was punishable. His noble and learned Friend (Lord St. Leonards) would do him the justice to say that when he told him of his intention to make the fraudulent concealment of deeds a misdemeanour, punishable with fine and imprisonment, he (Lord Cranworth) suggested to his noble and learned Friend that the person convicted of the offence ought to be liable at the discretion of the Court to the punishment of imprisonment with or without hard labour. He believed that ours was the only code which did not visit a similar offence with some such punishment. It was provided for by the civil law, and by the French code, and it ought to be provided for by our law. He also approved the provisions which relieved the purchaser of an estate from the necessity of looking for judgment. As the law now stood there was a limit of twenty years from the time the title accrued within which every one had a right to assert an adverse title, or failing which he must hold his peace. His noble and learned Friend proposed, not that a party who had an adverse right should be allowed to bring an action within twenty years after the time when his right accrued, as was now the law, but within twenty years after the time when the property was sold. Now, this proposal would be of no advantage to the purchaser, while it would cause monstrous injustice to persons whose rights might not be even in existence when the sale of the property took place. Suppose a person who had a reversionary interest in a property did not discover his right till more than twenty years after the sale, he would by this provision be cut off from all power of raising an action ; whereas the law now gave him liberty to assert his right within a specified time after it became known to him. A person might believe he had an absolute right to sell a property, and do so under that impression ; but it might happen that more than twenty years afterwards another person would arise who had a title to the estate. He would be precluded from asserting his right, however, because he had not done so within twenty years after the sale. To meet these cases his noble and learned Friend proposed a remedy which he believed would be perfect illusory. He proposed that, during the twenty years after the sale, any one whose interests were reversionary might file a Bill in Chancery similar in character to the Scotch action of declarator, and by this means get his right declared. But what protection would this give to persons who, perhaps, had no existence till more than twenty years after the sale ? Take the case of the late Lord Leicester. He married young in life, and had by that marriage no son, but three daughters. He again married late in life, and had many sons, one of whom had now a seat in their Lordships' House. It might have occurred—for it was within the range of probability—that the late Lord Leicester, thinking he was the owner of his property in fee simple, having no son by his first marriage, sold it. But thirty or forty years afterwards a son came, who had an absolute right to the property. Would it have been any consolation to him to be told that before he was born any one might have filed a bill in Chancery on his behalf, declaring that he possessed that right ? This and other instances which might occur would show that the remedy provided was perfectly illusory. He did not wish to prevent the Bill going into Committee *pro formâ*, so that it might be reprinted ; but he wished to call the atten-

tion of the lay as well as the law Lords to the provisions of the measure, and to ask whether, in giving a greater facility to purchasers, they were not shaking the stability of property in a way that their Lordships might at an early day have much cause to regret.

LORD ST. LEONARDS was understood to say, that the objection against the Bill deduced from the supposed case of the Earl of Leicester did not apply, inasmuch as a sale of the property must have taken place under the first marriage settlement, which could not be affected by the settlement made at the second marriage.

THE LORD CHANCELLOR said, he understood that his noble and learned Friend merely proposed to go into Committee *pro forma* for the purpose of having the Bill reprinted. To that course there could be no objection; but he thought it only fair to his noble and learned Friend to state that, in his (the Lord Chancellor's) opinion, it would be quite impossible to discuss the measure properly in the House. The questions which it raised were not only of great importance, but were in many cases of a technical character, requiring a great deal of legal knowledge for their due consideration. Under these circumstances, he had to state that he would on a future day propose that the Bill should be referred to a Committee up stairs.

House in Committee; Amendments made; The Report thereof to be received on *Friday*, the 26th *instant*.

LAW OF PROPERTY AMENDMENT BILL.

SECOND READING POSTPONED.

On the question that this Bill be read a second time,

LORD CRANWORTH objected, on the ground that he had only got a copy of the Bill that day.

LORD ST. LEONARDS said, as the Bill had been so short a time printed, and as therefore their Lordships had had but little opportunity of considering its provisions, he should be willing to postpone the Motion for the second reading until Monday next.

Second Reading *put off* to *Monday* next.

EAST INDIA LOAN BILL.

SECOND READING.

THE EARL OF ELLENBOROUGH rose, to move the second reading of the East India Loan Bill, and said,—My Lords, the necessity of this measure is so obvious that it is hardly necessary to trouble your Lordships with much explanation on the subject. Your Lordships are all aware of the peculiar difficulties with which the Government of India have at the present moment to contend, in consequence of the unfortunate disturbances in that country. The object of the Bill is to enable the East India Company to raise a sum of £8,000,000 in this country within a given time. There is an extremely useful clause which has been inserted in the Bill during the progress of the measure through the other House to the effect that there shall be a full account of all the liabilities and debts of the East India Company, under different heads, presented to Parliament at the end of each year. Now, in a very few words I shall explain to your Lordships what the pecuniary position of the Company really is at the present moment. On the 31st of January, 1858, the East India Company had in cash £734,512; the principal of Exchequer Bills and Exchequer Bonds belonging to them amounted to £1,800,000; and their stock at market price was estimated at £285,000; so that they had actually at their disposal a sum of £2,819,512, the whole of which was immediately available. They had, besides other property of great value, but not immediately convertible, including £547,000, the assumed value of the premises in Leadenhall Street, of those at Hayleybury College, and of barracks, &c.; £396,822, the value of unshipped stores, and advances on account of steam vessels and machinery; and £7,910, the amount of small debts for advances in England. These three sums amount together to £951,732. But against the sum of £2,819,512, actually available, are to be placed the debts due from the Company on the 31st of January last, amounting to £9,877,665. On looking at the receipts of the Company in 1857-8, I find there is a considerable sum which will not be received in the year 1858-9. There was a sum of £638,692 under the head of bills of exchange from India. From that source not more than £120,000 is to be expected in the ensuing year. There was also a very large sum received from Her Majesty's Government on account of payments in India, amounting altogether to £2,036,786. This item was made up to a considerable extent of sums to be received in respect of the war in China and the war in Persia. The Company also borrowed in the year now expiring, on the security

of Indian bonds, £1,970,000 and they sold Exchequer bills and bonds to the amount of £2,749,839 for the purpose of meeting demands upon them. I now regret to say that the calculation is, that not more than £240,000 is to be depended upon in the next year from the two first heads of income. There will be a large sum payable from railways; but, making allowance for that, you cannot reckon on more than £1,000,000 to meet the expenditure of the ensuing year. Under these circumstances I am quite sure there cannot be one among your Lordships who will fail to perceive that it is absolutely necessary to increase the borrowing powers of the East India Company. At present the Company have the power of borrowing on bonds to an extent which is yet unexhausted of £1,000,000, and therefore, after the passing of this Bill, their borrowing powers will extend to £9,000,000. I regret extremely that the late Government acquiesced in the suggestion that the power of borrowing given to the Company by this Bill should be limited to £8,000,000 instead of £10,000,000. I also regret that the Bill was not passed, as it might have been, three weeks ago, inasmuch as there has since been a material change in the money market. But, although there is, no doubt, great pecuniary difficulty felt by the Company, which has rendered necessary the power contemplated by this Bill, do not let it be supposed that I have the smallest doubt of the ability of the Company to repay all this money, and to meet all their engagements. The state of India is this. No doubt in the course of the last year, in consequence of the mutiny, there has been a very great loss of property belonging to the Company, and a great diminution of revenue; but let it be recollected that all the revenue of Madras, Bombay, Scinde, the Punjab the country near Delhi, and the lower provinces remains in the possession of the English Government; the only injury at present done is in the country around Allahabad and in Rohilcund. It is, besides, a great cause of satisfaction that the price of opium is so high, for a very considerable increase of revenue may be expected under that head, to the extent perhaps of £1,500,000. There is no doubt, therefore, that even at present the state of the revenue of India is such as to justify the hope that even in the present year an improved state of things will be apparent in India. It may be necessary when I am asking for money to state what I conceive to be the present posture of affairs in India. I should distinctly say that what I expect is this—that by the end of this month the Commander in Chief, now engaged in concentrating his forces, will have destroyed Lucknow. I think the bodies of rebels who have congregated in that place will have been driven out of it by a fire under which no man can hope to live. I expect, therefore, there will not be in India, after the commencement of the month of April, any considerable rebel force remaining in a body. There will be, no doubt, desultory and predatory movements made in various parts of the country, and a number of men will be required, and great exertions will be necessary to prevent these movements or to keep them in check. Some time will, therefore, probably elapse before the country is reduced to a state of complete tranquillity; but I trust that by the beginning of April our troops will be housed for the hot weather in the palaces of Lucknow. I do not state this from any information I have received since I have been in office. I am now only repeating precisely what I stated in conversation two months ago. I have only thought it necessary to say this much, because when I ask the House to agree to a measure for enabling the East India Company to borrow a sum of £8,000,000, I think it right at the same time to give a favourable view of the actual financial position in which I think the Company will be placed in a very short period.

Motion made That the Bill be now read 2a.

Lord MONTEAGLE rejoiced greatly to hear the favourable opinion which had been expressed by the noble Earl with reference to the transactions taking place in India. He had himself some time back moved for certain papers bearing upon the subject to which the present Bill had reference, and as they had not yet been produced, he would reserve any observation which he might wish to make until a future stage of the Bill. He hoped that the noble Earl would acquit him of any desire to obstruct the progress of the Bill, but he did think it desirable that a full discussion should take place before it passed into law.

Earl GRANVILLE said, that it was hardly necessary for him to say that he and those with whom he acted would support the Bill, for in point of fact it was their own Bill; but he quite agreed with the noble Lord who had spoken last that it

would be very desirable before the Bill passed its last stage that a discussion with regard to it should take place. He joined also with that noble Lord in an expression of satisfaction at hearing the candid and public-spirited manner in which the noble Earl had stated his views with regard to the present aspect of Indian affairs.

Bill read 2ª, and *committed* to a Committe of the whole House, on *Thursday* next.

PRIVATE BILLS.—RESOLUTION.

On the motion of Lord REDESDALE, it was *Resolved*,—

That no Private Bill shall be read a Second Time after Tuesday, the 20th day of July next:

That no Bill, confirming any Provisional Order of the Board of Health, or authorizing any Inclosure of Lands under Special Report of the Inclosure Commissioners for England and Wales, or for confirming any Scheme of the Charity Commissioners for England and Wales, shall be read a Second Time after Tuesday, the 20th day of July next:

That when a Bill shall have passed this House with Amendments, these Orders shall not apply to any new Bill sent up from the House of Commons which the Chairman of Committees shall report to the House is substantially the same as the Bill so amended.

VOTE OF THANKS TO THE CIVIL SERVICE, ARMY, AND NAVY IN INDIA.

AMENDED RESOLUTION.

THE EARL OF ELLENBOROUGH: I rise to move, your Lordships, that the first Resolution of Thanks passed on the 8th February last to the Governor General of India and others, for the measures taken by them for the suppression of the mutiny in India, be read, for the purpose of inserting therein the name of the Hon. Frederick James Halliday, the Lieutenant Governor of Bengal. The noble Lord who moved the Vote of Thanks (Lord Panmure) has informed me that it was owing entirely to an accidental mistake that the name of Mr. Halliday was omitted at the time when the Vote of Thanks was moved. Undoubtedly there was no objection made at the time that Mr. Halliday's name was not inserted with the rest; but had it been included in the Resolution, I should have raised no objection, and I think that the omission will be a slur upon his character to which he ought not to be exposed. In point of fact, Mr. Halliday has done the army in India good and meritorious service. He was a civilian, accustomed to civil duties, and probably the last thing he thought possible was, that he should be engaged in the conduct of a war, in the preparation of commissariat supplies, and in preparing dâk carriages upon the roads of India. He had not only to do this, but he had to encourage the good and control the disaffected, and to regulate the entire affairs of the province of Bengal—a province equal to a large empire—to the empire of France. In the discharge of these duties, Mr. Halliday has given general satisfaction. It so happened, that only the day before yesterday, a paper came to my hands which represents the general satisfaction of the officers who passed along that trunk road with the arrangements that had been made by Mr. Halliday, and it will be satisfactory to your Lordships to know in what terms these soldiers expressed themselves, who, be it observed, are not very usually satisfied—quite the contrary; it is the most difficult thing in the world to give them satisfaction. The first paragraph that I read is, "All good;" another, "Everything good;" another, "Perfectly satisfied with everything;" another, "Everything arranged to entire satisfaction;" another, "All supplies in good condition, both as to quantity and quality;" another, "The arrangements were quite perfect;" again, "Everything arranged to our entire satisfaction;" and finally, "Everything perfectly good; the rations excellent." Now, I do think it is a very great merit on the part of any public officer to take such care of troops under circumstances of such difficulty and confusion. All this could not have been done without the exertion of great energy and great ability on the part of Mr. Halliday, and it is but fair that Parliament should acknowledge his merits. I therefore beg to move, that his name be inserted in the Vote. And, as I am now speaking on the subject of granting a Vote of Thanks to Mr. Halliday, I also beg to state to your Lordships that Her Majesty has been graciously pleased to confer a baronetcy upon the son of Sir Henry Lawrence, and that it is the intention of the Court of Directors to propose to the Court of Proprietors that a pension of £1,000 a year be granted, in order to enable him to maintain the dignity which Her Majesty is graciously pleased to confer upon him.

Moved, That the First Resolution of the House of the 8th of February last be now read.

The same was accordingly read.

Moved—That the name of the Honourable Frederick James Halliday, Lieutenant Governor of Ben-

gal, be inserted in the said Resolution, after the name of the Right honourable Lord Elphinstone, Governor of the Presidency of Bombay.

Lord PANMURE: My Lords, It is unnecessary for me to say that I join most cordially in the Motion which the noble Earl has just made. The noble Earl has stated accurately the reason why Mr. Halliday's name was not originally inserted in the Resolution which embodied the Vote of Thanks to those functionaries who have so ably discharged their duties in India. In considering the services rendered in forwarding the troops through Bengal, it did not in the first instance strike the Government that such a Vote of Thanks would extend to the Lieutenant Governor of Bengal. But if it did not occur to the Government, it certainly did occur to the Chairman of the East India Company, before whom these Resolutions were laid. I must say that the Chairman of the East India Company took upon himself to represent to my noble Friend at the head of the late Government the recognised merits of Mr. Halliday to be placed with the others in the Vote; and had the representation been made to me, I should have taken the same course as the noble Earl has now done. No doubt Mr. Halliday has done very much to contribute to the success with which troops have been moved in India; but at the same time I am bound to state my belief that many of the acts for which the noble Earl has given Mr. Halliday credit are due to those facilities which had been already provided, followed out by the excellent arrangements which were afterwards carried out by Lord Canning. But the circumstance that no additional troops were required for these operations, owing to the organisation made by Mr. Halliday of the police force at his disposal was an arrangement that gave great facilities for the forwarding of troops. I have, therefore, great pleasure in seconding the Motion of the noble Earl. I have heard with great satisfaction of the honour about to be conferred by Her Majesty upon the son of Sir Henry Lawrence, and also of the means by which the Court of Directors propose to bestow on him the means of maintaining that dignity. I rejoice in this public tribute to the memory of one of the best servants whom this country ever had, and one of the most eminent and loyal subjects who have ever served their Sovereign, and I cannot but rejoice at this recognition of his great services.

Resolved—Nemine, Dissentiente.

Ordered,

That the Lord Chancellor do communicate the Resolution of this day to the Governor General of India, and that his Lordship be requested to communicate the same to the Honourable Frederick James Halliday, Lieutenant Governor of Bengal.

House adjourned at a Quarter past Seven o'clock, to Thursday next, Half-past Ten o'clock.

HOUSE OF COMMONS,

Tuesday, March 16, 1858.

Minutes.] Public Bills.—1° Medical Profession. 2° Marine Mutiny; Mutiny; Commons Inclosure; General Board of Health (Skipton &c.); Militia Act Continuance.

CASHEL ELECTION.

Mr. SPEAKER acquainted the House, that he had this day received a letter from Mr. St. P. B. Hook, as agent for John Joseph Scully, esquire, informing him that it is not his intention to proceed with his Petitions, presented on the 7th and 18th days of August last, complaining that general and extensive Bribery prevailed at the last Election for the Borough of Cashel. Letter read as followeth:—

"9, Lincoln's Inn Fields, London,
"16th March, 1858.

"Sir,—As Agent for John Joseph Scully, Esq., the Petitioner in the matter of the Petitions presented on the 7th and 18th August last, complaining that Bribery, &c. prevailed at the last Election for the Borough of Cashel, I hereby beg to inform you that it is not the intention of the said Petitioner to proceed with the said Petitions.

"I have the honour to be, Sir,
"Your very obedt. Servt.,
"St. P. B. Hook.

"To the Right Honourable the Speaker of the House of Commons."

Mr. WALPOLE said, there might be some doubt about the course of proceeding to be taken in this case. Ordinarily, when a petitioner in a common election petition applied to withdraw his petition, the Order given to the Election Committee was discharged. But this was not a petition of that kind; it was a petition complaining of general and extensive bribery, under the Act 5 & 6 *Vict.* c. 102. It might, therefore, be governed by that Act, or by the provisions of that Act taken in conjunction with the general Act. If it were taken under the first named Act, there might be some doubt whether the petition could be withdrawn merely on the application of the petitioner. If taken in

conjunction with the provisions of the general Act for regulating proceedings on controverted elections, there were words in that Act of such a general character that it might be held that the Order could be discharged. But he would remind the House that the other evening, on the Motion of the right hon. Baronet the Member for Portsmouth (Sir F. Baring), the matter was referred to the General Committee of Elections to ascertain the facts, and report them to the House. The matter being thus already before the Committee, he thought the safer course would be, not to discharge the Order, but to retain it until the matter came before that House with a more full acquaintance with the facts. He proposed, therefore, to move that the letter should be referred to the General Committee of Elections to inquire into the circumstances connected with the petition of John Joseph Scully, presented on the 18th of August last.

Motion made and Question proposed,—

"That the said Letter be referred to the General Committee of Elections, to whom it was referred to inquire into the circumstances connected with the Petition of John Joseph Scully, presented on the 18th day of August last."

MR. J. D. FITZGERALD said, that the question which now arose was simply a question of law. The reference the other night was not to ascertain the circumstances of the case, but as to the proceedings of the presenting of the petition, there being some doubt whether those proceedings were legal. He did not understand that the Committee were to report on the circumstances of the case. In his opinion, the House could as easily determine now to discharge the Order, as after the reference to the General Committee of Elections. The petitioner had taken no step whatever; he came to the House, and said he was unable to proceed with the petition, and they might deal with his recognizances as they thought fit. He therefore thought that, looking to the two Acts which had been referred to, the best course would be to discharge the Order.

COLONEL FRENCH said, it was also his impression that the Committee was only ordered to inquire into the steps taken on the presentation of the petition.

SIR FRANCIS BARING said, that the reference made the other evening was for the purpose of ascertaining the facts; but the point now before the House was a legal one, and he did not see what advantage would accrue from referring this to the General Committee of Elections, as they were not the proper authorities to decide a question of law. The better way would be to adjourn the debate to a future day, in order that, in the meantime, the state of the law might be ascertained.

MR. WALPOLE said, he was willing to accede to this suggestion. The debate might be adjourned to a future day. By that time the Committee of Elections would have reported on the facts submitted to them, and time would have been given to look into the law.

MR. MILES recommended that the House should decide this question on Thursday, in order that, if the petition were allowed to be withdrawn, the General Committee of Elections, which could not meet until Friday, might be spared the necessity of uselessly inquiring into the matter which had been referred to it.

MR. BAGWELL said, he saw no reason why the House should depart from its usual custom of allowing a petition to be withdrawn by the person who had presented it. This was the fourth petition which had been presented against the return of the sitting Member for Cashel. To insist upon retaining this petition against the wish of the petitioners would be a kind of persecution against the sitting Member. If such a course was taken, no man would be willing to sit for Cashel. He might as well go to the Marshalsea or the Queen's Bench at once.

MR. STEUART said, he thought that the fullest inquiry should take place into the facts of this case. The House should see that petitions were neither lightly introduced nor lightly withdrawn. All these circumstances showed the necessity for some measure like that proposed by the hon. Member for North Staffordshire (Mr. Adderley) for the regulation of Election Petitions.

SIR GEORGE GREY observed, that he did not understand that the House was then called upon to decide whether the petition should be gone into or not. The right hon. Gentleman the Secretary of State for the Home Department had assented to the adjournment of the debate, in order that the facts might be looked into. He thought it would be the wisest course to adopt that suggestion.

Debate adjourned till *Tuesday* next.

LONDON CORPORATION REFORM.

MR. BRADY said, he wished to ask the Secretary for the Home Department whe-

ther it is the intention of the Government to proceed with the Bill for the better regulation of the Corporation of the City of London?

Mr. WALPOLE said, that it was his intention to give notice that night of his intention to move, on Thursday next, the re-appointment (with one exception) of the Select Committee to which the Bill of the late Government on this subject had been referred.

ROMAN CATHOLIC SOLDIERS.

QUESTION.

Captain O'CONNELL said, he would beg to ask the Secretary for War whether he had heard a statement that Brevet Major Ward, commanding Her Majesty's 60th Rifles at Arcot, ordered two Roman Catholic soldiers to the guard room for refusing to attend the service of the Established Church on Christmas Day last?

General PEEL said, he had made inquiry at the Horse Guards, and found that no report of such an occurrence had been received there.

THE CASE OF MR. HODGE—QUESTION.

Mr. HORSMAN: I rise to put a question to the right hon. Gentleman the Chancellor of the Exchequer with respect to the imprisonment of Mr. Hodge, an English subject, by the authority of the Sardinian Government. As the circumstances of the case rest to a great degree upon rumour, I shall not venture upon any recital of them, which might afterwards turn out to be incorrect, but shall simply ask the right hon. Gentleman the Chancellor of the Exchequer whether there is any objection to his stating to the House what those circumstances are, and what is the nature of the correspondence that may have taken place between the Governments of Sardinia and Great Britain.

The CHANCELLOR of the EXCHEQUER: There is, Sir, an extradition treaty between France and Sardinia, under which the person of Mr. Hodge, who had been arrested in Sardinia upon some allegation connected with the late attempt upon the life of the Emperor of the French, was demanded to be surrendered to the French Government. But it appears that under the terms of this treaty it was not competent to Sardinia to comply with that request without previously obtaining the consent of the English Government. Under these circumstances, a demand was made upon Her Majesty's Government that Mr. Hodge should be surrendered by the Sardinian Government to the Government of France. We requested that the papers which had been seized on the person of Mr. Hodge, and which were the foundation of this demand, should be sent to England. Having examined those papers, and it being our opinion that they were not sufficient to warrant the committal of Mr. Hodge by a Magistrate in England, we declined to accede to the demand made upon us. Perhaps I may be allowed to add that a statement has been published, and generally believed, that the state of Mr. Hodge's health was very precarious, and that he was subjected to a very severe imprisonment. We instructed Her Majesty's Minister at Turin to inquire into these circumstances, and to place himself in communication with Mr. Hodge. We found that Mr. Hodge was suffering from a pulmonary complaint, but Sir James Hudson had anticipated our instructions, had taken care that every becoming comfort was at the command of Mr. Hodge, and had demanded from the Sardinian Government that his imprisonment should cease as soon as the due observance of the forms of law would permit.

Mr. HORSMAN: May I ask whether the correspondence on the subject is concluded, and, if so, whether there is any objection to lay it on the table?

The CHANCELLOR of the EXCHEQUER: The correspondence was very slight, conducted chiefly by telegraph, and I think it will be as well not to lay it on the table of the House.

VOTE OF THANKS TO THE CIVIL SERVICE, ARMY, AND NAVY IN INDIA.

AMENDED RESOLUTION.

The CHANCELLOR of the EXCHEQUER: I now rise to move that the Resolution of Thanks which this House arrived at on the 8th of February last be read. My object in making that Motion is that we may insert in the Resolution the name of a distinguished gentleman — the Lieutenant Governor of Bengal, whose name, by an unhappy inadvertence, was omitted on that occasion. The Thanks of the House were, by the Resolution to which I have referred, offered to the Governor General and to the Governors of Madras and Bombay, but the name of the Hon. Frederick James Halliday, the Lieutenant Governor of Bengal, was omitted. Now, I am sure the House will feel that that gentleman has been placed, in consequence of this inadvertence—I may almost say this clerical error—in an extremely painful position. It is not merely that he

has been deprived of the highest compliment that one of Her Majesty's subjects can receive—the Thanks of Parliament for public services—but the omission of his name seems to cast a slur upon his reputation which never could have been intended, and which can only be effaced in the way proposed. I do not anticipate, therefore, the slightest opposition to the proposition that I am now going to make—that the Resolution of the 8th of February be read, and that in his due position in that Resolution, which would be immediately after Lord Elphinstone, the name of the Hon. F. J. Halliday, the Lieutenant Governor of Bengal, be inserted, so that he may receive in a proper manner the thanks of the House of Commons for his public services during the revolt in India. But since I gave that almost formal notice several Amendments to which I must call the attention of the House have been placed upon the Votes. There is one Amendment by the hon. and gallant Member for Westminster (Sir De Lacy Evans), to include the names of Major General Mansfield, Brigadier General Chamberlain, Brigadier General Hope Grant, and Brigadier General Walpole, and, in addition to the fourth Resolution of the 8th of February, the hon. and gallant Gentleman requests us to record the Thanks of the House as eminently merited by those distinguished men who were commanding officers, and who lost their lives during the revolt in India. The hon. and gallant Member for Southwark (Sir C. Napier) also proposes a Vote of Thanks to Sir William Peel for his services in India. I trust there will be no difference of opinion as to the course which we ought to take upon these propositions. I can assure the hon. and gallant Gentleman who made them that there is no one in this House who more appreciates the services or more deplores the loss of these eminent men than myself. Indeed, when I had the honour of addressing the House upon the original Resolution, as proposed by the noble Viscount the Member for Tiverton, I called upon the House not to forget at that moment of thanks and congratulation the names of the illustrious departed, and I even took the liberty of expressing my regret that rules, the wisdom of which experience has proved, prevented our inserting the name of Sir William Peel, whose romantic energy recalls the brilliant achievements of Sir Sidney Smith. I, therefore, need not assure the hon. and gallant Members that there is no want of respect or of sympathy on our part with the deeds and character of the eminent persons mentioned in their respective Amendments. But there are certain rules which have always been observed in regulating our Votes of Thanks, and from which, I think, it would be most unwise for us to depart. Indeed, when we have passed the line, I do not exactly see where we are to stop. On reading the names included in the Amendments I am sure, brilliant as they are, I could add to them some not less distinguished. Why should the name of Greathed, for example, or of Adrian Hope, be omitted? The truth is, however, that the services of these and other distinguished officers are acknowledged in that general Resolution which thanks the rest of the officers of Her Majesty's army for their gallant services. I hope the House will acquit me of any ostentation—I am really now only supporting the course which was wisely taken by the late Ministry — but perhaps the House will permit me to observe that I think the Thanks of Parliament should not be proposed except after great deliberation, and then only by the executive Government. They should be proposed in both Houses, and with such a concurrence of opinion that there could be no doubt of their being unanimously passed. I hope, therefore, that the hon. and gallant Gentlemen, feeling that the House appreciates equally with themselves the services of the eminent persons whom they have named, will not press to a division the propositions which they have placed upon the paper, I am certain with the best intentions, but I think with less consideration than so important a question would require. I hope that nothing so painful may occur as that we should have a division upon a subject of this kind. The rules which have been laid down on this subject are the result of the experience of long years; the practice that has been adopted has been sanctioned by the most eminent men who have attempted to control the business of Parliament; and I trust, therefore, that the hon. and gallant Gentlemen satisfied with an expression of their respect and sympathy for the distinguished persons whose names they have proposed, will not insist upon going to a division, but will allow the Motion, which I now make, to be passed unanimously.

The House was moved,—

"That the Resolution of the House of the 8th day of February last, 'That the Thanks of this House be given to the Right honourable Viscount

The Chancellor of the Exchequer

Canning, Governor General of the British Possessions in the East Indies; the Right honourable Lord Harris, Governor of the Presidency of Madras; the Right honourable Lord Elphinstone, Governor of the Presidency of Bombay; Sir John Laird Mair Lawrence, G.C.B., Chief Commissioner of the Punjaub; and Henry Bartle Edward Frere, esquire, Commissioner of Scinde, for the energy and ability with which they have employed the resources at their command to suppress the widely-spread mutiny in Her Majesty's Indian Dominions,' might be read."

MR. DRUMMOND observed that, when the noble Viscount the Member for Tiverton (Viscount Palmerston) moved the Vote of Thanks on the 8th of February to the distinguished officers who had done such good service in India, the name of Viscount Canning was objected to by the present Chancellor of the Exchequer on the ground that the insertion of that noble Lord's name might be supposed to imply an unqualified approbation of all the policy he had pursued since he had been in India. Subsequently, when it was shown that the Vote of Thanks was confined to the exertions he had made to suppress the mutiny, the right hon. Gentleman gave way, and consented that the Resolution should pass *nemine contradicente*. Now, as it would be impossible, when the Indian Bill came to be debated, and when the causes which led to the insurrection came to be considered, not to bring forward some points affecting the conduct of Mr. Halliday prior to the mutiny, he wished to protest now, as the Chancellor of the Exchequer formerly did, against being supposed that, by assenting to the present Motion, he was precluded from making whatever observations he should feel to be necessary when the Indian Bill came before the House.

MR. MANGLES said, he trusted the House would not think him guilty of presumption if he were to ask leave to offer a few words in explanation of the circumstances under which Mr. Halliday's name had been unfortunately omitted from the original Vote of Thanks. He could bear the strongest testimony to the energetic conduct of that Gentleman, who had made all possible exertions, and tried every means in his power, to further the military operations for the suppression of the mutiny. As Lieutenant Governor of Bengal, it was true he had no military authority, that being vested in the Supreme Government, but the whole local administration was exclusively in his hands; and though he only bore the title of Lieutenant Governor, he was in fact as much Governor of the Provinces of Bengal, Bahar, and Orissa, as the Governors of Madras and Bombay in their respective Presidencies, the only difference being that the latter had military authority. The thanks of this House, however, had not been given to the Governor General and to the Governors of Madras and Bombay for military services, but for civil services which they had rendered in furthering the operations of the army. Mr. Halliday had rendered similar services, and his exertions and success were in no wise inferior to those of the Governor General and the Governors of the other Presidencies. He had shown the greatest zeal, vigilance, and ability, in facilitating the movements of the troops upon the grand trunk road; and for his most praiseworthy services in providing for provisioning and the carriage of the troops he deserved the thanks of this House and the gratitude of the country. The arrangements were so complete that, not only was provision made for supplying the troops with necessaries, but food was actually kept cooked and ready for them at the different stations on their road from Calcutta, so that they had their food and proceeded on their march with rapidity never before equalled. Mr. Halliday also deserved great credit for having so conducted the civil administration of his Presidency, that no troops were required to keep it in order. It was true that in consequence of their habits and character the population, happily, did not need the presence of troops. The Natives of Bengal were a peaceful and timid people, so pacific that they were said to be too timid to defend themselves even against gangs of robbers. But there were bad characters there as everywhere, and Mr. Halliday's administration had been so eminently successful that, with one single and partial exception, there had been no example of disturbance within his district, and the revenue had been collected with the same regularity as in times of peace, the whole credit of which was due to Mr. Halliday. He (Mr. Mangles) was disposed to take his share, and a very large share, of the blame, for not inserting Mr. Halliday's name in the list, and the regret he had already expressed in private he wished to express openly for that omission. Her Majesty's late Government did him (Mr. Mangles) the favour to send to him, a day or two before the Vote was proposed, a paper containing a list of the names to be proposed, and he (Mr. Mangles), by an omission which he could not sufficiently re-

gret, did not suggest the insertion of that name. He regretted it the more, because, in addition to knowing officially how well entitled to the thanks of Parliament that Gentleman was, he was a personal Friend of his (Mr. Mangles) of many years' standing. What the hon. Gentleman (Mr. Drummond) might mean by the caveat he had thrown out, he (Mr. Mangles) was not able to guess; but if that hon. Gentleman had any charge to bring forward against Mr. Halliday, he could only say that such was his feeling as to the credit Mr. Halliday had won, and the services he had rendered to the country, that he should, however ineffectually, be prepared to meet it.

SIR DE LACY EVANS said, he did not propose to divide the House on the proposition of which he had given notice; but he had expressed his opinion when the late Government was in office that the number of officers thanked was too limited, and that officers of lower rank than those who were thanked had performed very signal services. The right hon. Gentleman had adverted to the difficulty, if the House went below a certain rank in naming officers in votes of thanks, of drawing the line where to stop; but he would remind the House that there was a time when votes of thanks were reserved for general officers of high command, and the line had been gradually extended to other ranks in the army. He fully concurred in what the right hon. Gentleman had said with regard to Brigadier General Greathed. However, he was content to leave the matter in the hands of the right hon. Gentleman the Chancellor of the Exchequer; but he hoped the right hon. Gentleman would not in considering it be too apprehensive of departing from the wisdom of past ages, for which that House did not in its practice show too devoted a veneration.

MR. NISBET said, that as a personal friend of Mr. Halliday, who had been under his immediate direction in India, he could not sit still and not bear testimony to the great abilities of that officer, whose success he thought afforded the best proof of his merit. He was at a loss to conceive what charges the hon. Member for Surrey (Mr. Drummond) had to bring against him.

VISCOUNT PALMERSTON: I entirely concur with the right hon. Gentleman the Chancellor of the Exchequer, that the discretion of selecting the officers whose names are to be proposed to Parliament for the high honour of the thanks of both Houses is most safely vested in the Executive, who are most fully aware of the relative claims of all those who may come under their consideration, and who also are the best judges whether it would be expedient to depart in any case from those general rules which have hitherto guided Parliament in the expression of their thanks to military officers. I think, therefore, that it would be best for my hon. and gallant Friend the Member for Westminster to agree to the substantive Motion of the right hon. Gentleman opposite, and not press the Amendment of which he himself has given notice. With regard to the question of the omission of the name of Mr. Halliday from the former vote, my hon. Friend the Member for Guildford (Mr. Mangles) has correctly stated the circumstances. When that vote of thanks was proposed, my right hon. Friend the President of the Board of Control communicated beforehand a copy of the names to the two Chairs. It did not contain the name of Mr. Halliday, because it did not appear to us that, according to the words in which the Resolution was put, the particular situation and functions of Mr. Haliday could be brought within the scope of the vote. The draft of the Motion was returned by the Chairs without any suggestion that Mr. Halliday's name should be inserted. Some time after that, my hon. Friend the Member for Guildford (Mr. Mangles) stated to me that which he has just represented to the House, namely, that there were circumstances connected with the peculiar duties which Mr. Halliday had performed in relation to the military arrangements in that part of the Empire, which in his opinion and the opinions of the Directors of the East India Company entitled him to the thanks of the House. I pointed out to him, and my right hon. Friend the President of the Board of Control pointed out to him, the difficulty and inconvenience which would arise from revising the vote which Parliament had already come to; but I stated that if the Chairs officially communicated to the Board of Control their view of the matter, and recommended that a substantive Motion for a vote of thanks to Mr. Halliday should be laid before Parliament, we should be ready to give due consideration to such recommendation. As that recommendation has been made to the present Government, and that Government have thought fit to adopt it, certainly I am not going to obstruct the vote proposed by the right hon. Gentleman.

General CODRINGTON said, he thought the rule laid down with the apparent consent of the leaders of both sides of the House—that the Executive Government ought, on their responsibility, to determine to what persons the thanks of Parliament should be proposed—was one which it was most desirable to observe; and he would not have said a word, had not the hon. and gallant Member for Westminster (Sir De L. Evans) given notice of his intention to move the thanks of the House to several officers who were named in his Motion. He (General Codrington) did not wish to enter into any discussion with regard to those names, but, as several brigadiers were mentioned in the hon. and gallant Member's Motion, he thought it right to remind the House that there were other brigadiers who had led assaults at Delhi; that there was a general officer, whose name, as he was dead, he might mention, General Barnard, who had for some time commanded the forces before Delhi, and in several actions; and that there was also Major General Windham, under whose command one of the brigadiers mentioned in the gallant Officer's Motion served, to whom the thanks of Parliament had not been proposed. He had merely risen to say that, if the proposal of the hon. and gallant Member for Westminster had been brought forward, he (General Codrington) would have moved the addition of other names to the Resolution. He agreed, however in the propriety of the principle that the Government should, upon their responsibility, submit to the House the names of the officers to whom they considered thanks ought to be voted.

Colonel SYKES said, that had the hon. and gallant Member for Westminster persevered with his Motion, he should have felt it his duty to move the addition of another officer's name. He alluded to Major General Lester, commanding the Bombay army in the Southern Mahratta State, who with only 100 European troops had contrived to preserve that province in tranquillity and security, amid the symptoms of conspiracy and mutiny which were manifested around him.

Captain VIVIAN said, he thought the rule of leaving the selection of the names of military officers in the hands of the Executive was the correct one. He might mention, however, that he had found, on reference to a book which recorded the Votes of Thanks passed to the army on various occasions, that in some instances as many as fourteen, fifteen, sixteen, and even twenty-four officers had been included in the votes, and that all officers in command of brigades had invariably been thanked. It appeared that, when a vote of thanks was passed in 1812 to officers who had commanded at Salamanca, the names of seven officers were omitted, and among them, singularly enough, was that of Marshal Beresford; but in February, 1813, an Amendment, including the seven omitted names, was proposed and adopted. He did not wish to say anything in the slightest degree disparaging with regard to the gentleman who was the subject of the vote before the House, but he thought, if it was a slur to omit the name of that gentleman from the vote lately adopted by the House, the omission of the names of officers who had commanded brigades before Delhi, and in other parts of India, was quite as much a slur upon them. In his opinion this was especially the case with regard to General Barnard, who had commanded the army before Delhi for some time, and to other officers who had lost their lives in the struggle. He hoped Her Majesty's Government would take this subject into their consideration, and that, acting upon the precedents to which he had referred, they would include in the votes of thanks the names of brigadiers and of officers holding independent commands.

Mr. ELLIOT observed, that he fully concurred in the propriety of including Mr. Halliday's name in the vote of thanks. He further wished to state that, in his opinion, Lord Elphinstone had deserved the thanks of Parliament, not merely for his civil services, but also for the admirable military arrangements which he had made at Bombay, and he believed it was on that ground that his name had been included in the former vote.

Motion *agreed to.*

Resolved, Nemine Contradicente, That the like Thanks be given to the Honourable Frederick James Halliday, Lieutenant Governor of Bengal.

SUPPLY.—REPORT.

The Report of the Committee of Supply was then brought up by Mr. Fitzroy.

The first Resolution, £500,000 for the Militia, having been read,

Sir GEORGE LEWIS said, I wish to ask for some explanation from the Government in addition to that which has already been given with reference to this Vote.

The House will remember that last year, the Army Estimates were voted before the news of the Indian mutiny arrived, and the Votes of men, and for pay and provisions, were taken on the supposition that the ordinary number of troops only would be sent to India during the year. After the Army Estimates had been voted news of the Indian mutiny was received, and it became necessary to transfer an unusual number of men to India, the effect of this proceeding being that the pay and provisions of the regiments sent to India were provided by the East India Company, instead of being defrayed from the Army Estimates. It also became necessary for the Government to bring in a Bill to enable them to embody the militia, and a vote of £200,000 was taken to assist in the payment of the expenses of that embodiment. At the same time a statement was furnished to the Treasury by the War Department, in which it was represented that although the estimated expense of the embodied militia would exceed £200,000 there would nevertheless be a saving upon other branches of the Army Estimates, in consequence of the great number of men who would be transferred to India, and the repayment of whose expenses was to be expected from the Company, and that therefore the sum which had been voted for the embodiment of the Militia, together with the surplus voted for the Army Estimates, would probably suffice for the service of the army during the year. Now, I had not heard before I left office whether that anticipation was likely to be fulfilled. I had not been informed that any supplementary vote would be required for the Army Estimates. The right hon. and gallant Gentleman the Secretary for War proposed yesterday, however, in Committee of Supply, an additional vote of £500,000 for the expenses of the embodied militia. That vote was agreed to, and it was explained on the part of the Government that there was a real deficiency in the Army Estimates to the extent of £500,000, and that consequently £500,000 more than the sum voted last year would be required for the service of the present year. I don't doubt that that statement was correct, but before the Report is agreed to I am desirous of knowing what will be done with the large saving which must necessarily accrue from the number of regiments transferred to India, and whether the Estimates furnished by the War Department in the last Session, and which the Treasury at that time were led to believe correct, have proved incorrect.

THE CHANCELLOR OF THE EXCHEQUER: Sir, this is really a much simpler question than the right hon. Gentleman seems to think. After the Army Estimates were voted last year, the House will recollect that a Bill for the embodiment of the militia passed so late as the 22nd of August. In consequence of that Bill being passed the sum of £200,000, provided for the militia in the Army Estimates, was exceeded by a sum of £500,000. The expenditure for the embodiment of the militia under that head amounted to £700,000, and therefore there is a clear deficiency of £500,000. We have thought that we were only taking a Parliamentary course in asking the House to vote that sum without seeing whether we could, under the Appropriation Act, by availing ourselves of surpluses in other items in order to meet deficiencies, find other means for obtaining that supply. It is our opinion that, whether we have this power under the Appropriation Act or not, the power given to the Government by that Act is one which ought only to be exercised by a Minister at a moment of emergency, and which certainly ought not to be exercised when Parliament is sitting, and when he can apply to this House in a straightforward manner. With regard to the other sources, the right hon. Gentleman (Sir George Lewis) says that it was estimated that surplus moneys to the amount, or more than the amount, now required, would be available from other military Votes. We shall be very glad if that turns out to be the case; but it is impossible that the accounts of this military expenditure can be collected in time for us to form any opinion as to what may be the amount of saving effected under that head. If, however, the amount of saving be equal to £500,000, or even a greater amount, we shall not be able to avail ourselves of it; because this surplus would so range under the head of acknowledged savings that it would form part of the Consolidated Fund. [Sir George LEWIS dissented.] The right hon. Gentleman shakes his head; but I have the highest authority to induce me to believe that the fact is as I state it. That authority is one who ably filled the office which I now have the honour to hold, and which was worthily filled recently by the right hon. Gentleman himself; and, therefore, I cannot relinquish that opinion. But whether that

be an accurate opinion or not, I hope the House will not disapprove of the course we have taken—namely, that where we have found a clear deficiency of £500,000, we have preferred coming before Parliament for a direct vote to supply that deficiency.

Sir GEORGE LEWIS: If it is distinctly understood that what is saved upon the other Votes shall not be transferred I have not the smallest objection to the course that is being taken; but what I object to is, that there should unnecessarily be an increase of £500,000 in the Vote for the Army, because, if a saving equivalent to that sum is made upon pay and provisions, then, notwithstanding what the right hon. Gentleman says, I apprehend it will be quite competent to the Government, under the Appropriation Act, to transfer that sum to other items. For example, they may spend that sum in barracks or fortifications, or some other item in the War Department.

Mr. G. A. HAMILTON: I think the fact of the Government applying for this Vote is the best assurance the House can have that any surplus that may be available on the item referred to by the right hon. Gentleman (Sir George Lewis) will not be applied in the way he has just spoken of. If the anticipations expressed by the War Department last year prove correct, and a saving be effected, we shall acquaint the House with the fact; and the public shall have the benefit of the surplus.

Sir FRANCIS BARING said, he wished to express his perfect concurrence and satisfaction with the course taken by the right hon. Gentleman the Chancellor of the Exchequer. No doubt there was a power under the Appropriation Act of transferring small savings from one item to another; but it was never contemplated that so large an amount as £500,000 should be transferred from the Active Service Estimates to those of the Militia, or from the Militia Estimates to those of the Active Service. This was one of those points on which he thought the House should be particularly careful. He was glad to find that Her Majesty's Government had laid down the principle very strictly, and he only hoped that they would adhere to it.

Sir HENRY WILLOUGHBY said, he thought the question of some importance, but it was undoubted that in the last year the course objected to by the right hon. Gentleman had been adopted. Thus no less a sum than £590,000 was taken from a transport vote and applied to naval purposes, and from what had now fallen from the late Chancellor of the Exchequer he understood that right hon. Gentleman lamented that something of the same kind was not done in this instance—namely, that a surplus existing on the Army Estimates was not, under the 27th clause of the Appropriation Act, applied to the expenses of the militia. Now, he (Sir Henry Willoughby) had no doubt the Government had pursued a constitutional course, upon finding a deficiency, in coming to this House to vote the money; but he thought the House wanted a further assurance from the Government that all sums of money not required for army services would be considered strictly as savings. What guarantee had they that the power given by the 27th clause would not still be exercised with regard to another item? The whole question pointed to the necessity of limiting the power given by this clause. No doubt the right hon. Gentleman below him (Sir James Graham) had rendered good service by procuring an appropriation audit, yet a loophole was furnished by the 27th clause, under which a million of surplus in one department might be taken to supply a million of deficiency in another. If the House meant to strike at the root of the evil they would come to a Resolution limiting the power of effecting such a transfer to sums under £50,000. It had given him great pleasure to notice how fairly and aboveboard the Government were acting in this particular, but still he should like some distinct assurance that when savings under other heads become known they would be placed in the Exchequer and devoted to such purposes as Parliament hereafter should direct.

Mr. CARDWELL said, he thought the right hon. Gentleman deserved great credit for having stated to the House the deficiency which existed in the sum which had been voted for the militia, and asked for the means of supplying it, instead of availing himself of the phraseology of the Ways and Means Act, and taking money which had been voted to one purpose and applying it in a different way. Such conduct, he thought, furnished the best guarantee the House could have that the same course would be taken not only by the present but by all future Governments. No doubt it was inexpedient to frame such a Ways and Means Act as would prevent

an appropriation which the exigencies of the public service, particularly in times of war, might render necessary. But this latitude was given by Parliament in the belief that provisions of the Appropriation Act would be made use of in the same spirit in which the power in question was given, and he thought no attempt should, for example, be made to conceal from Parliament the deficiency in one particular item of such a sum as £500,000. For the last two Sessions they had been occupied in inquiring into the whole subject of the appropriation and audit of the public money, and he supposed that that subject would come down before the House later in the year. It was, therefore, unnecessary now to enter into the question of the securities which were desirable on this point with a view to the public interest.

Resolutions *agreed to.*

WAYS AND MEANS.

COMMITTEE.

Order for Committee read.

On the question that a vote of £500,000 be granted to Her Majesty to meet the deficiency in the Ways and Means for the year,

SIR HENRY WILLOUGHBY said, he wished to call the attention of the Committee to a statement made by him on a former occasion, and then controverted by the Secretary to the Treasury, that there had been introduced into the Appropriation Act of last year a clause of a novel kind. That clause was the 26th, the words of which were of such a nature that he maintained the whole principle of appropriation might be set aside under it. Whatever might be the intention of the persons who introduced that clause, he thought it certain that an evil-minded Minister might now take money voted for the army and appropriate it to the navy; and, in fact, apply any money to any purposes. He, under these circumstances, was anxious to ascertain from the right hon. Gentleman the late Chancellor of the Exchequer the circumstances under which that clause was introduced into the Appropriation Act; whether it was borrowed from any previous Act, and if any appropriation had taken place under the Act which would not have been made were no such clause in existence. He himself believed that there had been no appropriation under the Act; but he felt it was due to the House of Commons to raise the question now, inasmuch as in "another place" the subject had created much attention, and it had been even assumed that this House had abandoned its functions.

SIR GEORGE LEWIS said, the explanation which the hon. Baronet desired was one which was extremely simple. The clause in question was one which was almost peculiar to the Act of last Session. There had been a dissolution of Parliament in the middle of the Session, and there were two Appropriation Acts. The arrangement had been made to prevent the necessity of separate votes for the two portions of the Session. The first appropriation was passed before Easter. At the end of that Session, Government considered whether it might not be desirable simply to pass a Ways and Means Act, and at the end of the ordinary Session in August an Appropriation Act, covering both portions of the Session. It was decided, however, to adhere strictly to the precedent of the year 1841, in which precisely the same circumstances occurred, and a dissolution took place in the middle of the Session. The clause, therefore, to which the hon. Baronet referred had been copied exactly from the Act which was passed at the end of the Session of 1842, in order to rectify the difficulty which had arisen from its omission in the Appropriation Act of the previous year. The precaution was taken of inserting the identical words under which the Controller of the Exchequer at that time had acted from the old Act, instead of allowing the difficulty to arise which had been encountered the previous year from the separation of the votes of the year into two portions. The late Government had not, in taking that course, enlarged in the smallest degree the powers which were given by the 27th Clause, or enabled the Minister to appropriate any sum to a purpose not specified in the other clauses of the Appropriation Act.

SIR HENRY WILLOUGHBY observed that the clause ought to have been so worded, that surplus money voted for the army should be applied to army purposes only, and that any surplus in the money previously voted for the navy should only be applied to the navy. As the clause stood, the surplus could be appropriated to any Department of the State.

1. *Resolved,* That, towards making good the Supply granted to Her Majesty, for the deficiency in the grants for the service of the year ending the 31st day of March, 1858, the sum of £500,000 be granted out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland.

2. *Resolved,* That towards making good the Supply granted to Her Majesty, the sum of £10,000,000 be granted out of the Consolidated

Fund of the United Kingdom of Great Britain and Ireland.

Resolutions to be reported *To-morrow.*
Committee to sit again *To-morrow.*

MUTINY BILL.

SECOND READING.

Order for Second Reading read.

Mr. BAXTER said, he could not allow that opportunity to pass without calling the attention of the right hon. and gallant Gentleman the Secretary for War, to a most injurious alteration made in the Mutiny Act two years ago, without previous notice thereof having been given to the House. It was carried through in August, when the greater number of hon. Members had returned to their homes; and the grievance of which he complained in the first instance affected Scotland, though it was also a matter in which England and Ireland were intimately concerned. Before the alteration, to which he alluded, almost every householder in Scotland was liable to have soldiers billeted upon him; and when the militia was called out during the Russian war, this liability was found to be an intolerable grievance alike destructive of family peace and highly subversive of military discipline. The matter was thereupon represented to the late Government, who put it off with one excuse after another, until at last an appeal was made to the House of Commons that proved successful. An Amendment moved by the hon. Member for Edinburgh, was carried in Committee of Supply, and the system that formerly prevailed in Scotland was abolished. But, although that was the case, a proper remedy for the inconveniences it produced was not applied; for, instead of doing that or investigating the subject at all, the late Government, in the month of August, without giving any notice whatever, assimilated the law of Scotland to that of this country and threw the whole burden of billeting our soldiers upon the publicans, in entire forgetfulness of the fact that there was nothing analogous in the circumstances of that class of men in the two countries. It was his (Mr. Baxter's) intention, had the late Government remained in office, to have moved an Amendment in Committee on the Mutiny Bill, or the Army Estimates, and take the sense of the House upon the question to which he referred. In the present state of affairs, however, he was unwilling to adopt that course, but he thought that if the right hon. Gentleman would, in a spirit of fairness and candour, investigate the subject, he would be able to provide an efficient remedy. The grievance was one against which he might say that the people of Scotland were "up in arms." The effect of the law as it now stood in Montrose, one of the boroughs he had the honour to represent, would give the House some idea of the height to which these grievances had risen. The population of that borough amounted to 15,000 persons, out of which number thirty-three were publicans. Now, for two months during last autumn, there were billeted upon these thirty-three persons an entire regiment of militia, numbering more than 800 men, and he found from a petition which he had presented this evening from the Provost and Magistrates of Montrose, that not less than 35,963 billets were issued in the two months of October and November, entailing a tax of £224 13*s.* 4*d.* upon these thirty-three victuallers. The consequence was, that although some of them had been enabled to bear the expenditure which the system entailed, yet others, who were in a smaller way of business, had been obliged to sell off their stock in order to pay their debts, and had applied to the parish authorities for the means of support. In the city of Edinburgh, the state of things was still worse; and one individual alone had had 5,000 billets imposed upon him in the space of nine months, and some most respectable men were, under those circumstances, talking of giving up their business altogether. He (Mr. Baxter) should therefore appeal to the Government to take the subject into their serious consideration, and, if possible, to do away with a system which was a remnant of barbarism, and which was alike subversive of military discipline and opposed to the best interests of the public. He might be permitted to suggest that the most advantageous course to adopt would be the appointment of a Select Committee to inquire into the whole system of billeting for the three kingdoms, with a view to the adoption of measures of redress. If no remedy were granted for the present most obnoxious state of the law in the course of this Session, he begged to intimate that he should avail himself of another opportunity of bringing the matter forward and taking the sense of the House upon it.

Mr. KINNAIRD said, he would beg to add his entreaties to those of the hon. Member for Montrose, that the right hon. Gentleman would take this question into his serious consideration. The Scotch had

every willingness to afford every assistance to the troops passing through the country; but, if this inquiry were granted, it would be found that the existing system acted in a peculiarly oppressive manner in Scotland, and not at all in England. There were in the Scotch towns numerous places which might be secured at a cheap rate, and in which the troops could be much better accommodated than they were at present.

MR. BLACK said, the present system of billeting in Scotland was an injustice and a grievance to a certain portion of the inhabitants of that country. The remedy for the evil was simple enough. If it cost a certain sum to maintain soldiers in billets, there was no reason why that sum should not be paid by the country generally, instead of being drawn from the pockets of a few. He understood that fourpence a night was sufficient to maintain a soldier upon a march, but the allowance to the innkeeper was only three half-pence, which was an obvious injustice. Much attention had lately been excited by a report upon the sanitary condition of the army, and he thought that it would tend greatly to improve the soldiers' health if the present system of billeting were abolished, and proper places provided for the reception of soldiers.

MR. RIDLEY observed, that the persons upon whom soldiers were billeted were bound to find meals for the men and forage for the horses. The amount which was allowed for that food was less than the cost, and those persons were made to suffer by their obedience to an Act of Parliament. He admitted that it was not possible entirely to abolish billeting when troops were upon a march, but the late Government had given a very satisfactory promise that billeting should be resorted to as little as possible, and he hoped the present Government would give a similar assurance.

MR. W. EWART said, he thought the system was injurious alike to the soldier and the public. As he thought an inquiry was the best means to take preparatory to a settlement of the question, he should support the proposition to refer the whole subject to a Select Committee.

GENERAL CODRINGTON said, that a year or two since it had been agreed to place Scotland in the same position in respect of billeting as England, but it was quite true that in Scotland there were not the same means of accommodating soldiers as existed in the more populous districts of England. There could be no doubt that it was also better for the soldiers themselves if they could be lodged in barracks rather than quartered in billets, and especially when they were permanently stationed in any place. If men were billeted, the allowance made to the innkeeper should be fairly proportioned to the expense he incurred. The right of billeting, however, must be maintained, in order that the soldiers might be enabled to procure food and lodging whenever the necessities of the service required them to be moved. In the present state of things that was a power which could not be well abandoned.

COLONEL NORTH could not see why billeting was any greater hardship in Scotland than it was in Ireland, and it was impossible to abolish the system, or there would be no means of providing for the wants of troops when upon a march. Instances had occurred in his experience in Ireland, where the men had to be quartered at gentlemen's houses because there were no public houses in the neighbourhood.

MR. ELLIOT said, he could confirm the statement of previous speakers as to the hardships of the present system as applied to Scotland. It was a great grievance which called loudly for a remedy, and if the Government would take the matter into their consideration, and institute an inquiry by means of a Committee of this House, they would be conferring a great boon upon the aggrieved parties, and pressed upon the gallant Secretary for War the propriety of some inquiries into the subject.

MR. BLACKBURN said, he was of opinion that Scotland did not labour under any peculiar grievance in this respect. The evil of quartering soldiers upon private houses was represented to the House last year, and the Mutiny Act was altered in consequence. No doubt it would be pleasanter if the soldiers were not billeted anywhere; but he, for his part, was acquainted with no better place for the accommodation of the soldiers than the public-house, which was open at all times; and the only real grievance appeared to be that the publican was not sufficiently paid for the accommodation he provided.

SIR EDWARD COLEBROOKE said, he must differ from the hon. Member because there was a difference between the public-houses of Scotland and those of England and Ireland. Under Forbes

Mackenzie's Act, Scotch publicans could not lodge on their own premises, and therefore when soldiers were billeted on them they had to find the accommodation elsewhere. Now one of their complaints was that the allowance made by the law fell very far short of what they had to pay for lodging the soldier. He would not, however, put the case as an exclusively Scotch grievance as he thought the whole system was bad. He thought the Government could meet the difficulty in the simplest manner either by providing proper barracks for troops, or else by paying persons liable to have men billeted upon them a sufficient sum for the expenses they were put to.

General PEEL said, the only pledge he could give was that the subject should have his most earnest attention ; and he thought he could not furnish a better proof of his willingness to consider it than the fact that he had already, at the request of the hon. Member for Edinburgh (Mr. Black), agreed to receive a deputation from that city on Thursday next upon the subject. He himself was of opinion that there were hardships connected with the billeting system which arose from changing the station of troops. No alteration had been made in the allowances since 1830 ; and of course when the prices of provisions were high it was felt to be a peculiar hardship upon the publican. What was the best mode of applying a remedy he was not prepared at that moment to say ; but he would promise to give his earnest attention to the subject.

Bill read 2°, and *committed* for Thursday.

COLONIZATION OF INDIA.

COMMITTEE MOVED FOR.

Mr. W. EWART said, that in rising to call attention to the propriety of colonization in India, and the extension of our trade with the central regions of Asia, he was anxious to repudiate all desire to advance any merely theoretical or speculative doctrines in favour of the Motion he was about to make. He simply wished to have an inquiry; to have the facts of the case, both for and against colonization, given in evidence before a Committee of the House of Commons. His apology for bringing forward this important and difficult subject was the deep interest which he felt in it. Besides the interest he took in the question, another reason why he ventured to bring it forward was, that although Committees had sat on the subject of India, Session after Session, and although this question of colonization in that country had been slightly touched upon in previous inquiries, it had never engaged the serious and undivided attention of a Committee. He proposed, therefore, that there should be an inquiry into this single subject. Whoever read the evidence which had been laid before the House upon this and kindred subjects must be struck by one remarkable circumstance, namely, the great difference which existed between colonization in our other possessions, and colonization in India. In those other possessions, there was the free developement of British capital, British industry and British labour, and everybody must be struck with the contrast between the colonization of our other possessions and that of India. We saw, as it were, new empires growing up after the model of the mother country, which owed their prosperity to the free developement of British capital and British industry. In India, on the other hand, we found, exclusive of the military, only a few merchants and Indigo planters, numbering in all probability not more than 22,000 persons. He was aware that the objections might be made to his Motion on the ground that generally the climate of India was not favourable, but decidedly adverse to colonization by Europeans. There were parts of India, however, in which the climate was highly favourable to the European constitution. It might also be objected that the land of India was already occupied, and it was well known that it was occupied to a great degree; but in the part of the country to which his Motion referred, there was a vast extent of territory where the lands were open to colonization. Again, it might be alleged that the East India Company had already made the experiment, and that, so far as it had gone it had failed ; but it should be remembered that that experiment was made under circumstances which were widely different from those which existed at the present time. We were about to have railways constructed throughout India, and far more facile means of communication than had ever before existed. Therefore, he rejected the experience of the past as being any criterion of the question of progress or non-progress in the future; and at the same time, he could quote in favour of the European colonization of India the opinions which had been expressed by two Governor Generals of that country. Lord

Metcalfe and Lord W. Bentinck, two former admirable Governors General, had borne strong testimony to the importance of this subject; and of late years the East India Company had shown themselves favourable to the settlement of Europeans in that country, although in earlier times they had been decidedly hostile to it, and strove for the exclusion of all persons not in their service. He was willing to give the Company every credit for fairness, but he thought it would be admitted that for a long time they were greatly to blame for not making roads, without which civilization could not make any material progress. It was only within the last twenty or thirty years that the Company had begun to make roads, and without them the developement of the resources of India was utterly impossible. With regard to the tenure of land in India, on which another objection might be based, he would suggest that the Committee should take that subject into consideration, more especially as there were two sides to the question, both of which he was anxious should be heard. It was alleged by cotton-growers that the tenure of land in India stood on a very unsatisfactory footing; while, on the other hand, the Company maintained that it was a fair tenure, and that they made no objection to any person holding the fee simple of the soil. That, then, was a question which surely demanded inquiry. There were large districts of India the geographical position of which pointed them out for the purposes of colonization. Beginning with the line of the Himalayas, there was the territory of Sylhet, where the industry of Europeans could find extensive employment. Then came Assam, the tea districts of which were already worked by European capital, and where the increasing production of that article was becoming enormous. Turning westward there was Darjeeling in Sikkim, a most prosperous tea colony, which had doubled its population in a very short period. There was also the kingdom of Nepaul, with its celebrated valley, which he hoped to see developed ere long; and proceeding further to the westward they came to Nynee Tal and to Simla, the latter being an outlying station destined in the opinion of many to become the future capital of India. Going southwards to Rajpootana they reached Mount Aboo, where an English settlement now existed. Then they had also considerable tracts near the Vindhya mountains; and following the line of the eastern and western Ghauts they would find ample lands suitable for European settlement. All the various hill stations, churches, schools, libraries, and all the accompaniments of western civilization were seen to spring up; and he wished to have their geographical and other conditions investigated before a Committee. Railways, too, were being formed near the line of these hill settlements, and nothing would be easier than to connect them with the Grand Trunk line from Calcutta, which would run within 100 miles of the Himalaya range. The other railway from the Bombay side across to Calcutta would also pass in close proximity to the Vindhya mountains. The Hindoos had shown the greatest alacrity in availing themselves of railway communication, thus falsifying the predictions which had been uttered on this subject. Nothing could be more conducive to the security of our empire in a military sense than to establish settlements where the climate would confirm the health of the European soldier, and where a railway system would enable us to communicate at once with the centre of action. A British force thus stationed on the hills might, on an emergency, pour down upon the plains in fewer hours than it had hitherto taken days to assemble them, and when not occupied with military duties the troops might, like the Roman soldiers of old, be employed in the cultivation of the land. Another reason for stationing our troops along the Himalaya range was, that they formed the line which separated us from those portions of Asia where Russia was supposed to possess influence, while the Sikhs, the Ghoorkas, and other friendly tribes were situated in the direction of that line. On this point, also, he thought there was room for inquiry before a Select Committee. But these colonies would prove of more importance than for mere military purposes. Armies might conquer, but colonists only could settle and keep the country. And that these commercial colonies would materially aid in the maintenance of our supremacy in India had been conclusively shown by the vigorous assertion of their rights made by the indigo planters in the course of the present lamentable insurrection. He might also advert to what he might call the Indian view of the question—to the effect which these colonies would produce upon the Natives themselves. No one would deny that it would prove a vast boon to India if British capital were to circulate there; and that

could only be done by the encouragement of settlement of British colonists. There was great encouragement for the investment of that capital. The part of India to which he referred produced cotton, Indian cane, wool and iron in abundance, and all of the best quality. As another proof of what might be done in this way he might state, that while the produce of tea in the Assam district was in the years 1854-55 538,000 lb., in the years 1856-57 it had increased to 700,000 lb., and this increase was solely to be attributed to the settlement among them of British colonists. At this moment the inhabitants of the Himalayas got their tea through Thibet from China, a distance of several thousand miles. Now if they could obtain it from the neighbouring district of Assam it would be a great advantage to them, and a great benefit to trade. The mere existence of these hill stations produced great good among the Natives, and the rapidity with which they extended was proved by the fact stated by Dr. Hooker, that the Native and European population of Darjeeling, in the Sikkim district, near Bhotan, doubled in two years. That station the Rajah of the country had offered to sell us, but the East Indian Company had most unaccountably refused to purchase. However a great impetus had been given to trade there, and the population of the place had been doubled in consequence of an annual fair which Dr. Campbell had established at that place. This statement was confirmed by Mr. Welby Jackson, who said that the number of inhabitants had in 1854 increased from a few families in 1838 to about 20,000 persons. But turning from the Indian to what he might call the English point of view, the good which would arise from these stations would not be confined to Natives. In these hill districts, which enjoyed a European climate, we might establish centres of civilization. There might be the clergy of our different churches, our colleges, and our schools of law; and he believed that owing to the rapid extension of railways and electric telegraphs the idea of the removal of the seat of the central Government to the northern part of India had already been seriously entertained. Hon. Members knew perfectly well the melancholy obligations which compelled the colonists in India to part with their children at an early age and send them home to England for the purposes of education. Family ties were thus broken, perhaps never to be renewed. But if places of education were established in the northern and eastern portions of India there would no longer be a necessity for the unnatural separation of parent and child. Europeans could be educated without that lengthened separation from their parents which was now rendered necessary by the climate of India. Such a school had already been founded at Hope Town, in the Himalayas. He had always thought that it was of the utmost importance to extend a knowledge of the English language among the Natives of India, and in no way could this be better accomplished than by the establishment and multiplication of these hill stations by means of which a settled population of Englishmen might be kept up in that country. By adopting such a course we should be imitating the example of those great colonists the Romans, as recorded by Gibbon. By the means of their military colonies the Romans diffused a knowledge of their language wherever their arms extended and he, Mr. Ewart, would ask whether it was not of equal importance that the language of Bacon, Shakespeare, and Milton should be spread abroad through India. Another point of great importance was the establishment of free municipalities in India. He did not mean that the Natives of India could, at the present time, be members of free corporations; but he believed that if English municipalities were established in English stations a foundation would be laid for the gradual elevation of the Native population themselves, though ages would probably elapse before they were fit for political freedom. By these colonies being thus placed on moral and physical eminences, a great example would be set before the Natives; they would look and learn from us; and civilization, trade, and commerce would gradually be extended among them. Municipal was the best foundation of political freedom, and he built well who erected his superstructure upon such a basis. He believed that such a municipality already existed at Simla, but if it did not it could not too early be established. Another matter of which we ought not to lose sight was our trade with Central Asia. About the year 1783, under the rule of Warren Hastings, we had a trade across the Himalayas with the interior of Asia. English broadcloths were then to be found in Thibet; but at the present day the whole of Central Asia was closed to the manufactures of England, and received

only those of Russia. Dr. Hooker, confirming the report of Captain Turner, who was sent into Thibet to see whether a trade could not be opened with that country, said that the whole of our frontier was shut against us for commercial purposes. The Native of Thibet, being within sixty miles of our tea plantations, got his tea from China, a distance of 2,000 miles; and goods from St. Petersburg were found where English manufactures were unknown. He was anxious that this trade should be opened to our enterprising merchants and manufacturers. Captain Turner and Abbé Huc stated that Thibet produced many important articles of commerce, such as wool and rock salt, but especially gold and silver. His own opinion was that Thibet, in fact, would turn out to be the California of Asia. The Abbé Huc said the finding of gold was so common that the shepherds amused themselves by purifying the gold which they found while watching their flocks. He thought, therefore, the possibility of opening up an extensive trade with Central Asia was a fair subject for inquiry. There was, however, another question far more momentous, namely, the extension of Christianity in these regions. What more effectual means could be adopted than this system of colonization for Christianizing India? We should then have not only a resident, but a permanent and a permanently increasing Christian population. We might continue from age to age to teach, not only by precept, but by example, the pure doctrine and the practical results of Christianity. Might we not cause it to be said by the ignorant and idolatrous populations of those lands, as it was said by the Pagan idolaters of old, "See how those Christians love one another"? and might we not hope that, incited by our example, they might admire and follow it? We had every cause to hope that tranquillity was now about to be restored to India. Might we not trust that by such means as he proposed and by others a new era would dawn on that country? We won it—not always perhaps justifiably—by arms and arts, by war or by diplomacy, but having gained it, let us hope that our mission there would be for the benefit of the Natives themselves. Let us address India in words similar to those beautiful words which Shakespeare put into the mouth of Theseus:—

"Hippolyta, I won thee by the sword,
And gain'd thy hand, doing thee injuries;
But I will wed thee in a softer key,
With peace, with freedom, and with equity."

Mr. W. Ewart.

On the other hand, might we not in India as elsewhere vindicate for England her ancient prerogatives of unbounded trade and successful colonization? To her unbounded trade, to her successful colonization, he might apply the words which a Roman poet, still retaining under the debasing influence of an empire the force and the fire of Republican feeling, applied to the arms of his own country:—

"Quicumque mundo terminus obstitit,
Hunc tangat armis; visere gestiens,
Quâ parte debacchentur ignes,
Quâ nebulæ pluviiquè rores."

In the name then of commerce, of colonization, of civilization, and religion, he would move for the appointment of a Select Committee to inquire into the progress and prospects and the best means to be adopted for the promotion of European colonization in India, and the formation of military stations, especially in the hill districts and healthier climates of that country, as well as for the extension of our commerce with Central Asia.

MR. NISBET seconded the Motion.

MR. BAILLIE said, the Motion of his hon. Friend the Member for Dumfries was doubtless a very important one, but his hon. Friend would forgive him for saying that the time he had selected for bringing it under the notice of the House was not very opportune. His hon. Friend was aware that in the course of a few days they were about to legislate for India, and to frame a new Government for that country. It would have been more desirable, therefore, if his hon. Friend, had postponed his Motion for this inquiry, which intimately concerned the internal relations of our Indian empire, till he saw what form the Bill of the Government would assume. His hon. Friend, however, was an old and experienced Member of this House, and doubtless was quite competent to form his own judgment as to the time when he should bring forward his Motion, and, therefore, he (Mr. Baillie) would proceed at once to make a few observations on the proposition. In the first place, he must express his surprise at the sanguine view which his hon. Friend entertained of the facilities for colonizing India with an European population. All the reports with which he was acquainted went to assert that even in the hill districts of India Europeans could not live beyond the third generation. But his hon. Friend, judging from the original form in which his Motion was couched, did not appear to anticipate that these colonies would be self-supporting

because he proposed that the Government should expend the revenues of the people of that country in the establishment of schools and colleges for the education of the children of the colonists. Secondly, he proposed that Government should expend the revenues of the people of India in constructing railways through the districts where the colonists were to be located. Thirdly, he proposed that the Government should expend the revenues of the people of India in the establishment of military stations for the benefit of those colonies. Now, first of all with respect to the establishment of military stations. He knew many people agreed with his hon. Friend and were in favour of the troops being established in the hill stations. But he had been assured on high authority that if that plan were adopted it would be exceedingly injurious to the troops themselves, because if they were usually left in the agreeable climate of the hills, they would never become acclimatised, and whenever their services were required in the hot plains they would very soon become unfit for their duties. But he would beg to ask his hon. Friend whether he thought it just that the people of India should pay for the expense of establishing these European colonies. India was a highly populated country. She was not in want of colonisation, labour was abundant and cheap, and therefore, if colonies were established for the benefit of the colonists themselves either they or the people of England, who sent them forth, ought to bear the expense. But if he could not convince his hon. Friend that it would be unjust to the people of India to bear this expense, at least he hoped to be able to convince him that the attempt would be impracticable. In the first place, he took it for granted his hon. Friend expected that if colonists were to go out from this country they would take a certain amount of capital with them. He surely did not mean to send labourers to India where labour was already so cheap. But what English capitalist would go 10,000 miles to establish himself in India, unless he had a reasonable security that he would have a good return for his capital? Now, would his hon. Friend pretend that a colonist would have a good return for his capital if he settled in the hill country of India? If they went there they would soon find out that to employ their capital to advantage they must cultivate the plains and not the hills. It was in the plains they would find that fertile land where sugars and the other products of which his hon. Friend had spoken could be grown; but if they went to the hills they would find a European climate indeed; but they would also find a rugged, barren country on which no capital they could expend would make the soil so productive as to afford them a sufficient return. His hon. Friend talked of Simla. But surely he did not suppose that colonists would cultivate Simla, which was 7000 feet above the level of the sea, which was a mere sanatorium placed on the face of a mountain so steep that you might walk from the hill on to the roofs of the houses. That was not the place for an industrious colony. It answered very well for the purposes of health, but not for the purposes of colonisation. So far as regarded the case of the colonists. He knew however, that many complaints had been made against the East Indian Company for their opposition to the establishment of colonies, and to the cultivation of the land by Europeans. That might have been the case formerly, but of late years every facility had been given to colonists by the Indian Government, and land was offered to them on the fairest terms. In the first place, it must be remembered, that all the land of India did not belong to the Company; a good deal of it was as much private property as was the land in England. It was private property subject to a land tax, and there were many of the natives who could show titles to their land 500 or 600 years old. But where the land did belong to the Company he would state the terms on which it was offered to European colonists. About the district of the Sonderbund there were large tracts of waste land to which no individual could lay claim on interest. These lands were offered on a lease of forty years. One-fourth of the whole was always to remain rent free, and the whole would be rent free for the first three years. In the fourth year one twentieth part of the rent would be charged, rising one-twentieth every year till the twenty-third year, when the whole charge would be calculated at the rate of 1*s.* 6*d.* per acre, at which it would remain for the rest of the lease. There were other lands where the full rent, rising in the same manner, went as high as 2*s.* an acre; and there were besides some conditions attached as to the capital the colonist must possess. Now he would ask the House whether any one of our colonies afforded terms more fair and liberal than these. A very important question, and one in respect to

which the gentlemen of Lancashire interested in the cultivation of cotton felt some anxiety, had been touched on by his hon. Friend, and that was the land tax. He knew there were many gentlemen who were opposed to the land tax altogether. They said they were perfectly ready to undertake the cultivation of cotton on the banks of the Indus and the Godavery, provided they could obtain any fixity of tenure and be assured that the land tax would never be raised upon them. They complained that the practice of the Indian Government was to assess the land according to the value of the rising crop. That might have been so in former times, but the practice was now entirely discontinued. In Bombay the rate of the land was fixed for thirty years, and he must say he thought that was a fair term ; no one could expect that the Government could agree to keep a low tax in perpetuity. The same change was now going on in the Presidency of Madras, and an order had just been sent out to India pointing out that the practice which formerly prevailed of regulating the assessment of land according to the cultivation in each year had been for a considerable time absolutely prohibited, and enjoining the fixing of the assessment at a moderate rate not liable to alteration for thirty years. Such were the regulations in the two Presidencies, and there was this advantage in both of them, that after the terms were once fixed there was no restriction on the occupant ; he was free to cultivate his land as he pleased. He really did not think that terms more moderate could be expected unless the land tax was given up altogether, which no one could expect. With respect to the Motion of his hon. Friend, the Government had not the slightest wish to prevent inquiry. They thought, however, that the present time was not very opportune ; and if his hon. Friend would be satisfied for the present with having all the information in their possession given to him—and there were many papers which might be given—and make his Motion next year, when a regular Government was established in India, the Government would much prefer that course ; but if he persisted in his Motion, and thought it better to have the inquiry at once, Her Majesty's Ministers would offer no obstruction.

Mr. W. EWART said, he wished to deny that he ever intended that the railways and other facilities for the colonists should be made at the expense of the people of India, neither had he any idea of English labourers being sent out to India. He was very glad to hear that the Government had no objection to his Motion ; and as he and his friends were very desirous of an inquiry, he would press his Motion.

The Motion was accordingly put, the words "and settlement" being inserted after the word "colonization."

Colonel SYKES said, that he must express his regret that the Government had given way to the Motion of the hon. Member for Dumfries (Mr. W. Ewart). The Directors of the East India Company had anticipated the wishes of the hon. Gentleman, for in September, 1856, they sent out orders to India to institute those inquiries for which he was desirous. He had already put into the hands of the hon. Gentleman that evening, official replies to the India House despatch with respect to the mountain districts, and suggested that he should in the first instance move for those replies, and if dissatisfied with them, then to ask for the Committee. He regretted that the hon. Gentleman had declined to take that course, but persevered in raising hopes of a scheme of colonization which was impracticable. There were times when the Natives of India would be glad to get rid of their skins, if by so doing they could cool themselves; and it was irrational to expect that Europeans could labour on the plains. As for the hill districts, the country was rough, cultivation was carried on by terraces, and it was rarely that a level square of 100 yards could be obtained for cultivation. Was it possible to cultivate a country in squares of 100 yards with a view to colonization ? The health of Europeans in India was, no doubt, much better on the hills than in the plains, and the East India Company had promoted cultivation in the hill districts as far as they could by sending to them healthy pensioners, and by offering advantages to settlers, but their efforts had been unsuccessful. The rich products of India, such as cotton and indigo, required a large amount of capital and fertile plains ; but was it to be expected, that people possessing capital would be induced to go out from this country when there was no prospect that capital and labour by European agency could be employed to advantage either in the plains or on the hills ? As the Government were willing to assent to the Motion he would not oppose it, but he believed its adoption would occasion a

great deal of unnecessary trouble to a Committee of the House.

Sir JAMES ELPHINSTONE said, he hoped the hon. and gallant Member (Colonel Sykes) would move for the production of the papers to which he had referred, as they would doubtless tend to remove much of the misapprehension that existed as to the practicability of colonizing India. He had once entertained the idea of settling in India, but he had given it up, and from his personal experience he was in a position to state that as far, at all events, as the southern portions of India were concerned, it would be found impossible to carry out the views of the hon. Member for Dumfries (Mr. W. Ewart). It was impossible to grow anything in the plains of India, except such products as sugar or indigo, which required very large capital. The climate in the lower range of the hills was pestilential. There was a point called the fever range, and if a man saw a fine piece of country the first question he asked was whether it was above or below fever range, for if it was below that range a European could only go there at the risk of his life. Above fever range the sides of the hills were so precipitate that it was impossible to construct roads, and it was almost difficult to find a square foot of ground upon which a cabbage could be grown.

Mr. MANGLES said, he was as little desirous as any man of opposing a Motion which was intended to benefit India by pointing out the advantages of settling them, but having in his hands the papers to which his hon. and gallant Friend (Colonel Sykes) had referred, he wished to say a few words with regard to one or two subjects which had been discussed. He referred more especially to the mistaken notion which appeared to prevail that there was some disinclination or hostility on the part of the East India Company, or those who represented them, to the settlement of Englishmen in India, and that the nature of the land tenure offered a great obstacle to the successful cultivation of the soil by means of European capital and labour. He believed that neither of these obstacles really existed, but that the prejudice had come down from former times, when the Company was a purely commercial association, which monopolized the trade of India and China, and, like all similar bodies, regarded interlopers with great jealousy. Persons acquainted with the condition of India were, however, well aware that since 1813 the Company had possessed no monopoly of Indian trade, and that from that time, and more especially since 1834, they had had the strongest interest in encouraging the settlement of Europeans, and promoting agriculture and manufactures as tending to increase the general prosperity of the country, and to occasion a consequent improvement of revenue. The statement of the Secretary to the Board of Control with respect to the terms upon which for many years past the Government had granted jungle land was quite incompatible with the notion that they were opposed to the settlement of Europeans, or disinclined to facilitate the acquisition of landed property. Land was to be obtained in perpetuity for 1*s.* 6*d.* and 2*s.* an acre, and since the time of Lord Auckland it had been a rule, not only in Bengal and the North Western Provinces, but also in Madras and Bombay, that the staple grain of the Provinces should be the standard of assessment for all the produce of land, and therefore the ryot or proprietor might cultivate sugar, or any valuable product, without a higher assessment than was imposed upon land under grain cultivation. The papers which he held in his hand would doubtless be somewhat discouraging to the hon. Member for Dumfries (Mr. Ewart). In 1856 the Government of India, upon the requisition of the Court of Directors, instituted inquiries as to the feasibility of establishing colonies of retired officers and soldiers in the hill districts, and these papers contained the answers, which, with the single exception of those from one district in Bengal, were altogether unfavourable. Captain James, Secretary to Sir John Lawrence, said, with reference to the district bordering on the Punjab :—

"The Chief Commissioner desires me to state, for the information of the Right Hon. the Governor General in Council, that there is no arable land available in the mountainous districts of the Punjab within British territory. Indeed, there is not sufficient for the Native population, and in the greater part of those tracts the best land is in the valleys where the climate is more or less insalubrious. I am to add, that in the Chief Commissioner's judgment little could be done even by good agriculturists without considerable capital."

The Commissioner of the First Meerut Division wrote in these terms with respect to Dehra Doon :—

"I apprehend that the idea of inducing British soldiers or officers to locate themselves in the plains will not be entertained. The manual part of agricultural operations could not be carried on by Europeans in this climate. In Dehra Doon there

is still a large portion of unappropriated land at the disposal of Government, and the climate is in part of the valley more suitable to the English constitution for outdoor work. The Eastern Doon, however, is so insalubrious that the idea of reclaiming it through the agency of Natives of the country, except by gradual encroachments on its borders, has been abandoned. In the Western Doon a colony of Portuguese and Anglo Indians, discharged from Scindiah's military service, was planted at Herbunswala, and received much encouragement, but it languished and failed. In the mountains within our jurisdiction private proprietary rights extend over every acre, and the culturable land has been positively brought into existence, with rare exceptions, by manual labour employed in constructing terraces and in levelling the surface."

His hon. Friend was probably aware that one peculiarity of the Himalaya mountains was that valleys were scarcely to be found in them. The country consisted of hills rising from hills, and he believed that in the whole Himalaya range there was not a lake of any magnitude. The consequence was that very small portions of the land were available for cultivation, as would be seen by the following statement of Captain Ramsay, Commissioner of Kumaon :—

"The portion that could be made use of would require to be terraced, and after much labour the average size of a field would not exceed 100 yards. All the good land of the province has come under settlement engagements, the waste land of the low valleys is unhealthy and altogether unsuited for the residence of Europeans."

These papers would be laid before Parliament, and it would be found that they gave no encouragement to the proposal of the hon. Gentleman. The hon. Gentleman had alluded to the growth of tea in Assam. Tea had been grown there with very great success. Assam tea, on account of its valuable qualities, was at this moment the highest priced tea in England. It was used to give strength and flavour to the weaker teas of China. It was an exceedingly strong-flavoured tea. He had drunk it unmixed, and a very painful experiment that was. With regard to the employment of English labour in Assam, he had to state that that field of labour was as fully open now as it could be made by means of any researches which the very ablest Committee could make. The Secretary of the Board of Control had alluded to the very liberal terms upon which land was let in Assam. The Government provided the tea-plants gratuitously. They had sent Mr. Fortune, whose work on China was well known, upon two or three expeditions to China to procure tea-plants and everything that might be necessary. One-fourth of the land allotted to the colonists was held by them free from rent in perpetuity. The whole of the land allotted was rent free for three years. At the end of three years a rent of about $2\frac{1}{2}d.$ per acre was charged upon three-fourths of the land. In the next year the rent was raised to $2s.$ per acre, at which it was fixed in perpetuity. A better tenure could hardly be conceived. Almost the whole of the revenue of the Indian Government was rent from land, and it was impossible for them to give up that revenue altogether. His hon. Friend the Member for Dumfries had spoken of the desirableness of locating the European troops sent to India in healthy places. The order which had recently been issued by the Indian Government would show how strongly the Court of Directors was impressed with the necessity of thus locating them. Within the last few months orders had been sent by the Court to the Government of India, directing them to appoint a medical commission to ascertain the best sites in India for the location of the European troops there. The despatch on that subject from the Indian Government recommended that the troops should be located near the trunk railways, or at least be afforded facilities for reaching them, in order that during the season most trying to Europeans they might have opportunities of visiting the coolest districts. Long before the hon. Member for Dumfries had turned his attention to the subject, despatches had been received from all the local Governments in India as to its colonization by Europeans. The information contained in these despatches was not altogether in accordance with the views of the hon. Member for Dumfries. He was afraid that it was such as to warn Europeans against any rash settlement in India rather than encourage them to proceed thither. He hoped that the Manchester gentlemen would read those despatches, because they contained very valuable information with respect to the growth of cotton in India. Those gentlemen who fancied that the Indian Government exerted all their energies in repressing any attempt to cultivate cotton in India would find from those despatches that cotton might be grown there as freely as indigo, sugar, or any other of the articles which were produced there, without the slightest hindrance on the part of the Indian Government. There was the amplest room for the employment of capital in the cul-

tivation of cotton in India, not directly but indirectly; and if those gentlemen at Manchester would transfer a portion of their capital to India, they would obtain now an illimitable supply. If they would only send a trustworthy agent to India he was sure the first report he would make to them would be that they had been deceived as to the Company being opposed to the growth of cotton, and that with money they might purchase cotton as easily as indigo. It was absurd to suppose that the Company made an exception of cotton, and that they only encouraged the production of other articles. The only reason why the supply of cotton had not been greater was, that the capital employed had not been sufficient to induce the Native population to grow it, and to send it down to the coast in that state in which purchasers desired to have it. He admitted that the means of conveying cotton from the interior to the coasts of India were not as great as desirable. But he could assure those who fancied that it was mainly owing to defective means of conveyance to the coast that cotton was not produced in greater abundance in India that such was not the fact. The chief hindrance to cotton cultivation in India was the dishonesty of the Natives employed in the transmission of goods to the coast. It had been said that cotton could not be packed in bales, but had to be sent down in bulk, because no man could be trusted in the packing of it; but, if the Manchester men would send out cotton presses and honest agents, they could pack the cotton in the way they wished. In the papers referred to, and in the correspondence which he hoped the Secretary of the Board of Control would lay before the House, the hon. Member would find a mass of information on the subject of his Motion, and with regard to the tenure of land in India. If the hon. Member would read those papers he thought he would come to the conclusion that no Committee of inquiry was needed.

Mr. KINNAIRD remarked, that he thought the Government had exercised a wise discretion in granting the Committee, and that the hon. Member for Dumfries had been quite justified in moving for it by the discussion which had arisen. Every hon. Member who had spoken declared that the greatest misconception prevailed respecting this subject. He, for example, was of opinion that for a considerable time impediments had been placed in the way of European colonization and settlements in India. If this Committee, therefore, should do nothing but remove that misconception —[Mr. Mangles: Call it prejudice.]— which was now so deeply rooted in the public mind, no one, he thought, could regret its appointment. The hon. Gentleman who spoke last had tried to turn this into a cotton debate, but his hon. friend (Mr. W. Ewart) never went into that question; the object of his Resolution was the best mode of securing European colonization in India. Then the hon. Gentleman had taken the House to the hill districts, which he declared were incapable of cultivation; but what his hon. Friend sought inquiry into was, the subject of colonization generally. There was another point of much importance which seemed to have been overlooked. He referred to the extension of our commerce with Central Asia. No one had denied that at one time we had the command of the trade with that district, but for some reason we had gradually lost it, and the result of the appointment of this Committee would, he hoped, be to show that there were modes of re-opening this trade. A letter had been placed in his hands written by Dr. Hooker, of Kew, who said:—

"I believe it is impossible to exaggerate the advantages of the Himalaya for sanitary purposes, for founding schools, hospitals, and asylums, for military depots, for civilizing the hill tribes, for opening up Thibet, and supplying Central and Northern Asia with tea (especially), which is the current coin of Thibet, with English broadcloths and other fabrics, and for the investment of a great deal of English and Indian capital in various ways. That the whole British frontier from Burmah to Affghanistan should be closed against us for the purposes of trade and commerce has always appeared to me to be a very startling and anomalous fact."

It was impossible also to exaggerate the importance of establishing schools in the healthy districts for the children of British soldiers. Sir H. Lawrence had made the experiment, and the result had been highly successful, for instead of the frightful mortality that existed in the plains, the scholars were as healthy in those schools as they would have been in this country. He thought the hon. Member for Dumfries had done wisely in persevering with his Motion. The papers which had been printed would be submitted to the Committee; and if they made the case clear, as his hon. Friend (Mr. Mangles) believed they would, a large amount in printing would be saved.

MR. MANGLES explained that he had confined his observations to the hill regions because he thought it was generally admitted that it would be impossible for European colonization to be carried on elsewhere.

MR. DANBY SEYMOUR said he was glad the Government had had the good sense to assent to the Motion, as he considered this question one of the most important which could be agitated with regard to India. He was one of those who thought it had not been at all proved that European colonization in India had reached its utmost developement. When the East India Company held the island of Ceylon, very few British colonists indeed were settled there, but since Ceylon had been separated from India European colonization and the exports of the island had very much increased. Now, why should British capital seek investments in Ceylon and avoid the opposite coast? As an instance of the difficulties in the way of settlers he might refer to the case of a person who wished to buy land on the Sheevaray hills, where coffee was grown with great success; but he found it impossible to buy this land in fee simple. The East India Company refused to let him settle there on any other condition than that he should hold the land for twenty years, and then be subject to any assessments which they might choose to put upon it The hon. Gentleman, it was true, stated that the land would be held for twenty years; that then the assessment was fixed, and that as long as you paid it you would not be turned out of the lands. But in the North-Western Provinces, where the settlement was considered most satisfactory, some of the old assessments had expired, and it was necessary to reduce them because they were too high in amount. When he was in India he found that in Bombay doubts were expressed whether, low as the settlement was, it was not too high, and he owned that he was glad of the appointment of this Committee, because it would be able to investigate the subject fully, and inquire whether, unless a very low rate indeed was fixed upon, it was possible really to determine what land should pay, and whether the best system (one which had, he believed, been proposed by many distinguished servants of the Company) would not be to fix a very low assessment—say, of one rupee an acre—and then to put up the land as in the Colonies and sell it outright. The more he considered the question the more convinced he felt that there were cogent reasons for thinking that something of the sort must ultimately be adopted in India before they could introduce that extended cultivation and that application of capital to the soil which existed in other countries. No doubt the land-tax formed a very large portion of the revenue of India, but that was formerly the case in England, while as the country increased in wealth the tax was reduced. When his hon. Friend the Member for Aberdeen said there was scarcely a spot in the country where corn could be cultivated, he would remind him that in the district on the Malabar coast corn could be cultivated, along the whole range of the Ghauts, from the Mysore country right up to the latitude of Bombay. The Chairman of the Court of Directors of the East India Company had mentioned the question of cotton, and said that the quarrel between the officials of the Madras Railway gave you the real secret why cotton was not cultivated in large quantities, and the reason adduced was that it was owing to the low state of civilization and morality that existed. There was no honesty, and no person could trust his neighbour in the country. He (Mr. D. Seymour) had read all the correspondence on the subject, from which it appeared that the railway company wanted the cotton to be carried in bulk, while the consulting engineer wanted it to be screwed in the interior and carried by measurement on the railway, and his reason was that it would necessitate the people to have screw-presses in the interior. There had also been presented a memorial from the cotton merchants of the interior, to the effect that, although they had not presses at present, yet that after a while they would come. But, if they looked at the people in the interior, they would find that they were poor; and, according to Lord Harris, there were not 500 cultivators who were possessed of capital, and those who had it had it in very limited amount. The fact was that the people of Madras, during a long series of years, had been called upon to pay more taxes than they could afford, and the capital of the country and its financial vigour had in consequence become impaired and exhausted; and there were not probably two persons, whether civil or independent persons, who had been in India, who would not say that they never saw the country reduced to so wretched a condition as around Madras, and the people in such a

degraded state as the unfortunate ryots, without capital, and with rents so high that they could not adequately or remuneratively cultivate the soil, and were not unfrequently obliged to emigrate. How, with all this, could they expect a high state of civilization, or that honesty between man and man which was the fruit of being placed beyond the reach of physical wants and in a higher atmosphere of education and refinement? How, amidst deserted villages, and in a country without irrigation, could it be expected that honesty would flourish? He was sorry to see how little had been legislatively done for the people of Madras, and that the assessment had not been reduced. The people were famishing, miserable, and powerless for the accumulation of capital; and he rejoiced to see the appointment of this Committee, which would be calculated to call out these facts and bring about a remedy. The planters, and other independent persons scattered over India in small numbers, universally told us that the prevailing system was bad, and that they could not cultivate; and what did Mr. Bazley, the President of the Manchester Chamber of Commerce, say upon this question? Why, that he would not, under the circumstances alluded to, recommend any relation of his to go out to India. What was the state of their Native courts and their local police? He had heard the condition of them described by the merchants on the coast of Malabar, and by a gentleman who went to Ceylon in consequence of the difficulty he experienced in carrying on commercial transactions on the coast of Malabar. He said, "When we have debts, we have to bribe the under officials of the court to carry out the necessary process; and even then, so long is the delay, that we would almost rather abandon those debts than go into the Company's courts." This complaint was reiterated on every side; and if the proposed Committee had the effect of bringing out these facts, and developing these difficulties in the way of the settlement of Europeans, it would result in the greatest value and advantage both to India and this country. The Chairman of the East India Company had said that this was all the outcry of independent Europeans, who had a malignant hatred against the East India Company, and were prejudiced against them as a commercial corporation. There was a memorial from the inhabitants of the Neilgherry Hills the other day, in the neighbourhood of which many Europeans were settled, and from Ootacamund where coffee cultivation was carried on to a considerable extent. Now, were these Europeans contented with the present constitution of these courts? Most of them were retired servants of the Company; but were they contented with the administration of courts which had been described as efficient and good? The memorialists asked to have a branch of the Supreme Court in their district, and requested that it might be placed under English law, but it was refused. He (Mr. Seymour) thought it should have been granted, and that the more the English law was introduced in that country and the more people were trained in English law the better, although his hon. Friend the Member for Devonport (Sir E. Perry) was laughed at for saying he wished to see the introduction of English lawyers in India. He (Mr. Seymour) also would like to see them, and the independent planters said the same. India was a great country, but there were parts of it where you did not need lawyers, parts only partly civilized, and in a state of semi-barbarism; and in these districts it was sufficient to have gentlemen with common sense and honesty, and not necessarily possessing a knowledge of English law. You did not want lawyers in Orissa, or on the coast of Malabar, but they were eminently indispensable in the civilized communities of Delhi, Agra, and Benares, where commercial transactions were extensive, where complicated questions of civil law arose, and where you wanted men who had undergone a regular training and who were accustomed to take legal evidence. The last part of the proposed Motion was not the least important in connection with the question of European settlement and colonization in India. Nothing could be more important in its relation to our political power than the extension of our trade with Central Asia, and nothing could be easier than to extend that trade almost indefinitely. In doing this we should enrich ourselves and civilize Central Asia, and be doing infinitely more for that region of the globe than by placing particular chieftains on the throne of Herat. A beginning had been made in this auspicious direction in the establishment of the port and fair of Kurrachee, and he trusted the movement would be encouraged as much as possible. Every mile of road made from Kurrachee, the best outlet for our

trade with Central Asia, would increase our political position and the means of sending armed forces to that country. The people of the country were so much impressed with the importance of this fact that they were flocking down there in numbers, and valuable products, such as wool, unknown as exports for the past two years, were most enormously increasing. And not only so, but Colonel Jacob, in his communications on the Western frontier of Beloochistan, and Mr. Frere, in his letters, both stated that the ruling power in Affghanistan was most anxious to have his roads constructed. This movement should be encouraged as much as possible, so as to scatter civilization over the vast masses of Central Asia, from which the natural outlet was cut off by the Russian custom-house on the Black Sea, and which was the only way, except through the Himalayas, of communicating with the vast plateaus of Central Asia, and which, owing to their ignorance and isolation, were gradually falling into the hands of Russia. On the whole he rejoiced that the Committee had been granted; he was sure that it would be well conducted by his hon. Friend who had moved for it, and he trusted and believed that it would be highly advantageous to the great desideratum of colonisation in India—advantageous not only in its direct but also in its indirect results.

Mr. TURNER said, that though he was among those who greatly lamented the late change in the Government, yet he perceived that one or two advantages had flowed from it. In the first place, the Government which had succeeded had, greatly to their credit, granted this Committee; and, in the second place, the House had had the advantage of hearing an able argument in its favour from the hon. Gentleman who had just sat down, who last year, because he was in office, had taken some pains to combat the arguments which he (Mr. Turner) had taken the liberty of making on the subject of the supply of cotton in India. Apparently it was part of the hon. Gentleman's duty, when in office, to answer those who impugned the conduct of the Indian Government; and now that he was out of office, like the hon. Gentleman the late Secretary of the Admiralty last night, he was found supporting the views which, only a short time ago, he had been obliged to oppose. The Chairman of the Court of Directors

Mr. Danby Seymour

argued that if the Manchester merchants wanted cotton, they should go to India and grow it: there was plenty of it for them to grow, but that the Manchester merchants did not think was in their province. What they wanted was, that the Government of India should afford such facilities, and make such arrangements for the growth of cotton in India that they might go there, not to grow it, but to buy it in a state fit for their use. They thought India was a country capable of supplying the manufacturers of this country with the most important raw material of which we were now almost entirely dependent on the United States for a supply, and they did think it was the duty of the Government to give facilities for the production of the supply. The consequence of the falling off in the American crop had been to raise the price of cotton in India; that rise in the price had been sufficient stimulus to overcome all the difficulties of transit, and 220,000 more bales of cotton had been obtained from India in the last year than she had ever supplied before. It was a fair inference, therefore, that if there had been roads in existenc, if the means of communication with the interior had been easy, India might always have supplied that large amount of cotton. The duties, however, which the East India Company ought to have performed years and years ago would now, he hoped, be fully carried out under whatever new government might be established in that country. If roads were only made, and a system of irrigation carried out, and fair play given to colonists and settlers by the local officers of the East India Company, in a few years there would be a mighty change, and in the development of the resources of that country England and British India would be benefited. He was glad that this Committee had been granted, for much valuable information would be elicited by it.

Mr. WALPOLE said, he would suggest that the words "for the formation of military stations" should be omitted from the Motion, as they might lead to an inquiry which had no connection with the civilization of India.

Mr. W. EWART said, he had no objection to the omission.

Mr. CHEETHAM said, he was afraid, from all accounts, that there was likely to be another season of deficient supply of cotton from the United States, and there

was no country to which we could look for a remedy for this but India. He regretted to say, however, that there was no country which afforded more palpable evidence of misrule and mismanagement than India. It was very easy for the East India Company to tell the merchant if he wanted cotton to go there and grow it; but when he got to India the roads provided by the Government were so bad that it was perfectly impossible for him to carry it away when he had grown it. In America the grower of cotton could carry it to the port for 2 per cent. of its value, while in India it cost him 50 per cent. The duty of remedying this state of things had been grievously neglected by the Company; and he was glad, therefore, that the present Government had announced their intention of bringing in a Bill to replace the present inefficient government by a new form of administration for India, and also that they had assented to the present Committee.

MR. PARRY NISBET said, that he supported the Motion, but could not agree with what his Friend the Member for Poole had asserted regarding the East India Company and Judicial Courts, in India; on the contrary, he dissented entirely from him. He had long thought that encouraging Europeans of capital and character to settle in India would give strength to our rule, and tend greatly to bring together races so totally different in every respect as Europeans and Asiatics. Very few Europeans ever made India their permanent residence, or remained more than twenty or twenty-five years; consequently they were considered as pilgrims and strangers. The Mahometans were conquerors like ourselves, differed also in religion, but after conquest they adopted India as their permanent abode, associated with the Natives, and became thereby more united with them, in feelings and ideas, than Europeans have ever been. If anything could be done now equally to unite European settlers the result would be most beneficial, and might, moreover, prove the means (indirectly) of conversion to Christianity.

Motion, as amended, *agreed to.*

Select Committee *appointed*,—

"To inquire into the progress and prospects, and the best means to be adopted for the promotion of European Colonization and Settlement in India, especially in the Hill Districts and healthier climates of that country; as well as for the extension of our Commerce with Central Asia."

House adjourned at a quarter before Nine o'clock.

HOUSE OF COMMONS,

Wednesday, March 17, 1858.

MINUTE.] PUBLIC BILLS.—1° Consolidated Fund (£10,000,000); Consolidated Fund (£500,000).

OATHS BILL—COMMITTEE.

Order for Committee read.

LORD JOHN RUSSELL: In rising, Sir, to move that you leave the Chair, I beg to state the course which I propose to pursue in consequence of the appeal made to me a few nights ago by the hon. Member for North Warwickshire (Mr. Newdegate). That hon. Gentleman said it would be inconvenient to discuss in Committee to-day that part of this Bill which relates to the admission of the Jews owing to the absence of many Members of Her Majesty's Government. Now, it appears to me that it is not advisable to postpone any further the consideration of the measure in Committee. But the hon. Gentleman will have an opportunity, on the Report, of proposing the alterations in the Bill which he suggests. I will explain at the same time the alterations that I shall propose in order to enable him to effect that purpose; and likewise the alterations which I may think it necessary to propose on the Report. It was objected, in the last discussion on this subject, that the 7th clause of the Bill went further than was necessary in re-enacting and confirming the Oath to be taken by Roman Catholic Members. But my only object is to provide that this Act shall not in any way affect the Oath taken by Roman Catholics. That is a very important subject, but I agree that it is one which may be considered by itself, and may be so considered more conveniently than by any provision in this measure. In order, however, that there may not seem to be any special authority given by this Bill not in conformity with the Act of the 10th of George IV., I propose to omit the latter part of the 7th clause. The clause will then run thus:—

"Provided also, that nothing in this Act contained shall be held to alter or affect the provisions of an Act passed in the 10th year of King George IV. c. 7, 'for the relief of His Majesty's Roman Catholic subjects.'"

I thus omit the words—

"but such provisions shall continue to be construed and take effect as if this Act had not been passed."

Of course, it will be open to any one upon the Report to maintain, if he thinks right, that the words proposed to be omitted are essential, and ought to be restored. But in considering the Report, we may have other words suggested by way of preamble to the Oath I propose. The Oath ends with these words:—

"And I do declare that no foreign Prince, person, Prelate, State, or potentate, hath or ought to have any jurisdiction, power, superiority, pre-eminence, or authority, ecclesiastical or spiritual, directly or indirectly, within this realm. And I make this declaration upon the true faith of a Christian."

The hon. and learned Member for Sheffield (Mr. Roebuck) holds that these words might be construed to mean a declaration that no foreign Prince has any influence or authority over the minds of persons in this country who belong to the Roman Catholic religion. I contend that they do not fairly admit of that interpretation. But, perhaps, it would not be difficult to insert in the preamble some words referring to the Act of the 1st of Elizabeth, upon which the Oath seems to have been founded. The historical statement which I have now very briefly to make is, that after the 20th of Henry VIII. certain laws were passed, depriving the See of Rome of the authority, pre-eminence, and jurisdiction, it had previously exercised in this country. Various spiritual functions, and likewise the power of levying annates and first-fruits, had been so exercised by the See of Rome, and those Acts took away the powers and authority of that Court in these realms. On the accession of Queen Mary all the Acts of this nature that had been passed since the 20th of Henry VIII. were repealed, and it was declared by statute that the Queen had all the prerogatives and privileges which belonged to her Crown before the time of Henry VIII., but that she retained them subject to the laws which had prevailed before that time, and which had been subsequently abolished. When Queen Elizabeth ascended the throne the first thing that was done by an Act of the first year of her reign, and the first chapter was to declare that the jurisdictions, pre-eminences, and authorities of the See of Rome were usurped, and to restore what the statute asserted to be the ancient pre-eminence and power of the Crown of England, as independent of all foreign jurisdiction whatsoever. That was the purport and meaning of the Act, and I think that some words in the preamble might make it clearer that this is not a declaration against influence over the mind, or anything of that nature, but a declaration in conformity with the intentions expressed in the 1st of Elizabeth. In looking at this oath I find that the words "directly or indirectly" are not included in the 1st of Elizabeth. I am not sure whether they were inserted in the reign of William III., or subsequent to that date; but it does not appear to me that they are necessary; and I may perhaps raise the question on the Report whether they should be retained. I do not propose in any way to alter the words of the oath, but that we should now go into Committee. The only alteration I have now to make is the omission of the words I have mentioned at the end of Clause 7; and I will give due notice of, and place upon the paper, any Amendment which I may propose upon the Report. This course will, I trust, enable the hon. Gentleman to raise the question which he wishes to raise.

Motion made and Question proposed, "That Mr. Speaker do now leave the Chair."

MR. NEWDEGATE: I beg, on the part of a large number of Members of this House, with whom I have had an opportunity of speaking on the subject, to thank the noble Lord for the course he has now adopted. On so grave a subject we should have been most unwilling to be driven to the use of the forms of the House; but as Her Majesty's Government have to attend Her Majesty at her first levee, after their accession to office, and cannot therefore be in their places, and as many other Members being also prevented by that and other circumstances from being present, we should have been obliged to use the forms of the House to secure a discussion on this grave question which affects the Christian character of the House, respecting which a deep interest is felt in the country, as is shown by the number of petitions that have been presented. We should not be duly representing that deep feeling had we consented to discuss this question at an improper time. I am glad that the noble Lord has seen fit to accede to a request I ventured to prefer to him, not on my own part, but as representing a wide-spread feeling on the part of the most respectable portion of the community. I wish to take this opportunity of drawing the attention of the House to a point of order affecting the form in which

petitions must be presented to this House. A petition signed by 320 clergymen, praying that this House would not abandon its Christian character, was presented to the House by Sir Frederic Thesiger, now Lord Chancellor. The Committee on Petitions have adopted a rule that unless the sheets upon which signatures are written, and which are attached to the head sheet, are of a particular size, they should be rejected; consequently, this petition only appears as having been signed by four persons, although I am prepared to prove that it was signed by 320 clergymen of the Church of England. I do not wish to dispute the point of order, but I wish to take this opportunity of stating what is not known to clergymen generally, that if their signatures are not written on large sheets of paper, that will be held a sufficient reason to erase their names from the petition. The Gentleman to whom was entrusted the care of collecting the signatures to this petition has adduced to me proof that no signature was attached to the petition which had not previously been attached to a heading similar to the petition. And such care was taken by the National Protestant Association to avoid anything like unfairness, that if any clergyman objected to a single word in the heading, though he had signed, his signature was not attached to the petition which was presented to the House.

MR. T. DUNCOMBE said, he wished to ask the noble Lord the Member for the City of London two questions, upon the answer to which would depend the course which it was his (Mr. Duncombe's) intention to adopt in reference to the admission of Jews to Parliament. He could not imagine a more humiliating apology for Jewish emancipation, or a greater stultification of the votes formerly given by the House in favour of religious equality, than the measure now proposed by the noble Lord. The questions, therefore, which he wished to ask were, whether, if the Bill were passed in its present form, the noble Lord could give the House any assurance that the Bill would meet with a better reception in another place, for, as far as he could understand, it not only humiliated the House and stultified its former votes, but it had not the most distant prospect of conciliating its opponents. He therefore asked the noble Lord whether the Bill was at all likely to meet a more favourable reception in "another place," and if unsuccessful, whether the noble Lord meant to adhere to his declared intention of bringing forward a Resolution under which the House of Commons might of its own action seat Baron Rothschild?

MR. WALPOLE believed that the noble Lord, having already spoken on the Motion before the House, could not now speak again in answer to the questions of the hon. Member for Finsbury. Those questions could, moreover, better be put to the noble Lord when the House was in Committee. He cordially thanked the noble Lord for the course he had taken—a course which, while it was most fair towards the opponents of the Bill, would not be disadvantageous to its supporters. The only point on which they differed would now be taken on the Report.

MR. T. DUNCOMBE would move that the debate be adjourned, to enable the noble Lord to answer his questions.

MR. SPEAKER said, that the hon. Gentleman having spoken in the debate could not now make that Motion.

LORD JOHN RUSSELL wished to know whether he would be in order in replying to the questions that had been put to him?

MR. SPEAKER said, that the noble Lord had not the right of replying on moving the Order of the Day. If the House agreed to the proposition that he should leave the chair the noble Lord would, however, have the opportunity he desired in Committee.

MR. MONSELL wished to state that an hon. Friend of his was determined again to bring forward the question that was discussed last year with reference to the position which Roman Catholic Members would occupy in consequence of the changes proposed by the noble Lord in the Protestant oath.

MR. BONHAM CARTER said, that the Committee on Petitions were bound by a strict Order of the House in dealing with petitions. All petitions must be signed by the persons whose names were affixed. And the rules that they adopted, and on which they had acted in the case referred to, were with a view to secure this. Very frequently, however, petitioners neglected to comply with this regulation. They sent an authority to some one else to sign for them, and the signature to this letter of authorization was cut off and pasted on the petition, to which the Committee frequently found portions of private letters attached.

MR. HENLEY very much doubted whe-

ther the Standing Order of the House prescribed the exact length or breadth of the papers to which signatures were to be attached.

MR. BONHAM CARTER said, it was assumed that a petition was an integral document, and in his previous observations he had alluded to papers containing names pasted on the attached sheets — small patches of paper which did not afford any evidence that the person whose signature was so affixed had signed the document.

MR. HENLEY had always understood that in the case of petitions the signatures to which were very numerous, it was the custom to paste or wafer on sheet after sheet containing those signatures; but he had never understood that the size of these sheets was limited to any particular number of inches. It was well-known that sheets were sent down to country towns for signature, and what the Standing Order was intended to prevent was the affixing to petitions of the signatures of persons who had not seen the petition itself. The subject was an important one and he hoped the Committee would lay down a more distinct rule than that now in existence.

MR. DILLWYN said, he quite concurred in the view of the hon. Member for Finsbury as to the powers of that House in relation to the admission of the Jews, and thought the noble Lord the Member for the City of London ought to answer that hon. Member's questions before they went into Committee. He (Mr. Dillwyn), therefore, moved that the debate be adjourned to give the noble Lord an opportunity of doing so.

Motion made and Question proposed, "That the Debate be now adjourned."

SIR GEORGE GREY thought the more regular course would be for the House to go into Committee, when the noble Lord would have an opportunity of answering the questions of the hon. Member for Finsbury.

MR. SCOTT, as a member of the Committee on Petitions, said that the petition referred to by Mr. Newdegate had been before them, and presented this informality —that the names had been pasted upon sheets which were themselves afterwards pasted to the petition. There was no doubt each clergyman had signed his own name; but the informality was such that it could not have been overlooked without opening a door to great abuse.

MR. NEWDEGATE was anxious to have it understood that, in the case to which he had directed the attention of the House, the signatures were attached to printed headings containing an authority to the persons who affixed the signatures to the Petition to do so; and, further, it would be found that those signatures were not single signatures, so far as being each on a separate piece of paper, but that in many cases three or four clergymen signed their names on the same slip.

MR. WARREN said, that the Standing Order contained a direction against the pasting on of small pieces of paper.

MR. STEUART said, that there would be some inconvenience in discussing the 5th clause of this Bill before the Resolution of which the hon. Member for Finsbury had given notice was decided. He (Mr. Steuart) had received encouragement from several hon. Members to move either that the Bill be divided into two parts, or that the 5th clause be postponed till after the Motion of the hon. Member for Finsbury had been disposed of.

Motion by leave *withdrawn;* Main Question put, and *agreed to.*

House in Committee.

LORD JOHN RUSSELL: I am now, Sir, entitled by the forms of the House to answer the questions which were put to me by the hon. Member for Finsbury. He asked me, in the first place, whether I had reason to count on a majority of the House of Lords in favour of this Bill; and, in the second, what course I should take supposing that a majority of that House should be against it. With regard to the first of these questions, I must say that it appears very doubtful from the discussion we had the other day where is the majority in this House of which we are all Members. There being no Member of the House who can very well say where that majority lies, it would be very presumptuous in me to say where the majority is in the House of Lords—the other House of Parliament, totally independent of us, and having its own principles upon which it can decide upon any Bill which comes before it. With regard to the second question, as to the course to be taken and the hard epithets which the hon. Gentleman applied to this Bill, I must say that my experience has taught me that it is very desirable—even where we have privileges which we can maintain against the courts of law and against other authorities—that, if possible, decisions which might be made by the authority of this House should be made by

the general consent of parties. That was the case in an instance in which a great majority of this House took a very decided view of its privileges—the case of Stockdale. We found it necessary to imprison the sheriffs, who were only obeying what they believed to be the law. That created a great deal of excitement in this House, and a great disturbance of public business, and angry and protracted debates; and at the end of these discussions we found that the best mode of settling the matter was to send a Bill to the other House of Parliament, to which they assented; and since then there has been no difficulty with respect to the publication of papers ordered by this House. I therefore conceive that this Bill is framed in a manner which, as far as I can guess, will, if they are disposed to admit the Jews, be most agreeable to the Members of the other House of Parliament. I think it my duty, if possible, to arrange and finally settle this question by the authority of Parliament, rather than to bring into discussion the absolute privileges of this House with regard to the oaths to be taken by its Members. With regard to this question, I should think it very inconvenient to raise a discussion as to what those privileges are and what they entitle us to do. There are two ways in which we might propose to seat Baron Rothschild. One way would be to allow Baron Rothschild to take the existing oath, omitting the words "on the true faith of a Christian." By taking that course we should come into collision with the courts of law; because they have had the question before them, and have decided that these words are part of the oath which cannot be omitted. There is another mode which has the very high authority of the hon. and learned Gentleman the late Attorney General (Sir Richard Bethell), and according to which the House might under another Act of Parliament substitute a declaration in place of the oath, and might empower Baron Rothschild, or any other Member who desired it, to take the declaration in a certain form instead of the oath. I conceive it would be very inexpedient to discuss either one mode or the other. Either mode requires very great deliberation. I have already stated my opinion on the subject in introducing this Bill, and I do not think that it would be advisable either to repeat that declaration or to pledge myself any further on the subject. I think that this Bill is the best and most salutary mode of settling the question; I therefore propose it to the House, and I leave it to a future time to take that course which I may think most consistent with the rights of the subjects of this land, with the privileges of this House, and with the general welfare of the State.

MR. T. DUNCOMBE thought that the answer of the noble Lord had fully justified his putting these questions to him. The noble Lord had altogether avoided the question as to what in his opinion would be the result of the Bill in the other House of Parliament. He (Mr. Duncombe) maintained that it would meet the same fate as its predecessors. The House of Lords were not the men he took them for if they were deterred from pursuing an opposition which was founded upon their conscientious scruples by the threat which the noble Lord had once used, that if this Bill failed he would move to seat Baron Rothschild upon a Resolution. Two years ago the noble Lord expressed the opinion that it was useless to propose further legislation. He then wrote to his constituents the following letter:—

"Chesham Place, May 26, 1855.

"Sir,—I did not answer your former letter of the 19th inst., as I wished to take some time to consider the position of affairs as it regarded the privileges of the Jews. It appears to me that, while the friends of religious liberty are unchanged in their opinion respecting the disabilities of the Jews, the majority of the House of Lords are likewise unchanged in their opinion that the removal of these disabilities may be safely refused. The Government in these circumstances would be only throwing away time in attempting to carry a measure which one House of Parliament is sure to reject. Many Liberal Members of Parliament, while they would support a Motion to relieve the Jews from their disabilities, would consider as inopportune a question which would not advance the object to be attained. I must therefore, consider that it would be inexpedient to stir the question of Jewish emancipation in the present Session of Parliament. That claims so just can be permanently rejected I will not believe. But the friends of intolerance naturally cling to this last vestige of religious persecution, and exult in the facility with which the exclusion of a body, not formidable in numbers, can be maintained.

"I remain, Sir,

"Your obedient servant,

"Sidney Smith, Esq." "J. RUSSELL."

He wanted to know what reason the noble Lord had for changing his opinion. He had every reason for maintaining it, for what happened after this letter was written? His right hon. Friend the Member for Ashton (Mr. Milner Gibson) introduced a Bill substituting a single oath for those now taken by Members of Parliament. That Bill went up to the House of Lords, and was rejected by a majority of thirty-

five or thirty-six. During the last Session the Government introduced a Bill of a similar character—a rational Bill compared with this one. That Bill was rejected by the House of Lords by a similar majority. If, then, legislation was inopportune in 1855, what chance had it at the present moment? He had no reason—the noble Lord appeared to have no reason—to suppose that the House of Lords would stultify its previous votes, or would do other than reject this Bill. He confessed that when, on the first day of the Session in December last, the noble Lord came down in breathless haste, and gave notice of his intention to move that the House should resolve itself into a Committee to take into consideration the Jewish disabilities, he was weak and foolish enough to believe that things had come to a crisis, and that there was at last to be something like business. And what was the result? Why, this apology for Jewish emancipation, which was an insult to the Jews on account of the last clause, and an insult to the Roman Catholics, because it excluded them from the operation of the first clause. This being the position of affairs, he immediately gave notice of a Motion to seat Baron Rothschild by Resolution: whereupon the noble Lord, notwithstanding the declaration which he made last summer, gave notice that he should move the Previous Question as an Amendment to that Motion. Other business had prevented his bringing on that Motion; but he did think that such a Resolution ought to have preceded this Bill, and not to have followed it as a menace from the noble Lord, in the face of which it was impossible that the House of Lords should accept this measure. What their Lordships would probably do would be to omit the clauses with respect to Jewish Emancipation, and agree to the other parts of the Bill. The retention of the words "on the true faith of a Christian" was a completely retrogressive policy—it put back our legislation to the days of William III., and the subsequent renewal of the Act passed in his reign. The noble Lord had introduced views which they had been condemning in that House ever since Catholic Emancipation. He had voted for every Bill upon this subject which had been introduced since the first one which had been brought in by Sir Robert Grant in 1830, and he was sick of voting for them. He did not see that any good or any credit to that House could result from further attempts at legislation, particularly as he believed that they had it in their power by a Resolution to place Baron Rothschild in the seat to which he had four times been elected by the citizens of London. The introduction of such a Bill as this was insulting and humiliating to the citizens of London. He believed that at the end of the Session they would find themselves just where they were now; and therefore if the noble Lord did not move a Resolution seating Baron Rothschild upon a declaration, or if such a Resolution was not moved by the hon. Member who first gave notice of it (Mr. Dillwyn), he should himself bring it forward.

MR. KNATCHBULL-HUGESSEN differed from the hon. Gentleman the Member for Finsbury, and thought some deference ought to be paid the noble Lord. The hon. Gentleman should remember that he was not himself always right, for on a former occasion he had moved a Resolution that Baron Rothschild was, in consequence of contracts with Government, incapable of taking his seat—an opinion which had been distinctly and positively negatived by the decision of a Committee of the House of Commons. He thought that this House should legislate on the questions brought before it without reference to what might be done in the other House; but he was of opinion that there ought to be due deliberation, and that, if possible, all chance of a collision between that and the other House of Parliament should be avoided. The measure has been for many years (or, at least, a measure for the emancipation of the Jews) had been carried by large and increasing majorities. Let this Bill again go to the House of Lords without any dissension or division having been created amongst its supporters. He hoped that the opinions of the representatives of the people would not be scouted by the hereditary wisdom of the other branch of the Legislature; but, if a collision were to occur, let the House of Commons be at least firm, calm, and determined, after having exhausted every means of conciliation. The House of Commons had affirmed the claims of a class of Her Majesty's subjects, which were not the less just because there was no popular agitation in support of them.

MR. T. DUNCOMBE begged to correct the hon. Gentleman who had just spoken. He (Mr. Duncombe) had not moved for the Committee that inquired into Baron Lionel Rothschild's eligibility in respect of his being a contractor. He was a member of that Committee, and voted that Baron

Rothschild's contract did not render him ineligible.

Mr. JOHN LOCKE thought the House had already done everything they could do in the way of conciliation, and he thought the time was come, should this Bill fail, for seating Baron Rothschild by a Resolution of the House.

Preamble and Clauses Nos. 1 and 2, *agreed to.*

On Clause No. 3,

Mr. BAGWELL said, that the Irish Roman Catholic Members would feel themselves at liberty to move any Amendment which they might think fit on the bringing up of the Report.

Clause *agreed to;* as were the remaining clauses.

Lord JOHN RUSSELL said, he would propose that the Report be taken on Monday next, if the Government business was not such as to interfere with that arrangement.

Mr. NEWDEGATE: When the Report does come up, I shall move the expulsion of the 5th and 6th Clauses. I must observe that hon. gentlemen who have spoken in favour of this measure have seemed to assume with great confidence that because they are the majority in this instance, they are the sole representatives of the sentiments of the country in respect of this measure; but I can assure those hon. Gentlemen that those who oppose the Bill in this House do not merely represent the feeling of the House of Lords on the subject of the admission of the Jews into Parliament, but also represent the feelings of a very great portion of the community in the country.

Mr. G. A. HAMILTON said, that Monday would be a convenient day for bringing up the Report, as no Government business was likely to interfere with that arrangement.

Bill *reported;* as *amended* to be considered on *Monday* next.

House adjourned at a quarter before Two o'clock.

HOUSE OF LORDS,

Thursday, March 18, 1858.

Minute.] Public Bills.—1a Turnpike Road Offences; Law of Evidence further Amendment.

CASE OF THE *CAGLIARI.*

OBSERVATIONS.

Lord LYNDHURST said: My Lords, I am anxious to call the attention of Her Majesty's Government to a publication of the Neapolitan Government which has lately appeared, relating to the case of the *Cagliari*, and therefore, of course, to our poor unfortunate countrymen at present upon their trial in the Neapolitan dominions. The law upon this subject was very precisely stated a short time back by the noble Lord at the head of the late Government. The noble Lord stated that if the *Cagliari* had been placed in jeopardy by any voluntary act of her captain in conducting her into the waters of Naples, and they had been there seized, then he should not be justified in attempting to interfere with regard to our unfortunate countrymen; but upon the other hand, if the vessel was taken possession of by a superior force and subsequently captured and carried within the jurisdiction of Naples, in that case we should be entitled to claim the liberation of our countrymen. Now, I have no doubt that the opinion expressed by the noble Lord was the opinion which had been communicated to him by the law officers of the Crown; and I now beg leave to direct your attention to the publication to which I have referred. In that publication it is stated in distinct terms that the vessel was captured by two Neapolitan frigates and carried from the place where the capture took place into the jurisdiction of Naples, and it goes on to say that the capture being a good capture, the vessel was afterwards condemned. Upon that statement, therefore, and referring to the opinion expressed by the noble Lord at the head of the late Government, we have a perfect right to insist upon the liberation of our unhappy countrymen. That right existed at the time the question was first discussed and exists now. I do not for a moment pretend to say what should be the policy to be pursued by Her Majesty's Government. I leave that entirely to their own discretion, and that more particularly after the long period of seeming acquiescence in the course adopted by the Neapolitan Government. I put no question, even to Her Majesty's Government; but I merely make this statement in order to draw their attention to the subject.

The Earl of MALMESBURY: My Lords, before I make any remark on what has been stated by my noble and learned Friend, I beg the House distinctly to understand that up to the 26th of last month Her Majesty's present Government are in no degree responsible for any act taken either by Her Majesty's late Government

or by the Sardinian Government with respect to the capture of the *Cagliari*. That being, as I have no doubt it will be, admitted by both sides of the House, I think it will be as well to state in a few words the circumstances attending the capture of the *Cagliari* as they really occurred. That vessel started in January from Genoa bound for Tunis. She had, among her crew, two Englishmen, as engineers. It appears that a certain number of men had conspired against the Government of Naples, and, if I may use the terms, disguised themselves as passengers, having took their passage on board of her. Then, after she had proceeded to sea some distance, these men rose, mastered the crew and the captain by force, and directed the ship's course to a certain island, called Ponza, where some Neapolitan convicts were in prison. There they landed, liberated those convicts, and then, accompanied by them, proceeded to make a descent upon the territory of Naples, for the purpose of raising the country against the Neapolitan Government. Having done this, they permitted the captain and the regular crew of the *Cagliari* to depart. It is said by one party that the captain intended to go to Naples, and that he steered his course for that his original and lawful destination. There is no positive proof of this, but I believe this to have been the case. Whilst on his way he was met by the two Neapolitan frigates, which, no doubt, were on the look-out for the ship that had been the means of this attack; the *Cagliari* was captured, and, with the crew, was taken to Naples. The Neapolitan Government instituted a claim of jurisdiction over the captain and crew, in order to ascertain whether they were parties to the violent attack made upon the island of Ponza and on the territory of Naples, or whether they were entirely innocent. It was at this point that the Government interference took place. Her Majesty's late Government were for some time—for four or five months—under the false impression that the ship was captured in Neapolitan waters. But, on the 17th December, the exact truth was ascertained, namely, that she was captured on the high seas. On the 24th December they consulted the law officers of the Crown. Upon that day, and twice since then—indeed, three times before the end of February—they consulted the law officers, and three times the law officers declared their opinion that the capture of the *Cagliari* was a legal capture. Under these circumstances, it appears clear, as far as the papers can show—and we have perused them with great care and interest, that Her Majesty's Government did not intend any further to dispute the legality of the capture. But it has been stated by the noble Viscount who was at the head of Her Majesty's late Government (Viscount Palmerston), in another place, that Her Majesty's Government had not made up their minds on that point. I cannot, of course, answer for that statement; but I wish the House distinctly to understand that at that point, and that point only, our responsibility begins. Now, my Lords, that being the state of facts, and the opinion of the law officers of the Crown on those facts, being as I have stated, some new facts have come to light since I have held office—which I did not find mentioned in the papers—which I think will justify Her Majesty's Government—considering the great interest which this case excites in the country, and that upon our decision the protracted imprisonment of our countrymen may depend—I think that Her Majesty's Government are fully justified, before adopting any measures which they may propose to follow—in referring the case again to the present law officers of the Crown, and then in laying before Parliament the papers respecting it. They are very voluminous, and cannot be collected and arranged in a very short time. But I shall take care that they shall be collected and arranged, and presented to your Lordships and to the other House as speedily as possible. I have heard that the late Prime Minister has expressed his wish that they should be so produced. I have nothing now to add except the statement which I make with all respect to the opinion of one so eminent as my noble and learned Friend, that his view of the legal part of the question is not in accordance with that of the law officers of the Crown, as at present given. Her Majesty's Government feel as deeply as any of Her Majesty's subjects with respect to the sufferings and protracted imprisonment of these two poor engineers. Her Majesty's Government feel that not a moment should be lost in the progress of the case, and in the meantime they will take every means of alleviating the cruelty of their confinement.

LORD WENSLEYDALE wished to point out that there was another means of obtaining a legal opinion upon this question of international law, and he believed it would be a more competent opinion than that of the law officers of the

Crown—he referred to the Judicial Committee of the Privy Council. The opinion of the Judicial Committee might under the Act be taken, and he for one believed it would be a better course to adopt than to rely upon the opinion of the two persons who might happen to be the law officers of the Crown.

LORD LYNDHURST: I must not be understood as having given any opinion on this question. I was mistaken in the statement I made in consequence of the manner in which the law was stated by the noble Viscount to whom I have referred. He put two cases distinctly in these terms—first, he said if the captain of the vessel by his own voluntary act conducted the vessel within the waters of Naples we had no right to interfere. I say nothing with respect to the law on that point. But he went further, and stated that if by superior force the vessel was seized and conducted into the waters of Naples, in that case the act was illegal, and we had a right to interfere. I was induced to bring this point before your Lordships' attention in consequence of the Neapolitan Government having, by a late publication, made it perfectly clear that the vessel was captured by two Neapolitan frigates, not within the waters of Naples, but beyond them. If, then, the law is as stated by the noble Viscount, it is impossible to say that we are not entitled to insist on the liberation of our countrymen. That force was used is admitted by the Neapolitan Government itself in the very document to which I have referred.

EARL GRANVILLE: I think it is but fair to Her Majesty's late Government that when questions involving declarations made by them are intended to be put to the present Government some notice should be given, as we should then be prepared to answer any such questions. In any case I, being a non-legal Member of your Lordships' House, should think it better to refrain from entering into the details of the law. I believe that the noble Earl the Secretary of State for Foreign Affairs has correctly stated the facts, except as to the place of destination of the vessel, which I believe was Tunis and not Naples. Her Majesty's late Government thought it better to see what effect the application of the Sardinian Government to the Neapolitan Government would have before any further steps were taken on behalf of the English prisoners.

THE EARL OF DERBY: I quite agree with my noble Friend opposite (Earl Granville) as to the inconvenience of raising questions of such importance without notice; and I can only say that I was as much taken by surprise as my noble Friend by my noble and learned Friend's statement. With regard to what has just fallen from my noble and learned Friend, I will only say that I believe there is in existence such a document as he has referred to from the Neapolitan Government in answer to the Sardinian Government, but up to this moment that document has not been received at the Foreign Office. Nothing has been received from Sardinia except the bare statement of our Minister at Turin that the Neapolitan Government had refused to comply with the demand made upon it by the Sardinian Government to deliver up the vessel. I will only venture to say, with great respect to what fell from the noble and learned Lord (Lord Wensleydale) on the other side, that, however satisfactory it may be on all questions to obtain the judgment of so important a tribunal as the Judicial Committee of the Privy Council, I do not believe there is any precedent for referring to their judgment any question which does not come before it by way of appeal in a legal transaction. The ordinary course in cases of this kind is undoubtedly that the Government should refer the question to the law Officers of the Crown and the Queen's Advocate, and be guided by the advice which they may give.

LORD WENSLEYDALE said, he had merely suggested that questions of this nature might be properly brought before the Judicial Committee of the Privy Council if there were any difference in the opinion of the law officers upon such an important matter—indeed, in that case, it would be better to take the advice of the Privy Council.

LORD REDESDALE: It appears to me that in considering the case we ought to ask ourselves how we should have acted under similar circumstances. In all matters we ought to do as we would be done by. Now, I freely confess that I believe if any vessel of any sort or from any quarter were to land men upon our shores, who then proceeded to break open our prisons and release the convicts, in order to obtain their assistance in committing acts of violence against the Government and the constituted authorities, the captain

of any of Her Majesty's vessels that might happen to be near the point of embarcation would act in a very extraordinary manner if he did not get possession of that ship and bring it into one of our harbours, in order that it might be ascertained whether the parties who had the management of that vessel were responsible for the acts of those who had been on board. I think that we should very carefully inquire into the manner in which that vessel came into the possession of those parties who had committed acts of violence against the Government and the constituted authorities, I think, therefore, that the Neapolitan Government were justified, at all events to a certain extent, in what they have done. Whether they have carried the matter further than they ought to have done certainly remains to be proved; but I do think that a very unjust amount of blame has been cast upon that Government with respect to the seizure of the *Cagliari*. Whether those persons who were on board had been treated by the Neapolitan authorities in a proper manner is another matter; but I do not think that they ought to be blamed for the seizure. When such an insult was offered to their territory as was offered by those who were in that vessel, it would be extremely unreasonable to expect that they should have taken no cognizance of it.

Earl GREY said, that the brief discussion which had taken place showed how important it was that they should express no positive opinion upon the question until they were thoroughly acquainted with the facts, and were in possession of all the papers on the subject. He thought that there was much value in the suggestion of the noble and learned Lord (Lord Wensleydale) with respect to referring the matter to the judicial Committee of the Privy Council. When the Act constituting the Judicial Committee was passed, one of the duties committed to it was to give assistance in those cases in which it was necessary that the Crown should be advised upon important questions of law. It must not be forgotten that if, upon the advice of the ordinary law officers of the Crown, the Government took certain steps they might commit the nation and bring it into a situation of very great difficulty. The measures to be adopted in cases of this description required to be considered very carefully; otherwise rights might be waived, on the opinion of all the law officers, which it would be highly important to maintain, and which perhaps would not be surrendered if the opinion of the Judicial Committee of the Privy Council could be taken upon them. The opinion of the law officers amounted to nothing less than a judicial decision in these cases, and therefore he thought there was much value in the suggestion thrown out by the noble and learned Lord below him (Lord Wensleydale). He trusted, when the papers upon this important subject should be laid before the House, that they would include any communication which might have taken place between the British and Sardinian Governments, in order to show how far the British Government had given assistance to Sardinia in her efforts to obtain justice.

The Earl of DERBY said, that every paper relating to the subject should be laid upon the table.

Lord BROUGHAM said, the Act constituting the Judicial Committee of the Privy Council was framed in the largest manner possible, so that questions like the present might be brought within its scope and laid before the Committee. But in doing this great discretion would be required, because the Government might place questions before the Committee which would afterwards come before them for decision in their capacity as a Court of Appeal — questions which might involve points relating to the law of nations, on which they had themselves before given an opinion. It was not intended that the Judicial Committee should become the general Council of the Queen, but was a court of appeal, before which questions came for decision.

Lord CRANWORTH agreed with the noble and learned Lord who had just spoken that there might be difficulties in referring a case of this description to the Judicial Committee of the Privy Council. When he had the honour of holding the Great Seal it was proposed on several occasions to refer cases to this tribunal, but it had only been adopted in one instance—when a question arose between the Government and a colonial Legislature respecting the right of colonial Bishops—because it was felt that unless both parties were present to argue the case the real advantage of a judicial decision would not be obtained. Although the power existed, therefore, it was difficult to exercise it, because the Judicial Committee might give a decision, upon a case not argued judici-

ally before them, which might hamper them in their capacity of a court of appeal, if any case involving the same point should happen to come before them.

COUNTY COURT RETURNS.

PAPERS MOVED FOR.

Lord BROUGHAM, in rising to move for certain Returns connected with the County Courts, said that while doing so, he wished once more, and with practical views, to call their Lordships' attention to this very important subject. He had so often dwelt upon the great services of these courts, and the vast mass of business transacted in them, that he had now little more to do than to state the amount of that business from their establishment in 1847 to the present time. He might, however, remind their Lordships, that during the first ten years of their establishment there were 4,660,000 plaints heard in those courts, and the sums claimed amounted to £14,250,000. The amount recovered under judgments was £7,300,000, and the sums paid into court amounted to £1,000,000; making altogether in the ten years above 4½ millions of suits for 14¼ millions of persons, and 8¼ millions recovered by the plaintiffs. The business had steadily increased since that period, and if the Returns were granted for which he intended to move, he believed it would be shown that in the year 1857 upwards of 700,000 plaints had been brought into those courts, being about double the business transacted ten years ago. He need scarcely remind their Lordships that the inevitable consequences of such a system of local judicature was that a vast number of claims were settled out of court; for when the parties knew that there was no chance of resisting a just demand, they settled the matter without delay, trouble, or expense to the suitors. If, therefore, the number of suits had realized £9,000,000 sterling, and there were above 6,000,000 plaints, it was but reasonable to suppose that there were many hundreds of thousands of cases in which it had not been found necessary for the parties to obtain the judgment of the Court. The beneficial effect of the establishment of those courts upon the comfort and peace of the community was incalculable, for nothing was more likely to create wide-spread and deep-rooted discontent among men, especially of the humbler classes, than the denial of justice which he feared had occurred too frequently previous to the establishment of these local tribunals. When they were first established their jurisdiction was limited to £20, but it was afterwards extended to £50. The influx of business in 1847 and its increase in 1851 was enormous, because previously to those periods there was no remedy for the unhappy plaintiff but an appeal to one of the superior courts in Westminster Hall, which, in the great majority of cases, he was unable or unwilling to carry on. The great objection made to the Act for the examination of parties in civil suits, which he had proposed without success in 1845, and which, owing to the expense of the County Courts, he had been fortunate enough to pass in 1851 (and which he had no hesitation in saying had produced the greatest and most beneficial change of the law in our times (he spoke of it thus freely because he was willing to give the credit to his dear and revered friend, the late Lord Denman, whose Bill of 1842 laid the foundation) was, that if leave were given to the parties immediately interested to be examined, there would be endless perjury. That however, he (Lord Brougham) denied at the time, and subsequent experience had proved that he was well warranted in that denial. The fact was, that the crime of perjury had diminished instead of increasing since the Act passed. The amount of perjury depended to some extent on the number of witnesses examined, and as by that Act the number of witnesses was reduced, the effect was to diminish perjury *pro tanto;* but the parties were not found to forswear themselves, as had been predicted. The experience of all the Judges showed that the tendency of the Act was not to increase the crime, as the number of commitments for perjury had been considerably less than before the passing of the Act. The number of commitments for perjury in the years 1851 and 1852, immediately before the Act came into operation, was 136, whereas, in the two years 1853 and 1854, immediately after it cameinto operation, the number was only 107. Now, the commitments for all description of crime in the year 1851-52 were 27,000, and in the year 1853-54, 28,000; therefore it was clear that the reduction in the number of commitments for perjury was not to be attributed to a general decrease of crime. Such being the satisfactory operation of the Act heretofore in relation to civil suits, he now proposed that this great improvement in our law should be carried to its full and

natural extent, so as to render it complete; he proposed that the principle of examining the parties should no longer be confined to civil suits only, but extended to criminal cases also. He did not lay this down as a proposition to which it was impossible to make any objection, but still he thought that the expediency of the extension was such as to overbalance all objections. By the law, as it stood at present, no person charged with felony or misdemeanour could give evidence on their own behalf; neither could a wife give evidence in favour of her husband, or a husband in favour of a wife. The late Recorder of the City of London, his right hon. and learned Friend (Mr. Stuart Wortley) had, in the debate on his (Lord Brougham's) Bill stated the hardships and injustice which he had seen occasioned by excluding the evidence of the accused person, or of those immediately related to him; and he mentioned the particulars of a case tried before him, in which, if the man's wife could have been examined, there would have been no doubt in the minds of the judge or jury of his entire innocence of the offence imputed to him. The learned Recorder hesitated as to the examination in civil cases, but if that were carried, he held that it should not stop there. Now, suppose a person were charged with an offence, for accusing him of which he felt there was not a shadow of ground, could there be anything that he would more court than to have the opportunity of being examined and cross-examined by the counsel for the prosecution, after stating the facts in his own defence? The statement which a man was now allowed to make, being without the sanction of an oath, and not being subject to cross-examination, went for no more than the speech of his counsel or his plea of "not guilty." What he (Lord Brougham) therefore proposed was that if a defendant in a criminal suit chose to offer himself as a witness to be examined on the circumstances relating to the charge, and to be cross-examined by the prosecutor, he should be allowed to do so upon oath, subject to that cross-examination; see the gross inconsistency of our procedure as it now exists. Under the present practice all the parties to criminal proceedings were not excluded from giving evidence. On the contrary, one party—the prosecutor—was heard. Let it not be said that, technically, the prosecutor was not admitted, because the Crown was the prosecutor. In reality, in all cases except *ex-officio* prosecutions—that is, in ninety-nine cases out of a hundred—there was a private prosecutor, and he was examined and cross-examined on oath. But the defendant could not be examined. And what was the consequence? It often happened that the prosecutor having been heard, and the defendant either acquitted or convicted, he subsequently turned out and dragged the prosecutor into court to defend himself against a charge of perjury, or some other charge; and then his mouth was shut in turn. But it was not confined to that. Were there no criminal matters in which the defendant was examined on oath? Since the Act of 1851, in cases of various kind—it might be of foul conspiracy, of scandalous fraud, even of fearful violence, provided the case assumed the form of a civil action instead of an indictment or information — the defendant was examined as well as the plaintiff. Then how did the matter stand in bankruptcy and insolvency? A party not only might be examined if he pleased, but he was examined whether he would or not; and that, too, without the protection of not being bound to answer questions tending to criminate him; and on his answers he might be criminally tried. He was aware of the objection, that by allowing a defendant to be examined, a great advantage would be given to the crafty and skilful malefactor over a simpler and less experienced man, that the one would be much more likely than the others to persuade a jury to acquit him. That might be so; but he was not afraid of the guilty escaping on that account. He trusted so confidently to the power of cross-examination by the counsel for the prosecution, that he had no fear of the march of justice being impeded by the talents of the criminal—that talent of interrogation of which the great Roman rhetorician had said, *Non disciplinâ in scholis traditâ, sed naturali acumine et usu contingit.* It might be said that allowing the accused to make an election whether they would be examined or not would lead to the inference that all who declined to tender themselves were guilty: but in the majority of cases the ground of declining to take advantage of the law would be the conciousness of inability to stand the test of cross-examination, and he could see no very great hardship in such persons being supposed to be guilty. He considered that the

Lord Brougham

measure which he contemplated introducing would be imperfect, if it did not embrace the provision which his Evidence and Procedure Bill of 1854 contained, to deprive witnesses of the protection now given them against self-crimination, requiring them to answer, though they might allege the risk they ran of affording help to a prosecutor, but preventing their deposition from being used in evidence against them, except in a prosecution for perjury. How utterly inconsistent the existing rule is with the nature of a witness's functions, with common sense, and with itself, as well as with the whole of our process in bankruptcy, and of our occasional acts for inquiring into the conduct of public bodies, especially of boroughs, I have, on former occasions. had the opportunity of explaining and of illustrating by numerous instances. As the law has of late been laid down, after some fluctuation of opinion among Judges, although on several points a discrepancy still exists among the judicial authorities, it may be taken that a witness is entitled at any period of his examination, and after he has gone voluntarily a certain length in his testimony, to stop short and refuse to go further, upon the simple allegation without any specification whatever, that in his belief the answer to the question proposed might have a tendency towards his own crimination, that so absurd a power of refusing his testimony should be much longer continued to a witness seems wholly impossible. When on this subject, he would refer to a most pernicious practice which had grown up in modern times on the part of some magistrates, and even in persons of higher position, fostering the attempts of criminals to escape by warning them against answering any questions that might by possibility criminate them. It was not only said, "remember what you say will be taken down, and may be used against you at your trial," but they were further told, "You had better reserve your defence, for all you say may be used against you elsewhere." He was far from approving of the French system of the Judge himself at their trial examining and cross-examining prisoners; but he thought that a change in our present system would be advantageous. The prisoner would be entirely at liberty to present himself for examination as the consequences of his own statement being received in evidence, or to refuse being examined, and in that case lose the benefit of his own testimony. To return to the subject of the County Courts—he had stated the great benefits which had been derived from them, including the improvement of our law of evidence which they had enabled us to accomplish. The amount of business transacted in them was equal to all that was transacted in the supreme courts of Westminster Hall. The business in the latter had, on the institution of the County Courts, considerably fallen off, although it had lately somewhat increased. In the County Courts the increase had been regular from the first until now; and he ventured to say that more money was now recovered in the County Courts than in all the superior courts put together. Of the suits brought in the superior courts, only 2 per cent ever were tried; of the County Court plaints one half. He stated these circumstances in support of his earnest prayer that the Government would reconsider the resolution come to by the late Government of equalising the salaries of the County Court Judges, by cutting them down, instead of giving what the wise liberality of Parliament had originally decided for them. They were all to be reduced to £1,200 a year, including the successors of those who now had £1,500. His Lordship concluded by moving for—

Account of the Salaries received by the Judges of the County Courts, and of the Salaries, Fees, and Emoluments received by the Registrars, Deputy Registrars, Bailiffs, and other Officers thereof, during the Year from 1st January to 31st December, 1857; Also,

Account of all Fees levied and taken in the County Courts during the year from 1st January to 31st December, 1857, and paid over to the Consolidated Fund: And also,

Account of all Sums paid out of the Consolidated Fund during the Year from 1st January to 31st December, 1857, to the Judges, Treasurers, and other Officers of the County Courts for Salaries, Travelling Expenses, or otherwise; distinguishing the respective amounts under distinct heads.

LORD CRANWORTH begged to correct a mistake into which the noble and learned Lord had fallen in reference to the salaries of the County Court Judges. The late Government did not oppose "the wise liberality of Parliament" in that respect. The fact was, the House of Commons would not give more. He would not say that the late Government thought the House of Commons wrong.

LORD BROUGHAM said, the House of Commons voted a larger sum, but it was the late Government who reduced it.

LORD CRANWORTH assured the noble and learned Lord it was a mistake on his part:—the Resolution relative to the sala-

ries of the County Court Judges was the act of the House of Commons, and not of the Government. With reference to the question of examining criminals *vivâ voce*, he did not expect to have heard his noble and learned Friend introduce so important a question on a Motion for certain County Court returns, and he ventured to state that their Lordships were not then in a position to give an opinion on it. He quite agreed with his noble and learned Friend that they were a little prudish in such matters, and no doubt often shut out the truth, when by a little relaxation of our rules it might be let in. It was an important question, which he was not prepared to discuss on the notice they had had. With regard to Magistrates, and the caution they give to prisoners, he reminded his noble and learned Friend they were compelled by Act of Parliament to caution prisoners before asking them what they had to say to the charge. He had never yet heard that when a prisoner stated a plain, probable story, either before committing Magistrates at Sessions, or before the Judges, it was not received with all the weight and consideration it deserved:—he thought, indeed, it carried very great weight with the jury.

Lord BROUGHAM explained, that his object in mentioning examination of criminals in connection with County Court returns, was to save time and trouble, and to make one statement serve two purposes; because, as soon as their Lordships granted him the returns, he should ask permission to lay on their Lordships' table a Bill on the other subject. The Commons had first granted £1,500 a year to all County Court Judges, when the late Government equalized the salaries by reducing the whole to £1,200; it was perfectly true that a Motion was rejected by the Commons to render all equal by taking the sum allowed in the former Session.

Motion *agreed to.*

MEDICAL REFORM—SALE OF POISONS. QUESTION.

Lord TALBOT DE MALAHIDE asked the First Lord of the Treasury what are the intentions of Her Majesty's Government with respect to Medical Reform and the Sale of Poisons. The question was one of vast social importance, and in which not only large classes of professional men, but the public itself were concerned. In his own opinion, acting from the information he had received, the medical profession were better prepared for legislation on the subject at the present moment than they had been for many years past. There were several important questions of medical reform which they generally thought ought to be taken up by the Government, especially those which had reference to giving greater security for testing the capacity of Members of the different branches of the profession, and putting all those who possessed the necessary attainments in an equally favourable position, while they removed all artificial difficulties in the way of the most talented and experienced men obtaining the highest possible *status* to which they could attain in the profession. It was also desirable to provide, as far as possible, against the evil arising from incompetent men, such as quacks and impostors, carrying on their practices under the shelter of the profession. No doubt there would be great difficulty in legislating upon this subject; but he thought some attempt should at least be made to obtain these objects, though the medical profession itself were not quite agreed as to what should be done. He would take the liberty of asking what were the intentions of the Government upon the subject. Their Lordships were aware that two Bills were introduced last Session, but neither of them under the direct sanction of the Government; and he thought it was obvious that unless the Bills, notice of the introduction of which had been given this Session, had the concurrence and assistance of Government, there was little chance of their passing. With reference to the sale of poisons, their Lordships were aware that a Committee of their Lordships' House inquired into that question last Session, at which many witnesses were examined; and, although there was some division of opinion upon the subject, he thought that evidence enough had been given to show, that the question deserved the immediate attention of the Government,

The Earl of DERBY said, that the noble Lord had very properly brought under their Lordships' attention two subjects of importance, to which the noble Lord had, he knew, given much attention. At the same time, he must remind him that there was a certain class of cases with regard to which every one was agreed that something ought to be done; but when they came to consider the details of a measure, very few agreed upon what ought to be done. There was no stronger exemplification of the truth of this remark than

was afforded by the question of medical reform; for the members of the medical profession were not altogether agreed upon what was wanted, and their disagreement rendered it almost impossible to pass any satisfactory measure. He might mention, as an analogous case, that, when he was a Member of the House of Commons, he hardly recollected one year in which some Member—generally a young and enthusiastic Member—did not bring in a Bill for the reform of the laws regulating the salmon fishery. They were always told that there was a necessity for immediate legislation on the subject, and Parliament was induced to interfere; but, as surely as a Bill was passed in one Session, another had to be passed in the next to amend it. He would not say that the same fate which had attended all attempts to improve the salmon fishery laws would necessarily await any effort to deal with the question of medical reform; but the latter subject, as well as the former, appeared unquestionably to be involved in considerable difficulty as regarded its permanent settlement. The law as it stood was certainly not creditable to the country, and therefore he thought something ought to be done. The noble Lord had not, however, done justice to the efforts which had been made in the House of Commons to amend the law. It was true that, last year, two Bills were introduced; but this year, so great was the excitement on the subject, that no fewer than three Bills had been brought into the other House by three different Members. Amid such a conflict of opinion, he was not prepared to say that the Government were ready to enter into the lists, and bring forward a fourth Bill on their own responsibility; but, considering the intimate acquaintance with the subject possessed by those three Gentlemen, it was the intention of his colleagues in the other House to give their best attention to the Bills which had been introduced, and to endeavour, by some amicable arrangement with the different parties, to frame such a measure as would be most generally approved, and as would meet the views of the profession at large and of the public. As to the sale of poisons, the noble Lord was aware that a Bill was introduced on that subject last year by his noble Friend the late President of the Council (Earl Granville). That Bill was sent to a Committee, which suggested several Amendments, and he (the Earl of Derby) had lately communicated with his right hon. Friend the Secretary for the Home Department, calling his attention to the Bill so amended, and requesting him to communicate with professional men and professional bodies, more especially with the Pharmaceutical Society, on the subject. If it was found that there was any chance of a Bill being so framed as to receive the approbation of Parliament, it would be introduced into the other House.

House adjourned at a quarter before Seven o'clock, till To-morrow, half-past Ten o'clock.

HOUSE OF COMMONS,

Thursday, March 18, 1858.

MINUTES.] NEW MEMBER SWORN—for Durham City, John Robert Mowbray, esquire.

PUBLIC BILLS.—1° Galway Freemen Disfranchisement; Cruelty to Animals Act Amendment.

2° Cambridge University Matriculation and Degrees; Consolidated Fund (£10,000,000); Consolidated Fund (£500,000).

GALWAY FREEMEN DISFRANCHISEMENT.—PETITION.

MR. ROEBUCK said, he had to present a petition, to which he begged to request the attention of the House. It referred to the measure which the hon. Member for Hereford (Mr. Clive) had given notice of his intention to ask leave to bring in that evening—namely, for the disfranchisement of the freemen of the county of the town of Galway. The petitioners, who were freemen of Galway, commenced by declaring that they relied on the justice of that House to extend the same measure of punishment to all who had been equally guilty of bribery. They then stated that it appeared, by the evidence taken before the Commissioners appointed to inquire into the proceedings at the late election for Galway, that the most noble the Marquess of Clanricarde, Lord Lieutenant of the county, Lord Privy Seal, and a Justice of the Peace, was a party to the bribery and corruption of the freemen at the elections of 1852 and 1857, furnished money for such corruption, and appointed agents to distribute it; that Sir Thomas Burke, Bart., Deputy Lieutenant of the county, a Member of the House of Commons and a Justice of the Peace, was also a party to the bribery and corruption of the freemen

at the aforesaid elections, and employed agents at his own cost; and that Dr. Thomas Browne, Professor of Surgery, Queen's College, Galway, and Messrs. Bernard O'Flaherty, T. Moore Persse, and Carter, were likewise proved to have given money and to have employed persons to bribe the freemen at the last election. The petitioners prayed that, in any proceedings taken by that House to punish bribery and corruption, equal justice would be done to all parties—to the great as well as to the small, the powerful as well as the weak.

MR. MAGUIRE presented a petition from other inhabitants of Galway to the same effect.

PROMOTION IN THE ARMY.—WARRANT OF 1854.—QUESTION.

GENERAL WYNDHAM said, he wished to ask the Secretary for War, whether any and what steps have been taken, or are in progress, to alter and amend the Royal Warrant dated the 6th of October, 1854?

GENERAL PEEL said, he could assure the hon. and gallant Gentleman that his change of position had in no respect altered his opinion of this Warrant, or of the means by which alone it could be satisfactorily dealt with. The Warrant was founded upon the Report of a Royal Commission; it had been in operation for three years and a half, and he was only stating what had been admitted on every occasion on which a question had been asked upon this subject, when he said that it had not acted satisfactorily, but had, on the other hand, given rise to great and, he believed, very just complaints on the part of officers. When he went to the War Office he found there the draught of a new Warrant, with many of the provisions of which he should be perfectly satisfied. Still he had always held that no alteration ought to be made in a Warrant of this description without having been investigated by, and having received the sanction of a Royal Commission. It was therefore his intention, with the advice and consent of his colleagues, humbly to submit to her Majesty that a Royal Commission should be appointed to consider the Report of the Commission on which the Warrant of 1854 was founded, and the existing system of promotion in the army. He had already invited the Members of the former Commission to become Members of the new one. He would take care that every branch of the service should be fully represented, and it would be an instruction to the Commission that every class of officers who thought themselves aggrieved by the operation of the former Warrant, should have an opportunity of being fully heard before it.

BRIBERY AT ELECTIONS.

QUESTION.

MR. H. BERKELEY said, he rose to ask the right hon. Gentleman the Chancellor of the Exchequer whether Her Majesty's Ministers intend to act on the intention of their predecessors, and appoint a Select Committee to inquire into the working of the Corrupt Practices Prevention Act, or what course they intend to pursue in relation to the Act, which will expire with the present Session of Parliament?

THE CHANCELLOR OF THE EXCHEQUER: Sir, the best course, in our opinion in this matter, is to introduce a new Bill upon the subject, founded upon the experience of the last general election; and when it is introduced, we shall propose to refer it to a Select Committee.

ABOLITION OF THE TURNPIKE SYSTEM.

QUESTION.

MR. WESTERN said, he would beg to ask the Secretary for the Home Department whether it is the intention of Her Majesty's Government, during the present Session of Parliament, to bring in any measure for the abolition of the Turnpike System throughout England; or whether they intended to support the clause relating to Turnpikes contained in the Highway Act of last Session.

MR. WALPOLE said, the subject was under the consideration of the Government at the present moment. When the late Government went out of office they had a Bill in the course of preparation, but he had not yet seen it, and, until he had, he could not give a decided answer to the question.

PRIZE MONEY FOR THE ARMY BEFORE DELHI.—QUESTION.

MR. KINNAIRD said, he wished to ask the Under Secretary of the Board of Control whether the report is true that six months' batta is all that the army before Delhi is to have in lieu of prize money; or whether it is only the first instalment, and all that the Governor General was able to grant for their patient endurance and heroic bravery?

MR. BAILLIE said the six months' batta awarded by the Governor General to the army before Delhi was the utmost sum which the law enabled him to grant; but the cases both of the army before Delhi and of the garrison of Lucknow were now under the consideration of the Government.

EARL OF MALMESBURY'S DESPATCH TO THE FRENCH GOVERNMENT

QUESTION.

MR. CRAUFURD said, that he had given notice of a question which he meant to put to the Under Secretary for Foreign Affairs on the subject of this despatch; but, as the hon. Gentleman was not in his place, he would defer the question.

MR. SPEAKER (having received an intimation from the Ministerial bench) said, that the hon. and learned Gentleman might put his question.

MR. CRAUFURD said, his question had reference to the despatch recently sent to the French Government. It had been reported that the draft of the reply to the despatch of Count Walewski was submitted for the approval of the French Government, or that at all events a communication took place between the two Governments for the purpose of settling the terms in which the despatch should be couched. [*Cries of* "Question!" *and* "Order!"]

MR. SPEAKER: I considered, when I requested the hon. Member to put his question, that he had stated as much as the Orders of the House would permit, in the way of preparatory information.

MR. CRAUFURD said, he would endeavour to confine himself to the Rules of the House; but he wanted to point out certain dates upon which his question was founded. The papers which had been laid on the table of the House, bore certain dates. It would be in the recollection of the House, that on the 2nd of February it was announced to both Houses of Parliament that the Earl of Derby had undertaken to form an Administration. ["Order, order!"]

MR. SPEAKER: This does not appear to me to be necessary to lay ground for the question which the hon. and learned Member proposes to ask.

MR. CRAUFURD: The first despatch which I have before me bears date on the 24th February. ["Order, order!"]

MR. SPEAKER: The hon. and learned Member can only ask the question which appears upon the Paper.

MR. CRAUFURD said, he would therefore beg to ask whether the despatch of the date of the 4th day of March, addressed by the Earl of Malmesbury to Count Walewski, was submitted formally or in substance either to the French authorities in Paris, or to their representatives in England, for the purpose of ascertaining the opinion of the French Government thereon before the official presentation of that document to the French Government on behalf of the British nation?

THE CHANCELLOR OF THE EXCHEQUER: It is, Sir, hardly fair of the hon. and learned Gentleman to address this question to my hon. and learned Friend the Under Secretary of State for Foreign Affairs, because he must know that if there were the slightest foundation for his gratuitous assumption on this matter it could not be within the cognizance of my hon. and learned Friend. There is on the part of Her Majesty's Government the utmost inclination to deal frankly with the House of Commons with regard to our foreign policy, but I must put it to the House whether they think that questions of this kind ought to be sanctioned. I should not have said another word in answer to the question of the hon. and learned Gentleman, had he not, though very irregularly, gone into some comparison or calculation of dates, from which he would seem to infer that, from the interval which elapsed, there must have been some unusual, I may say some surreptitious communication with a foreign Government. But if the hon. and learned Gentleman, before he asked questions of this great delicacy, would have taken a little trouble to inquire into the circumstances, he might have found some sufficiently valid to account for that apparent delay in the date of the Secretary of State's Despatch. In the first place it was of course necessary that before a Despatch of that importance was transmitted by the Foreign Secretary he should have the advantage of deliberation with his colleagues. It was also necessary that it should be submitted not formally but complete and entire to Her Majesty, and Her Majesty was at that time at Osborne. There was such a state of weather that for forty-eight hours no one could cross the Channel. Under these circumstances the apparent delay in the transmission of this Despatch might easily have been accounted for by the hon. and learned Gentleman; but having noticed these circumstances, which I hope will be satisfactory to the

House, I must again protest against a class of questions which can produce no advantage to the public. If we were to apply to misunderstandings and misconceptions in private life the spirit in which the hon. and learned Gentleman wishes to deal with public transactions, I do not think that the peace of society would long be preserved.

THE GODREVY LIGHTHOUSE.

MR. AUGUSTUS SMITH said, he rose to move for a Select Committee to inquire into the circumstances connected with the erection of the Godrevy Lighthouse. He must, in the first place, beg to repudiate the charge which had been brought against him upon a previous occasion by the right hon. Gentleman the late Vice President of the Board of Trade (Mr. Lowe), that in moving for papers relative to the Godrevy Lighthouse he had asked only for those which supported his own view of the case. No gentleman who knew him would give the slightest credit to that accusation, and he stated without hesitation that he had called for every paper essential to show the merits of the question. He was willing to admit that, to some extent, the question was one of expenditure; but it was not true, as the late Vice President of the Board of Trade had stated, that the difference was whether the outlay should be an outlay of £8,000 or £50,000. There was a good deal of exaggeration in the Estimates which were prepared by Messrs. Walker, the engineers employed by the Trinity House, and he thought the respective sums might be fairly stated at £6,000 and £30,000. But, looking at the great interests at stake, he hoped the House would not attach much importance to the mere matter of expense, for considering the necessity for the work it was of little importance whether it cost £50,000 or even £100,000. Now, the opinion of all the authorities concurred that the proper situation for the lighthouse was on the "Stones," as they were called, outside the harbour. Attention was first directed to the necessity of establishing a lighthouse at Godrevy in 1855 by the wreck of the *Nile* steamer, and many other vessels on these "Stones," with the loss of forty lives. An application was then made to the Trinity House to erect a lighthouse, and the Elder Brethren reported that a lighthouse should be erected on the island, provided it could not be placed on the "Stones," for at that time it was supposed that there were insuperable engineering difficulties in the way of the adoption of the latter site. Those difficulties, however, had entirely disappeared upon examination, and all the authorities who had been consulted, including those connected with the Admiralty, Admiral Beechey and Captain Williams, concurred in recommending that the lighthouse should be erected on the "Stones," and not on the island; and their report, when submitted to the Trinity House, received their approval. The matter then slumbered for more than a year in consequence of a delay on the part of the Board of Trade. He believed that the Trinity House had ample funds at their disposal, and therefore he hoped no objection would be raised on the score of expense, as he saw by the Returns that there was a surplus of £2,000 a year from a lighthouse within thirty miles of the one now under discussion; and this surplus should be applied to the maintenance of so important a work as that proposed to be undertaken. If it should be determined to construct a harbour of refuge in this part of the country it would be impossible to leave the "Stones" without a lighthouse on them, as otherwise they would present great danger to the navigation. Now, he would call attention to the merits of the case as affecting the mercantile marine. This was not to be considered as a question merely affecting the local shipping, but it affected the whole of the shipping which came from the North and the shipping bound homeward, whether by the Bristol or the English Channel. It frequently happened that vessels coming from Liverpool were drawn up the Bristol Channel by the great in-draft of water, when their proper destination was round the Land's End. In consequence of the want of a lighthouse on this spot, many vessels, which really had no business there, being bound round the Land's End, were wrecked, and a similar fate sometimes befell homeward-bound vessels, in consequence of the North-West coast of Cornwall being mistaken for the coast of Brittany. Therefore, wherever the lighthouse was placed, care should be taken to distinguish the lights from those on the coast of France. He thought that the Trinity House did not figure very favourably in the printed papers, and there must be something wrong in the constitution of that Board, or they would have shown more adherence to their own judgment, and varied their own opinion less in com-

The Chancellor of the Exchequer

pliance with the determination of higher powers. This circumstance, however, was the less surprising, when the constitution of the Trinity House was considered. It had always been a close Corporation, and, according to the Reports of Committees of that House, had been in very bad odour in former days, being notorious for gross jobbing. It still continued a close Corporation; and the consequence was that the management of the Trinity House was in the hands of a small clique of the Elder Brethren, who allowed no one on the Board who was not a friend of their own. He trusted that a Motion would be made to inquire, not only into the whole system of the management of the Trinity House, but also into its constitution. He was not aware whether any other reasons than those which appeared in the papers influenced the decision of the Board of Trade; but, if that were so, he hoped the right hon. Gentleman would state what those reasons were. As this was not a mere local question, but one which affected the whole mercantile marine of the country, on which its greatness so much depended, he hoped it would receive the serious consideration of the House of Commons. He concluded by moving for the appointment of a Select Committee to inquire into the circumstances connected with the erection of the Godrevy Lighthouse, and to report their opinion as to the proper position for the same.

Mr. PAULL said, he would beg to second the Motion. He had presented petitions on the subject, and had had an interview with the late President of the Board of Trade, whom he had urged to reconsider the matter, but his Lordship had peremptorily refused to do so. That reply was so peremptory that he (Mr. Paull) believed nothing more could be done, and that it could only be left for experience to demonstrate whether or not an error had been committed. The real questions were, whether Godrevy Island was a suitable site for a lighthouse, whether proper attention had been given to the recommendations of persons competent to give information on the subject, and whether due expedition had been used for the completion of a lighthouse. At any rate, he thought the House would be of opinion that a lighthouse erected a mile and a quarter from the point of danger was not calculated to insure the desired result.

Motion made and Question proposed,—

"That a Select Committee be appointed to inquire into the circumstances connected with the Godrevy Lighthouses, and to report their opinion as to the proper position for the same."

Mr. HENLEY said, he could assure the hon. Gentleman that he was fully aware of the importance of the subject, but he hoped the House would be cautious as to the course they pursued. The hon. Gentleman (Mr. A. Smith) had stated that attention was first called to the subject in 1855, but he (Mr. Henley) believed it would be more correct to say that some of the memorials were sent to the Trinity House in the autumn or winter of 1854, and three years had therefore elapsed without anything having been done. The attention of the authorities was called to the importance of erecting a lighthouse at Godrevy, by memorials from persons engaged in the coasting trade; and he believed that additional representations as to the necessity for such a structure were made in consequence of the sad wreck of a steam vessel, with the loss of many lives. But, be that as it might, the memorials represented the necessity of something, and it was somewhat remarkable that four out of eight memorials presented by the persons interested in the coasting trade indicated as the best site for a lighthouse the very spot to which the hon. Gentleman (Mr. Smith) so strongly objected. There were four other memorials, which requested that a lighthouse might be erected in some suitable position, without naming any particular site. The subject was brought under the notice of the Board of Trade, and it seemed likely to be decided that a lighthouse should be erected upon the island of Godrevy; but circumstances induced the Board to inquire whether any more fitting place for such a structure could be found. The matter was referred to a Gentleman who was at that time adviser to the Board, and whose name he need only mention to the House to prove that the case had been referred to a competent authority—he alluded to the late Admiral Beechy. The hon. Member for Truro (Mr. A. Smith) and the hon. Member who had seconded his Motion, seemed to think it was actually necessary, in order to afford the most effectual guard against the danger, that the lighthouse should be erected on the dangerous spot itself. Now, very considerable doubt was thrown upon that proposition, even by so high an authority as Admiral Beechy. For what had that gallant officer recommended? After a survey on the spot, he wanted to put the lighthouse, not within a short mile of the "Stones," but at St. Ives. He arrived

at the conclusion that that would be the best site for it. Well, this suggestion led to the introduction of a third party into the discussion, which had hitherto been conducted between the Board of Trade and the Trinity House — namely, Lord Panmure, the head of the War Department. Admiral Beechy recommended the erection of a lighthouse in a place where the War Department wished to establish a battery, and, as might have been expected, the battery succeeded against the lighthouse. Admiral Beechy then said, that in his judgment, the next best place for a light would be upon the "Stones" themselves. He (Mr. Henley) thought, therefore, as it seemed to be extremely doubtful which of the positions recommended was the more preferable, that some of the blame which had been thrown upon the Trinity House in connection with the subject might have been spared. He ought to have mentioned that Admiral Beechy, when on the spot, examined the master mariners of St. Ives, and, with one exception, all those with whom he communicated selected Godrevy Island as the best site for a lighthouse. After Admiral Beechy's death, the Board of Trade were advised by another gentleman, who, from his professional position and ability, was competent to give valuable advice, and his opinion was in favour of the original recommendation. Under these circumstances, it became the duty of the Board of Trade to determine what was the best course for them to pursue. He thought it was not unreasonable that, in a case of this kind, where great difference of opinion existed, both the questions of cost and of time should be fully considered. Three years had been lost in deciding what should be done, and it certainly was unfortunate that, up to the present time, nothing had been accomplished towards saving life. The hon. Gentleman had stated that the estimate for erecting a lighthouse on the island was some £8,000 or £9,000, and that the estimate for building it upon the "Stones" themselves would be £40,000 or £50,000. He (Mr. Henley) might inform the House, however, that persons would contract for the erection of works on dry land, such as Godrevy Island, at a certain price, and there was a reasonable prospect that such works would be executed for the estimated sum; but persons would not undertake contracts for works the foundations of which were under water, except at a very high rate. Indeed, it had been found in practice by the Trinity House that works of that nature could be carried out by day labour better than by contract. The hon. Gentleman seemed to think that Mr. Walker's estimate of £40,000 might be reduced; but he (Mr. Henley) was afraid that experience would show that, in the great majority of instances, such works exceeded, instead of coming below the estimate. As to the suggestion that lighthouses should always be placed exactly on the spot which was considered dangerous, he had official returns which showed that that course had been anything but a general rule. Thus, the Manacles Rocks, between the Lizard and Falmouth, were a mile off the shore, and the nearest light was six miles distant. Then, in the case of Trevose Head, Padstow, there was a rock a mile and a half off, with a passage between, and yet, though it was much less difficult to build on than the "Stones," the lights were on the Head. In the case of Nash Point, the sands were dry at half tide one mile off the shore, with a passage inside, but lights were on the point. The outer Fain Light presented very similar features to the case of Godrevy. The rocks outside were dry at half-tide, a passage was left inside them half-a-mile wide, yet the light was on the island. These were instances nearly in point, and they showed that the position of the lights was by no means uniformly on the spot supposed to be dangerous. In this case the greater part of the trade went between the "Stones" and the Godrevy Island. There was a channel half-a-mile wide, and many persons were of opinion that to place the light on the island was safer for the purpose of lighting the channel inside and outside the "Stones" than even to place it on the "Stones" themselves. The greater number of wrecks, too, appeared to have taken place on the "Stones" during the day time, and some of them even in fine weather. Now, he had shown that the "double Government" of the Trinity House and the Board of Trade had involved a delay of three years before anything was done; and if this question were carried into a Committee, what time would be lost then? If such matters were to be taken from the Executive Government and sent to Committees of this House, they would never get anything done at all in any reasonable time. If they squared two—the number of the Departments already involved in the dis-

pute—they got a delay of three or four years. If they took the square of three they would have a delay of nine years. He might mention that the Trinity House had determined to place a floating light while this work was going on, so that its bearings should be as nearly as possible the same as those of the light now about to be placed on Godrevy Island. As to the proposal to put a sort of floating lighthouse on the "Stones," he presumed this would be somewhat on the principle of the beacon put up some years back on the Goodwin Sands, which beacon disappeared one fine morning, and no exact account had been received of it since. The Board of Trade, however, did not think it right to intrust lives in a floating lighthouse, when the Goodwin beacon had played so slippery a trick as to march off without notice. He thought no practical good could result from this inquiry before a Committee. On the contrary, he believed that such a proceeding would involve a further loss of time in providing against shipwrecks on the coast, and he, therefore, felt bound to oppose it. Further, he believed that if a Committee were to sit for six months they would obtain no more information than the paper afforded; and therefore, with all due respect for the hon. Member, he must oppose the Motion, and hoped that it would not be pressed to a division.

Mr. WYLD said, he did not think the answer of the right hon. Gentleman (Mr. Henley) satisfactory. He admitted the opinion of Admiral Beechey would, after St. Ives, have been in favour of the "Stones" for a site for the lighthouse. That was the ground on which the supporters of the Motion rested their case, and against that opinion the only authority adduced by the right hon. Gentleman was that of the four memorials. This was not so much a matter of expense as of utility; and he believed that the site selected by the Board of Trade was not the best for the purpose. In the instances referred to, where lights had been erected at a distance from the point of danger, the channels, currents, and other circumstances were different. He did not think it unreasonable to ask for a Committee to obtain evidence on a question so deeply affecting the trade of the empire. The feeling of a very large portion of the county of Cornwall certainly was not in favour of the plan supported by the Board of Trade.

Mr. BENTINCK said, he was glad the subject had been introduced to the House, but he much regretted that his right hon. Friend the President of the Board of Trade would not give his sanction to any further investigation. It struck him, with great deference to the acuteness which he (Mr. Henley) brought to bear on all questions which came under his observations, that he had not understood the object of the hon. Member for Truro in bringing this matter forward. There was one admission which he was happy to hear from his right hon. Friend. He had ascribed to the double Government of the Board of Trade and the Trinity House the inconvenience of the delay which arose in matters of this kind, and he (Mr. Bentinck) only hoped they should, on a coming occasion, have the powerful assistance of his right hon. Friend in removing that evil. He (Mr. Henley) had told them that nothing had been done during three years. Whose fault was that? The fault of the Board of Trade, because there had been repeated representations made on the subject, and that Board had not taken the active steps, which they were bound to take, where a case involving life and property was brought under its consideration. The delay was partly ascribable to the Trinity House also, which was composed of professional men, who were supposed to be peculiarly conversant with matters of this kind, and who were bound to impress upon the Board of Trade the necessity of attentively, but without delay, considering the question. It appeared to him that the conduct of the Trinity House, in first giving such a decided opinion upon the subject, and then all at once turning round and assenting to the objections of the Board of Trade, showed that they could not have been practically conversant with this question, or that they had neglected an imperative duty. The right hon. Gentleman (Mr. Henley) had stated that many master mariners of St. Ives were of opinion that Godrevy Island was a more convenient locality for a light. That it might be as convenient for them, he (Mr. Bentinck) did not doubt, but more convenient it could not be. This, however, was not a local question, it was a general question, and a light of this kind would be of advantage to the whole trade of the Bristol Channel. The House was bound, therefore, to look upon it in a national point of view, and to deal with it as a matter which simply affected the port of St. Ives was

not treating it in the manner it deserved. But, after all, it was a question of money *versus* life; and it would be found, not from any want of humanity, but from the total ignorance which prevailed on the subject, and which was attributable to the Board of Trade not being composed of professional men, that that Board invariably set aside questions which affected the saving of life, and confined themselves to the saving of money. That, he contended, was not the spirit in which a national question of this kind ought to be treated. The right hon. Gentleman had referred to two or three other cases, and especially to that of the Manacles light, but any person at all conversant with that locality would at once see that the cases were not by any means parallel. He admitted that in some instances lights were badly placed, but he saw no reason in that for erecting others in positions equally objectionable and ill selected. He did not know whether the hon. Gentleman (Mr. A. Smith) would consider it to be worth his while to divide the House; if he did, he (Mr. Bentinck) should feel bound to vote with him, and he hoped the House would bear in mind that the question was one which involved an attempt to save a vast amount of life and property which was now annually lost by the wreck of vessels upon the rocks in question.

MR. CARDWELL said, that when local Members were dissatisfied with a decision on the subject of lights, and proposed to refer it to a Committee, it was a point well worthy the consideration of the House whether acceding to such a course was the means most likely to promote the great objects which they all ought to have in view — namely, first, the preservation of the lives of those who navigated the dangerous coasts of the kingdom; and second, the due administration of the revenue, which was raised by a charge upon the mercantile marine of the country. No doubt it would be the duty of the House, in the last resort, to step in; but before they resolved to institute an inquiry into the subject they ought, in his opinion, to ascertain whether those men to whom, because of their nautical experience and scientific knowledge, the consideration of the question had been submitted had honestly carried into effect the investigation which they had been intrusted to make. At the time when he had the honour to be connected with the Board of Trade that department had had the advantage of being served by a most efficient public servant—he meant Admiral Beechy; and all he could say with regard to the gentleman who at present filled that office was, that he believed he was the fittest man the navy could afford as a successor to that gallant Admiral. Admiral Beechy's opinion was in favour of placing a light at St. Ives' Head. It, had, however, been found that that locality was admirably suited to be made the site of a battery, and the consequence was that it had been determined, after the matter had been duly investigated to erect a lighthouse on the Godrevy Island, and a beacon on the "Stones." The matter was carefully examined by scientific men, and when the hon. Gentleman spoke disparagingly of the Trinity Board, he (Mr. Cardwell) must say, that if it were in contemplation to bring forward a Motion, making a systematic attack on that body, it would be preferable to withhold those observations until the proper occasion should have arrived for stating them, and not to throw them parenthetically into a discussion of the present character. But in reference to the opinion which had been expressed, with respect to our system of lights he might be permitted to state in justice to the Trinity House, that a few years ago great dissatisfaction prevailed in the United States of America on occount of the manner in which the lightning of the American coasts was conducted. A Commission was therefore appointed, who came over to this country, and inquired into the mode in which the Trinity House conducted their business. They found that the works were entrusted to eminent engineers, and that the system of lights was under the superintendence of no less a person than Professor Faraday; and upon their return to America they advised that the management of the lights there should be assimilated as nearly as possible to that of the Trinity House in England. That, he (Mr. Cardwell) thought, should not be forgotten, when charges were brought against the body of men who were entrusted by law with the management of the lights of this country. An hon. Member had termed the Trinity House a "jobbing corporation; but he (Mr. Cardwell) denied that that was a term which could fairly be applied to them. That was not a charge likely to be made with good foundation against a body, of which, at the time, the late Duke of Wellington was the head. It was true that they formerly applied their money in a manner which that

House thought objectionable; and, in consequence, a law was passed which rendered it impossible to apply the money in the same manner for the future. But it was never charged against them that they had made application of the money in a jobbing manner. On the contrary, it had been legally applied, and in strict accordance with the manner required by the charter under which they acted; and when they found that Parliament and the Executive Government were of opinion that it was not right to continue that mode of administering the funds, they had in the handsomest manner waived all personal consideration, and submitted to the judgment of Parliament and the Government. He would only further observe, that a contract had already been entered into for this lighthouse; and, if a new inquiry were instituted, they would have to suspend the works, and certainly incur additional expense and delay. He submitted, therefore, that no sufficient case had been made out to induce the House to believe that a Committee would arrive at a more satisfactory conclusion than that which had been already come to by those who were entrusted by law with the administration of these affairs.

Mr. LINDSAY said, he must express his astonishment that such a matter as this should not be entrusted entirely to the Executive; who, moreover, according to the account given of the memorials sent them, appeared to act not only on the best opinion, but in accordance with the local wishes on the subject. He thought if the House were to grant the Committee which had been moved for, they would be furnishing an excuse for continual applications hereafter to interfere in other similar matters. He would further remark that the late Admiral Beechy could have had no interest in recommending the erection of the lighthouse in one place more than another, and his only object could be to place it in that position where it would be of most service.

Mr. LOWE observed, that all he could say had been so well stated by the right hon. Gentleman the President of the Board of Trade, that it was unnecessary for him to detain the House for many minutes. He only rose, lest by his silence it might be thought that he objected to any of the statements made by the right hon. Gentleman (Mr. Henley), who had very accurately stated the facts and fully done justice to the noble Lord who had lately presided over that Department. There was only one point to which he wished particularly to allude. The question was, whether a lighthouse should be placed upon Godrevy Island or upon certain "Stones" which were covered at half-tide three-quarters of a mile to the northward, with a good navigable channel intervening. If the lighthouse were erected upon those "Stones," it must be placed upon the outermost part of them, and the effect would be that, unless there was a lighthouse also upon Godrevy Island, the navigation of the channel would be exceedingly dangerous, for the "Stones" extended over a considerable distance. That was the opinion of Captain Sullivan, who was a most able and efficient officer. In the report of the first committee of the Trinity House, it was stated that the erection of a lighthouse upon the "Stones" was an undertaking which, even if practicable, would require a much greater outlay of money than was considered compatible with the objects in view. The Committee also were of opinion, that the erection of a lighthouse upon Godrevy Island would indicate the vicinity of the "Stones" with sufficient precision to warn vessels of the danger, and that in that position it would be also very convenient for vessels steering along that coast, more especially those bound for St. Ives. In another part of the same Report the Committee pointed out the immense difficulties which would attend the construction of a lighthouse upon the "Stones," they being covered at half-tide, and consequently only a portion of the day being available for proceeding with the works, which would be, moreover, liable to interference and damage from storms and bad weather. Under those circumstances the Board of Trade did not think fit to undertake a work that would certainly have cost £45,000, and probably much more, especially as they were advised by competent authorities that the objects would be fully met by placing a lighthouse upon Godrevy Island. The hon. Member for Norfolk (Mr. Bentinck) had accused the Board of Trade of causing delay; but in truth one of the causes of the delay was the variation of opinion at the Trinity House. The Members of that body, whose opinion the Board of Trade was bound to respect, had at one time strongly advised one course, and subsequently they as strongly advised an opposite proceeding. He trusted that the House would not grant the Committee which was asked for, as to do so would be granting an appeal from a perfectly competent scientific officer—Captain Sullivan—to a certain number of Members of Par-

liament who, however well qualified to deal with such matters, could not be supposed to possess that complete scientific knowledge that was necessary in the professional advisers of the Board of Trade. He thought it would be adopting a very bad principle, and whatever benefits might result from the appointment of a Committee would be neutralized by the danger of weakening the hands of the Executive Government.

MR. A. SMITH, in reply, said, there was nothing in the papers to show that Admiral Beechy had changed his opinion that the "Stones" were the proper site for the lighthouse. He might further state, that since he had given notice of his Motion, no less than three vessels had been lost upon the "Stones."

Motion *negatived.*

CONDITION OF THE WORKING CLASSES.

COMMITTEE MOVED FOR.

MR. SLANEY said, he rose to move that it is expedient to establish a Standing Committee, or Unpaid Board or Commission, to consider and report from time to time on practical suggestions likely to be beneficial to the working classes. As he felt the novelty of his suggestion, he would admit that he was bound to give reasonable grounds for the demand he made on the House and the Government. He did not, however, ask for a paid commission, but he proposed that the Board should be selected from Members of that and of the other House of Parliament, and from such persons out of doors taking an interest in the question as the Government might think proper to select. In conducting the business of that Board, care should be taken not to excite unreasonable hopes or unfounded expectations; and it would only consider and report upon such practical suggestions as it might conceive to be adapted for the improvement of the condition of the working classes. One of the grounds on which he brought forward that proposal was that Committees of that House, to whom various matters affecting the industrial classes had been referred, had not been productive of that benefit which had been anticipated from them, or had traced out the causes of failure. What they wanted was a standing Board or Commission, always ready to receive suggestions of the nature to which he referred. Another reason for calling upon the House to consider the question was the great changes that had taken place in the circumstances of the working classes during the present century. The first circumstance to be noted was the enormous increase of population. The population of these islands had doubled within the last fifty years—a fact without precedent in the experience of any other country in Europe; of course this increase had greatly altered the position of the working classes. He admitted there had been a great increase in their average length of life, and in their general comforts; but at the same time there had been a great change in the comparative situations of a large number of these people. At the beginning of the present century the rural population was two to one to the numbers of the civic, but now the proportion was exactly reversed, and was two to one the other way. Every ten years the rural population had increased ten per cent, but for the same periods the increase in the population of the towns was thirty per cent. A necessary result of this increase was to drive the working classes to live in thickly-populated districts; it also led to a complete separation of classes. Formerly the working population dwelt among those above them in social rank, who used to watch over their comfort. But now as much as 70, 80, 90, and even 95 per cent of the population of our large towns consisted exclusively of the labouring classes. Inhabiting close courts and alleys, or engaged in large manufactories, they were left entirely without the protection of their natural protectors, the richer classes, who availed themselves of the means afforded by modern locomotion to reside at a distance from the great centres of industry and of population. These great social changes had resulted from causes of which the country reaped the benefit—namely, from the rapid development of wealth and enterprise consequent upon forty years of peace. But at the same time it was most desirable that the humbler classes, the instruments in the production of the national wealth, should not be suffered to sink into a more and more depressed condition. A further consequence of the population being so much employed in manufacturing pursuits was that young persons and children were much more exposed to evil than formerly; and he thought the Legislature ought to step in to aid those who were unable personally to urge their own cause; and, as there was now a political lull, he trusted that dispassionate attention would be given to this subject, and that calm consideration

would be given to the case which he was urging, so that a tribunal might be appointed which should give attention to such suggestions as should from time to time be made for the benefit of the labouring classes. The great body of the population was now divided into two classes—the rural and the city; in 1810 there were great complaints of the distress amongst the peasants, especially in the southern counties; in 1817 it still continued, and a Committee was appointed which reported that the abuses in the administration of the Poor Law relief tended greatly to produce it; in 1819 a similar report was made, but nothing was done. In 1824 another Committee was appointed, on the Motion of the noble Lord the Member for the City of London, on the subject of labourers' wages, but nothing was done on their report. In the year 1828 he himself had obtained a Committee of that House, before whom it was proved that in six or eight counties the workmen were depressed by the abuses which took place in the management of the poor rate; that in a very widely extended district a scale of allowance was made out of the poor rate by which the able-bodied man was kept down and the pauper labourer placed beside him; that payments were made for cottages out of the poor rate, by which a fictitious population was stimulated and a supply of labour maintained much greater than the demand, and that in many instances the state of things was sanctioned by the magistrates. What was the consequence? Matters went on till there was nearly a rural insurrection in the country, till the poor rates were raised to 7*s.* in the pound over the whole county of Sussex, and till one parish in Buckinghamshire was thrown out of cultivation on account of the disorderliness of the peasantry. It was not till 1834 that any remedy was applied. Then, indeed, under the new Poor Law, the condition of the poor gradually improved; but still old people and children were subjected to great hardships in the workhouses, and it was generally admitted that it would take two generations to remove the evils caused by our neglect. If they had had a council of persons interested in the condition of the poor such as that for which he was now asking, this neglect would never have happened. He had shown the advantages which would accrue to the rural population from the establishment of such councils; but he believed a still greater benefit would arise to the town population—that population which was increasing at the rate of 30 per cent every ten years. Their condition also had been greatly neglected; and it was not till after long perseverance that the Factory Act was passed, through the exertions of a noble Lord now in the other House. He would also refer to the report of the Committee on the labour of children in mines, which showed that the greatest cruelty had been practised on them, and yet it was not till 1830 that it was thought worth while to inquire into their condition. So it was with regard to the health of towns. That was a question which, notwithstanding the great increase in our civic population, was utterly neglected till, in 1844, the attention of Government was attracted to the subject, and a Commission was issued by Sir Robert Peel, which ought to have been issued twenty-five years before, and which had only been neglected because there were no councils or tribunals to take up these questions. That Commission reported that there were 30,000 children living in close narrow courts with no outlet and no facilities for the admission of an adequate supply of fresh air. It also appeared that there were fifty towns, with a population of 3,000,000 forty-seven of which had a deficient water supply, while forty-eight had no proper system of cleansing and draining. Since then the Health of Towns Bill had been passed, and it had accomplished much good; but even now its provisions were not generally adopted, and there were many evils still existing which a council alone, he contended, would be competent to correct. He had no wish that these councils should meddle with questions in dispute between masters and their workmen, nor that they should rouse unreasonable expectations, but still he had confidence that great good might be done without their incurring either of those reproaches. Whenever a new discovery was made in science, a thousand minds were immediately at work to watch its results, and to see how it could be made available for practical purposes; and so he might say that there were thousands of minds at work at the present moment for the benefit of the working classes, but their suggestions fell still-born because they had no central institution to which to refer them. [*Marks of impatience.*] He was aware this subject was distasteful to some hon. Members; it had not the zest of party politics, but he felt himself bound to persevere from a conscientious conviction of

the great importance of the subject. He would not, however, trespass upon their patience at much greater length; but he hoped that Government would take up the question. There was a Board of Agriculture, and commerce had its Board of Trade; and he thought that the condition of the working classes also was entitled to a Board—to an unpaid Board if they would—but with an office and a secretary, whose duty it should be to receive and consider all practical suggestions for the benefit of the labouring population. One of the points which would especially come under the notice of such a board would be the recreations of the working classes and their families. Facilities for recreation were now the more necessary since we had of late years been doing away with the fairs which were wont to be held in towns or their vicinity; and it might be desirable to consider how far it was practicable in the course of time to establish public parks in the immediate neighbourhood of large towns, such as had been opened and dedicated to public use at Manchester and other places. He was glad to say that a Member of the present Government (Mr. Adderley) had recognized the importance of this question, for he had generously presented a park to the people of Birmingham. He was convinced that if the House agreed to a committee or commission being embodied with objects such as he had indicated, the people for whose benefit the concession would be made and whose conduct richly deserved it, would return them their meed of gratitude. The hon. Member concluded with his Motion.

MR. CHILD seconded the Motion.

Motion made and Question proposed,—

"That it is expedient to establish a Standing Committee, or Unpaid Board or Commission, to consider and report from time to time on practical suggestions likely to be beneficial to the Working Classes."

MR. SOTHERON ESTCOURT said, no one could have listened to the speech of his hon. Friend but he must have respected the motives which had prompted him in bringing this question under the consideration of the House. It was the more creditable to his hon. Friend inasmuch as it was now hard upon thirty years since he began to direct his attention and to apply the energies of his benevolent mind to the practical amelioration of the condition of the working classes, and he was still treading in the same path. His hon. Friend had told the House that, though he had taken part in moving many Committees with this end in view, he had gained very little for the objects of his benevolence. The greater was his merit. He had hoped, however, that on this occasion his hon. Friend would have given the House some sketch of the plan he wished them to adopt; but he had been at a loss to see what was the practical measure at which his hon. Friend aimed. His hon. Friend would perhaps permit him to put this matter at once to the test. Let him (Mr. Estcourt) suppose this Motion acceded to, that such a Commission were issued, and that his hon. Friend were at the head of it, as he was entitled to be. The question that he (Mr. Estcourt) had to ask him was—what was the first step which, as the head of that Commission, he would take? He was quite at a loss to conceive what it could be. Perhaps his hon. Friend's object was to offer facilities to the labouring classes for laying out their money. He (Mr. Estcourt) was persuaded, if this Commission issued, that the real and practical business that it must take in hand would be to aid that class of the population in improving their incomes. Suppose an industrious mechanic had £20 in a savings-bank, and that he wished to invest it in a way which would bring him six per cent. instead of three,—he came to this Royal Commission, and applied to his (Mr. Estcourt's) hon. Friend for his advice how to do that. With this view the Commission would, he supposed, provide two tables—one setting forth the schemes which they recommended, and the other those which it wished to deter working men from embarking in. The first result of this would be that all who were connected with the schemes denounced would band together against the Commission, and benevolent as were his hon. Friend's intentions, perhaps he would not be able to reach his own office without the assistance of a body of police. He would suppose, however, that his hon. Friend recommended a certain scheme of investment, and that the £20 was invested in accordance with his advice. It might happen that the scheme so recommended might be mismanaged, and in that event what was the position of the mechanic whom he had sought to benefit? Then, he supposed, his hon. Friend would be anxious to give greater facilities for improving the condition of the working classes. Suppose, now, that he were to come down to this House and propose that

the interest of money in the savings banks were to be raised from 3 to 6 per cent—[Mr. Slaney: I expressly stated that I would confine myself to what was practical.] Well, it would come to this, that either the plans of his hon. Friend would lead to the wildest speculations, or that the whole thing would end in smoke. But he believed it would be worse than impracticable—it would have a mischievous tendency, in that it offered a kind of substitute for the caution and intelligence which every man was bound to exercise in the management of his own affairs. If this Commission came to anything the result would be in very many cases that men would come to lean upon it rather than upon their own exertions; and if nothing came of it, he could not help thinking that it would throw some discredit upon Parliament that they had given their sanction to a measure which turned out to be impracticable and visionary. His hon. Friend was no doubt actuated by the best motives in making this Motion; but if he (Mr. Estcourt) understood his hon. Friend rightly there was no need for his making this application to Parliament. Why might not his hon. Friend, as a private man, act as an unpaid Commissioner, and so seek to give practical effect to his views? No harm would come from that, and perhaps much practical good might be the result. He would still be in a position to offer advice to the working classes, and, if it were sound, it would be as acceptable coming from a private man as from any official if clothed with the authority of Parliament. In making this Motion, however, his hon. Friend had discharged his conscience, and he had done it in a manner calculated to elicit the respect of every hon. Member of that House, and the approbation of every man who had a heart within him. He hoped his hon. Friend would be content with that and withdraw his Motion. If, however, he carried it to a division he (Mr. Estcourt) should be obliged to vote against him.

Mr. SLANEY said, after the kind manner in which his right hon. Friend had spoken of his exertions he felt he should not be deserving of his confidence if he did not take the advice which his right hon. Friend had given him. But his right hon. Friend had entirely misapprehended the functions of the tribunal contemplated by the Motion. He (Mr. Slaney) never thought of giving advice to poor men who might come there as to the mode of investing their savings, or of distracting their attention from their own industry, or lessening their own forethought. What he intended was that such a Commission or tribunal should consider carefully practical suggestions for the improvement of the condition of the labouring classes, and digest them, or rejecting those which were useless, and reporting upon those which they thought ought to be carried out.

Motion by leave, *withdrawn.*

EAST INDIA MUTINIES.

PAPERS MOVED FOR.

Mr. RICH said, he rose to call the attention of the House to the treatment which, it appeared, the mutinous Sepoys and other insurgents in India had received and were receiving at our hands; and to move for certain papers on the subject. In the earlier stages of the revolt when men's minds were astonished by the suddenness of the outbreak and exasperated by the atrocities which attended it, a temperate discussion of the subject could not be expected; but the time had now arrived when we might look the frightful calamities which had occurred in India fairly in the face, and dispassionately hold up the scales of justice. He hoped, that in the observations he was about to make, he should not be misunderstood. He loathed and detested as strongly as any man the atrocious crimes which had been committed by the rebellious troops and other insurgents in India; but the very fact of this strong feeling which he shared with the nation at large, made him anxious that England should not expose itself to the charge of retaliating in a similar spirit. He had no wish to enter into a lengthened detail with respect to the commencement of the mutiny, and would pass over the violent outrages which then occurred, as well as the sharp repressions which were resorted to under the influence of uncertain dangers and exaggerated statements. One could well make allowance for those handfuls of our countrymen scattered in remote parts of India, who, suddenly finding themselves beset by treachery and murder, did as resolutely as sternly defend themselves and everything dear to them. One could make some allowance also for the inhabitants of Calcutta and the Lower Provinces who day by day were horrified by reports of the murder and mutilation of their relatives and friends in other parts of the country. But while making these

allowances he felt all the more bound to applaud the manly fortitude with which Viscount Canning and his Council upheld the scales of justice, for the defence of the people of India, unswayed by the heart-rending atrocities of the mutineers or by the impassioned demands for vengeance of our countrymen. He wished that the late Government, in defending Viscount Canning against the many aspersions which had been cast upon him, had dwelt more strongly upon this very honourable part of his conduct at a time when it exposed him to much temporary obloquy; and it was, therefore, doubly creditable to the present Chancellor of the Exchequer and to the present First Lord of the Admiralty that last autumn, when the outcry for indiscriminate slaughter was at its highest, that they manfully withstood it, and asked, not for mere mawkish mercy, but for justice — of strict justice if you will, but still justice. He could make small allowance for those gentlemen who won their popularity at the cost of Indian blood, giving currency, on the platform and in the press, to extravagant tales of horror, for which they had no honest authority. They told of ladies and children, violated and mutilated, arriving almost by shoals in Calcutta and in England; so that their tales ran through the country like wildfire, making the blood run cold with horror and hot with vengeance. For much of the results of this vengeance they are answerable, for their facts were false. A number of gentlemen fully competent to conduct such an inquiry—the members of the committee for relieving the distress of those who had suffered by the calamities in India—after investigating the whole matter, have declared themselves unable to discover a single case of a mutilated person having arrived in England. They do not deny that such cases may have occurred, but they distinctly state that, being in a position to ascertain them, they have not, after the most diligent inquiries extending over a period of six weeks or two months, been able to verify a single case. Lady Canning also makes the same declaration from Calcutta. He thought it right that this statement should be made in the House of Commons, because, while we detested and abhorred the atrocities which had been committed, it was our bounden duty to see that our countrymen were not hounded on to vengeance by false and wicked exaggerations. Let us remember that we had heard one side of the question only. It is probable that much of what was now accepted as true might be explained away or disproved if we could have had the evidence on the other side. So also he believed that a great number of what were heralded as the retaliatory exploits of our officers and detachments were gross exaggerations. The newspapers had published reports of the hewing down and the cutting to pieces of large bodies of mutineers, and of the burning of villages, upon the same reckless hearsay evidence, thinking to glorify our soldiers, while, in fact, they were doing them a cruel injustice. After all these deductions, enough, and more than enough, of cruelty and outrage had been perpetrated by the rebellious troops to demand, not that wholesale extermination which those who rivalled their opponents in bloodthirstiness demanded, but that justice, enlightened by facts and a due discrimination of guilt, which characterized civilized men. In this view we must search a little into the mutiny itself. We must see whether it had sprung from a deep-laid plot on the part of the Sepoys, or whether it had arisen from a combination of circumstances originating partly in our neglect and partly in their credulity. Now, no one could read the despatches and correspondence of Sir Charles Napier without seeing that a mutinous spirit occasionally cropped out in the Bengal army even in his time; but no one could read him attentively without seeing that he attributed this not to disaffection but to mismanagement on our part; and Sir Charles justly attributed this to an utter want of discipline, not that want of discipline which was implied in an inability to wheel into line or execute with precision any ordinary military manœuvre, but that fatal defect which was the root of evil in all armies — the absence of a thorough communication and confidence between officers and men. He would cast no reflections upon the Officers of the Indian army; it was not their fault that they were miserably under-officered, that nearly all the best officers were drafted off to the civil and other services, and that the Sepoy regiments were left in charge rather than under the command of a few young subalterns and one or two old worn-out officers. Lord Ellenborough testified in strong terms to the decreasing tone and confidence between men and officers. But, besides this fact of the ill-discipline of the Native army, there was another circumstance which ought to be borne in

mind, and that was, that the European force which the Government was bound to maintain was most unjustly diminished, and so improperly distributed as not to hold in check the Native forces in our Bengal dominions. Out of 18,000 Europeans in the Bengal Presidency no less than 12,000 were in the Punjab and 4,000 in Pegu, leaving only one regiment of Europeans for the whole 800 miles length of territory between Calcutta and Agra. Now the Marquess of Dalhousie, in one of his despatches, warned the Government that the Russian war had produced a very serious effect on the public mind in India. Four regiments of cavalry had, notwithstanding his remonstrances, been withdrawn to feed that war, and two more regiments of infantry were called for. The noble Marquess then again remonstrated in almost pathetic, and certainly prophetic, words, for he said that if a war were to break out with Persia he would not answer for the safety of the country. But they were removed; that Persian war, too, did break out; and four more regiments were then removed; and we see the result. In this state of things, then, with the European troops placed at two extremes of the Presidency, on the Indus and in Pegu, the annexation of Oude took place. If the Marquess of Dalhousie could see how much the Russian war affected the public mind in India, he wished that noble Lord could have contemplated how much the violent annexation of Oude would increase that agitation. He would not enter on the vexed question of annexation. It was sufficient for him to say that the annexation of Oude did produce a very serious effect on the Indian mind, and more especially on the Bengal army, 40,000 of whose men came from Oude itself. With the Indian mind thus shaken by the Russian war, by the annexation of Oude, and subsequently by the war with Persia, which removed far more than those two regiments without which the Marquess of Dalhousie said he could not answer for the safety of the country—when opinion was thus alert, and discontented, when our means of repression were at their lowest ebb and most remote stations, the last blow was given, and fire set to the train by the weak and we all know wicked enforcement of the greasod cartridges, of the prejudices of the Natives, upon whom the fear of degradation from caste is stronger than the fear of death. It might be that these cartridges were not what the Natives supposed them to be, although a committee reported otherwise, and recommended a substitute. Still would it not have been well to respect prejudices so vital even though mistaken. A frank and manly public order would have calmed the Sepoy mind. But instead of this, all the mischiefs of alternate concession and repression were incurred. The cartridges were privately condemned—publicly upheld—then partially withdrawn—partially enforced, and finally publicly condemned and universally withdrawn. Amidst all this vacillation, the mutinies were breaking out. Still they were but mutinies, and were successively suppressed, until the fatal misconduct and disasters at Meerut changed the whole face of affairs. He was at a loss to understand why no inquiry had been instituted into those proceedings. He looked on Meerut as the focus whence the mischief exploded. He did not pretend to say upon whom the blame lay; but this he knew, that at Meerut there were nearly as many Europeans as Natives, and the country had a right to know by whose laches it was that those Europeans had not then and there crushed that mutiny on its outbreak. He would not dwell on the horrors which followed—cantonments burnt and women outraged. It was now no longer a mutiny, but an insurrection. For a few weeks we had 80,000 Sepoys, a vast military force, with many of the inhabitants of the province, in array against us. By a careless distribution, our European force was for a time out of reach, and our brave countrymen were shut up in detached posts of the country. He had entered into these details for the purpose of showing that there was less reason to believe in a preconcerted plan of revolt than that the outbreaks arose from a fortuitous combination of circumstances which, by due prudence, might have been averted. Be this as it may, the mutiny having resolved itself into an insurrection and struggle for supremacy, what became our duty? That question was nobly answered by Wilson, Outram, Havelock, and Colin Campbell. But a second question arose, how were the revolted men to be treated? Undoubtedly justice must take its course. But the face of things was changed—these men were no longer a handful of mutineers—they were insurgents, waging a cruel war, with vast armies and great natural resources. This is a distinction which has not been sufficiently regarded. A savage cry had been raised in India, and to a certain extent re-

echoed in this country, for indiscriminate slaughter. He trusted that such a cry would be put a stop to by the voice of that House, and by a declaration of opinion on the part of the Government. Viscount Canning, in reference to the treatment even of the mutineers, had in his proclamation laid down, with great propriety, different grades of offence and of punishment, and he trusted that the Government would give their adherence to those wise and humane views. There was a broad distinction between the deep-dyed scoundrel who rose in mutiny, murdered his officers, and burnt the cantonments, and the Sepoy who, hurried away by fear and dismay, left his colours and sought refuge in his own village; while between these two again there were various shades of guilt. Some regiments had been deprived of their arms for the time by the advice of officers of experience, and the men have faithfully obeyed these orders, had subsequently, under the force of example, or a not unnatural terror at the violent language which had been used with regard to all Sepoys, fled to the rebels or to their own villages. It should be recollected, too, that many of the revolted regiments had spared the lives of their officers, while in others many soldiers had risked or sacrificed their own lives in rescuing or striving to rescue those of their officers. He was aware that in martial law great latitude must be left to the commanding officer; but, at the same time, he should be glad to hear that some general instructions had been conveyed to the chief military authorities in accordance with the spirit of the instructions issued by Viscount Canning. That some such orders were necessary appeared from circumstances narrated in the public press. By the last telegram from India we had received information of four affairs with the rebels, in which cannon had been captured and 1,250 of the rebels cut down, with a loss to us of only three men in all those four affairs. Now it was clear that no real resistance was made by those insurgents; and it was unworthy of England and the English soldier that such a state of things—little short of butchery—should continue. Without looking higher, it was plain that such proceedings were highly detrimental to military discipline. Then, again, with regard to the contingent troops, our treatment of them was precisely the same as if they owed direct allegiance to the British Crown. He found a formal statement that on a recent occasion some 400 of the soldiers and subjects of an allied Native Prince had laid down their arms, and were subjected to trial by our commanding officer: that on the first day 149 of these men were tried, found guilty, and every one of them forthwith put to death by our people—by our European soldiers, who surely were not enlisted to be wholesale executioners for Native Princes. As a very natural result, the remainder, seeing the issue of this first day's trial, broke loose from confinement; and those of them who were not cut down by our dragoons, no doubt joined the hostile ranks. In private letters, too, gross and flippant expressions with reference to the slaughter of the Sepoys and other Indians were ostentatiously published in our newspapers, and thence retransmitted to India to work further mischief there. In one just published it stated, "We are hanging them by dozens; every Sepoy without a certificate is hung at once; the Zemindars are giving them up to us to be hanged right and left—those who harbour them, or who do not give instant information of their whereabout, are hung themselves. We are making good work of it;" and as an instance, the writer cites the "pithy remarks made on two 'brutes,'" as he calls two wounded Sepoys who were too much disabled to crawl, and therefore were handed up to the gallows. Now, those letters were no doubt written by young men without much thought, and who would shrink from doing that which they lightly affected to applaud. But as they were published and adopted by a certain portion of the public and the press, he felt anxious to hear from Her Majesty's Government a declaration that they did not share in such opinions. It was sad to see how easily men and even nations apparently humane could be hurried away by their passions, and how thin then became the partitions between civilization and barbarism. In the early part of the American War, in which a large portion of the people of England looked upon the Americans with feelings as fierce as those now displayed against the Sepoy, the zealots of that day, worthy of their present disciples, were loud for letting loose upon those rebels the Red Indians; and actually laid before Parliament a paper for providing five gross of scalping knives. Lord Chatham saved us from that ignominy; and Carlton, the English general, a pupil of Wolfe, shortly after a victory, issued a proclamation inviting those of the

rebels who had retired into the woods, and who were suffering from wounds and from privations, to come into his camp for relief, at the same time promising that they should, when relieved, depart without molestation. He would not compare those Americans with the Indian Sepoys, but he might say that a sense of justice and forbearance, and of the ties of kindred and of country, are not to be measured by degrees of longitude or latitude, or by difference of colour. This brought him to a consideration of the Oude insurgents, who surely stood on very diffeacnt grounds from the mutinous Sepoys, and who were therefore entitled to very different treatment. The kingdom of Oude was, two years ago, governed by an independent or *quasi*-independent Sovereign. That Sovereign and his ancestors, through many successions, had been most faithful allies of the British nation. True they had misgoverned their country, and it was our duty to correct this. We might even, by virtue of treaty, take the administration into our own hands, but specially and entirely apply the whole surplus revenue to Oude itself. This did not suit our financial extravagance; and, therefore, in defiance of all remonstrance, we, by a *coup d'etat*, seized on the King and his territories. All his public officers were dismissed; his army disbanded; the whole system of government abruptly reversed; the leaseholders disturbed, and the great landowners called upon to show their title deeds. When a similar demand was made upon the mailed barons of England, they pointed to the hilts of their swords, and many of the men of Oude finally did the same; and they had some reason, for Sir William Sleeman tells us that in the half of Oude that was ceded to us fifty years ago, not a single great landowner is left—all is one dead level of Government officers and ryots. But those chieftains did not join in the mutinous rebellion against England. One of their leading members sheltered and defended English fugitives from the wrath of our own infuriated soldiery; others did the same. It is therefore a rank perversion of justice to confound these men of Oude and their followers with our own mutinous Sepoys. But even of those Sepoys, we must remember that some 40,000 had recruited our ranks from that kingdom, and, prior to its annexation, had owed allegiance to their Native Sovereign. Great numbers of these had, when their regiments revolted, returned to their native villages without the commission of, or participation in, any outrage whatever; their regiments were broken up, and nothing remained for them to do but to return to their homes. These and other like facts ought to enter into the consideration of the Government when they were discussing how the Oude rebels should be dealt with. He (Mr. Rich) was prepared to do everything towards maintaining the superiority of England, but he contemplated with horror the war of extermination which some people proposed that we should carry on in Oude. If we should capture Maun Singh and hang him, we should disgrace ourselves. He had sheltered some thirty-six of our wives, and sons, and daughters, in their hour of sorest peril; and if now he was indeed fighting against us, he was at least fighting a fair fight for his rights, his property, and his country. We should have no right to hang him; it would be contrary to the laws of God. These were questions of deep importance; they touched the honour of our arms, the fame of England, and the peace of India. Were we to believe in the civilization of England or in the vengeance of Calcutta? He had seen in the Calcutta papers a recommendation that Oude should be made one great slaughter-house, that all those who escaped our fire and our shell should be put to death by our bayonets, that those who escaped our bayonets should fall under the knives of the Ghoorkas, and the miserable remnant be driven to perish in the swamps, where it was humanely hoped that those whom famine and the pestilence spared, the wild beasts might devour. [Captain Scott: Hear, hear!] He should be glad to hear the hon. Gentleman who cheered those sentiments get up and declare that a nation fighting for its independence should have no quarter, no consideration, no mercy shown to it. It would grieve him (Mr. Rich) to find that the sentiments of the hon. Gentleman were in accord with those of this nation, of the House, or of Her Majesty's Government. They were, he trusted, actuated by very different and far more manly sentiments. There were some people very humane, no doubt in their own eyes, who declared that forbearance and mercy and generosity were all very well towards civilized nations, but that towards these black fellows nothing of the kind should be shown; that is to say, they desired to exercise against the Indians that very absence of

humanity which they cursed them for exercising against us Pharisees. Was this the dispensation that taught us to believe in the intrinsic value of mercy and forbearance, and to leave its issues to a higher power than to a mere debtor and creditor humanity. If a war of extermination were to be carried on, where would it end? If devastation were in the van, discontent and disaffection would follow in the rear. Some persons—half fanatics, half despots—said, that we must rule India by an English army alone; but that, fortunately, was impossible. The climate, population, extent, and remoteness of India forbade it. No, we must govern India mainly by Indians and for Indians, if we wish to retain it for any honourable and useful puposes. Let us not forget that the Sepoy had done us good service—that he had been tried during 100 years, and seldom found wanting. It was impossible to think of Plassey and deny that the Sepoy had a brave heart, nor should it be forgotten how he had resisted the temptations, the tortures, and the religious influences brought to bear upon him against our cause by Hyder Ali and Tippoo Sahib—that for us he had borne the pestilence of Burmah, and, what to his temperament was more trying, the snows of Jellahabad? Moreover, he had aided us in Java, in China, the Mauritius, Persia, and Egypt; and was he now, with 80,000 of his comrades, to be crushed under foot as a foul fiend, because, in a moment a fanatic and credulous phrensy, not unaided by our own acts and negligence, he had broken into a mutinous revolt, at the outbreak of which (as in all such mutinies, whether European or Asiatic,) villainous atrocities had been committed, not by the mass, but by individual scoundrels, and those generally not even Sepoys. Let us remember that we have two other Sepoy armies looking on, not altogether without observation. Indeed he (Mr. Rich) felt ashamed at having to defend such plain propositions. He hoped that he would not be supposed, in any expressions which had fallen from him, to have reflected upon the general conduct of our brave officers and men in India. No one could admire more highly than he did the courage and fortitude they had displayed, and no one was more anxious than he was, that stern and resolute justice should be dealt out to the villains and miscreants who had perpetrated loathsome atrocities and fomented mutiny; but he was sure Her Majesty's Government would admit that the punishment inflicted should be proportioned to the offences committed. It was by moderation and by the calm administration of justice, as much as by the force of our arms, that we had hitherto maintained India, and he trusted that it was by the same virtues that we should retain and civilize it. With regard to the papers for which he was about to move, he understood there would be no objection to the production of those which related to the case of Maun Singh. He believed those papers would show the manner in which that chieftain had acted at a period of great danger and difficulty. He was aware that there was an objection to the production of papers relating to military instructions; and as he felt certain that a declaration would be made in that House in full accordance with the views expressed by Viscount Canning, he would not press for any papers, as to the production of which there might be the least difficulty. With respect to the case of the Natives of Oude, he thought there was so wide a distinction between it and that of the Sepoys that some instructions must surely have been given by the Government of India with regard to the treatment of its inhabitants. He begged to move for Copies of any report or despatch relative to the protection afforded by Maun Singh and others to fugitive Europeans at the outbreak of the Sepoy mutiny; of any instructions given to officers in command of troops as to the treatment of mutinous Sepoys or deserters; and, as to Natives of Oude (not being Sepoys) found in arms within the territory of Oude.

General THOMPSON seconded the Motion.

Motion made and Question proposed,—

"That there be laid before this House, Copies of any Report or Despatch relative to the protection afforded by Maun Singh and others to fugitive Europeans at the outbreak of the Sepoy Mutiny:

"Of any Instructions given to Officers in command of Troops as to the treatment of mutinous Sepoys or Deserters:

"And, as to Natives of Oude (not being Sepoys) found in arms within the territory of Oude."

Mr. BAILLIE said, he was not surprised that the hon. Gentleman had felt it his duty to submit his Motion to the House, but he confessed he had been somewhat surprised that, looking to the terms of the Motion, the hon. Member should have entered into a general discussion as to the origin and cause of the Indian mutiny and the annexation of the

kingdom of Oude. He (Mr. Baillie) was, however, the latter person who ought to complain of this latter subject being brought before the House, inasmuch as not many weeks ago he had occupied their attention upon that subject at some length, and he felt, therefore, that it was unnecessary for him now to trespass upon its attention by going over the same ground. The hon. Gentleman had commenced his speech by referring to the excesses of the English soldiers. It might be perfectly true that, when in the first instance the horrible atrocities committed at Cawnpore and other stations were made known some exasperation was manifested on the part of the British troops; but he believed that feeling had now passed away, and that there were very few who did not concur in the opinion expressed by the hon. Gentleman, that little advantage was to be gained even by carrying out what, perhaps, might be regarded as the principles of stern justice. It had been said the offenders were so numerous that some other punishments must be adopted, for that it would be impossible to think of inflicting the same punishment upon so many different classes of offenders. The hon. Gentleman had asked what instructions had been sent out to the Government of India relative to the administration of martial law, but he must be well aware that the question of martial law was one of great difficulty and delicacy. The usual practice was, when the adoption of martial law became necessary, to leave its execution to those upon whom in due course the duty of carrying it out devolved. No special instructions had been sent out on the subject, nor was it the practice to send out special instructions to the Governor General under such circumstances. If the English officers had received instructions on this subject, they must have been issued by the Commander in Chief, who was charged with the duty of carrying out martial law throughout the whole of India. The Commander in Chief, however, was perfectly acquainted with the views and opinions entertained by the Governor General of India and by the Government at home, for the Governor General and his Council had issued rules and instructions on the subject. The Government of India, by Resolutions dated the 31st of July, 1857, laid down rules and regulations for the treatment of every class of offenders, and some of those regulations referred expressly to persons in the situation of the inhabitants of Oude. The 8th Resolution said—

"The Governor General in Council is anxious to prevent measures of extreme severity being unnecessarily resorted to, or carried to excess, or applied without due discrimination in regard to acts of rebellion committed by persons not mutineers."

That Resolution would apply expressly to the population of Oude. The 9th Resolution was in these terms:—

"It is unquestionably necessary, in the first attempt to restore order in a district in which the civil authority has been entirely overthrown, to administer the law with such promptitude and severity as will strike terror into the minds of the evil-disposed among the people, and will induce them, by the fear of death, to abstain from plunder, to restore stolen property, and to return to peaceful occupations. But this object once in a great degree attained, the punishment of crimes should be regulated with discrimination."

Many other rules of the same kind were laid down in these Resolutions, all tending to show what were the opinions of the Governor General, and no one could suppose that the Commander in Chief would not consider it his duty to act in accordance with those instructions. He (Mr. Baillie) had therefore little fear that such excesses as the hon. Gentleman had alluded to had really taken place. No doubt accounts had appeared in some newspapers of terrible executions, but he agreed with the hon. Gentleman in thinking that they must have been exaggerated. The hon. Gentleman had referred to the case of Oude, and he (Mr. Baillie) thought no one could for a moment imagine that the people of that country, assembled under the banners of their Native Prince, and fighting for what might be in their opinion the independence of their country, could for a moment be placed in the same category with mutinous Sepoys who had murdered their officers and committed the most frightful atrocities. He did not entertain the slightest doubt that proper instructions had been given on this subject by the Commander in Chief. With respect to the case of Maun Singh, he had, since he reached the House, received some despatches relating to his conduct. The statement they contained was that, at the commencement of the rebellion Maun Singh declared himself in favour of the British Government, and took under his protection some ladies, children, and officers; but he was sorry to say that Maun Singh appeared subsequently to have changed his course, and to have marched at the head of a very large army to the assistance of the mutineers. He was, however, quite ready to lay upon the table all the information which the Government possessed respecting the conduct of Maun

Singh and the protection afforded by others to fugitive Europeans; but as to the other papers he had no information to give, and therefore he hoped the hon. Gentleman would consent to withdraw the other two clauses of his Motion.

Mr. W. VANSITTART said, he rose at the invitation of the hon. Gentleman opposite to express a hope that the House would not be carried away by the feeling of morbid sensibility evinced by the hon. Member for Richmond (Mr. Rich) on behalf of our mutinous Sepoys. He was perfectly certain that this feeling was not generally participated in by the country; and as for India, he ventured to say that those who lived on the spot, and near the scene of the late frightful atrocities, entertained a very different feeling. As an instance of this, he need only mention to the House that on an Act being passed a short time since by the Legislative Council of Calcutta to enable Government to brand a mutineer, that Branding Act created the greatest alarm and apprehension among the inhabitants, and induced the belief that Government looked to transportation as the punishment of mutiny. Now, he was a civilian, but he had always understood that the crime of mutiny must be expiated by death. At the present moment such a penalty was required not only by justice, but by a political necessity. All India knew that Sepoys had outraged English-women. All India knew that every man who mutinied expressed by his mutiny his sympathy with that outrage. All India was looking with intense anxiety to see whether the English would or would not avenge the inexpiable insult—

> "Which turns the sluggard's blood to fire,
> The coward's heart to flame."

If we did not—if any thought of the number of criminals, if any feeling of compassion, interfered with the executioner, there was an end of our character in Indian eyes. There was another order of the Government of India, which had also given great dissatisfaction, for the punishment was so inadequate and so unwisely lenient. It had reference to the disposal of Sepoys returned from furlough, who were divided into two classes. The Governor General said most justly, "The corps is dissolved by its own act, and they must take the consequences." In the same breath, however, he added, "that men belonging to mutinous regiments who returned to head quarters are to be paid and discharged." What, then, he asked, were the consequences? To him it seemed rupees and immunity! With regard to the second class, the Governor General said:—"Sepoys having proved themselves free from taking any part in the mutiny are to be readmitted to the ranks. What, then, became of the order, "the corps is dissolved by its own act"? There was no doubt that these Sepoys, who at best were waverers, were not to be trusted, and were quite ready to join their comrades at a moment's notice, should have been at once discharged, because, whatever their conduct, they ought to have rejoined their regiments and assisted in suppressing the outbreak. He believed it was distinctly specified by the English Mutiny Act that "neglect to use a soldier's best effort to suppress mutiny is a capital crime." Although a civilian, he did not hesitate to say that, in his humble opinion, this system of conciliation pursued by Viscount Canning towards the abettors and committers of these crimes had been carried too far. To the treacherous Hindoo, to the bloodthirsty Mahomedan, and to the plundering Mahratta, conciliation meant fear, concession inability to command, and clemency was to be repaid on the very first opportunity by the infliction of the most inexpressible horrors and devilish torments that the human mind could conceive on poor unoffending women and helpless children.

Mr. BUXTON said, he hoped that it would not be supposed that in supporting this Motion he was casting any slur on the men by whose wisdom and gallantry our empire had been re-established in the East. No one who recalled the splendid deeds done by our countrymen in the last few months but would anxiously shrink from seeming to throw any blame upon them, or to discourage them in the work they had so nobly begun. But so far from an expression of opinion by the House, such as that sought by his hon. Friend, having any tendency to throw cold water on the Indian Government, it would be of great help to them in carrying out the humane and conciliatory policy they were engaged in; it would strengthen their hands in putting a curb on the too passionate vehemence of those under them. The fury that had been kindled by Viscount Canning's humane and manly proclamation showed how hard it was for the authorities to keep their subordinates within due bounds amid such a whirl of excitement, and how needful it was for Parliament to back them up by

speaking out its mind. That need was as strong as ever. There seemed to be no slackening in the tempest of rage against the Sepoys, and even against the whole Native population. Of course, there were thousands of high-minded men who had withstood the impulse by which their brethren had been carried away; but the bulk of the Europeans in India were possessed with an abhorence of the Natives, which though most natural—though after what had befallen, even excusable—yet if unchecked, would be most disastrous, both to the rulers and the ruled. The letters from India were filled with expressions of that feeling. In a pamphlet which had just gone the round of that House, a lieutenant-colonel was quoted as saying, that "such is the hatred towards the Bengalee, whatever his calling, that he will be treated like a ferocious wild beast." The English seemed to be now looking on the Natives as if they were mere tigers. He doubted not that had we seen what they had seen, had we stood on the spot where our countrymen with their wives and little ones had been butchered, had we looked into the well at Cawnpore, we should, like them, have been carried away by an irresistible access of indignation. In fact, we had all shared that feeling. Was there any Englishman so cold as not to have joined heart and soul in the cry for vengeance? Nor even now, when we had grown calmer, could any man scarcely ask ruth or pity for the butchers of our countrymen. Death would be the righteous expiation of every Sepoy who was present at the murder of his officers, either doing it or allowing it to be done. Let no man say that he was pleading for murderers. For all who had part, actively or passively, in those massacres, the bayonet-thrust and the gallows would be the fit reward. But he thought that it was our duty who were in a position to reflect, to exercise that moderation which was not to be expected from our countrymen in India, and give our aid to the Indian Government, not in excusing the guilty, but in keeping down that wild zeal which would confound the guiltless with the guilty. The truth was that the awful tales of horror, of the violation of women, of the torture of children under their mothers' eyes, which wrung all hearts a short while ago, were enough to fill every man with boundless scorn and hatred for the whole race of those who were thought to have done such deeds. But we ought now to bear in mind that after thorough investigation the highest Indian authorities had satisfied themselves that those tales, if not wholly groundless, were much exaggerated, while some were without any foundation. Sir J. Lawrence and Mr. Cecil Beadon and others had stated this to be an ascertained fact in their despatches to the Court of Directors. Doubtless, it was bad enough that so many of the mutineers were bent, not merely on upsetting the Feringhee dominion, but on rooting out the Feringhees themselves. At the same time it would not be just on that account to regard the whole race as made up of unmitigated scoundrels—one loathsome compound of treachery and murder. He would not excuse any one of those Sepoys who had murdered their officers from the full punishment of death, but at the same time we ought not to forget that, even in the midst of this outburst, in despite of the torrent of fanatic feeling, numberless deeds of faithfulness and valour had been done by the Sepoys themselves. In numberless cases, at the risk of their own lives, they had withstood the fury of their comrades, and saved their officers. We should remember the signal bravery and devotion with which the Native infantry fought for us in the unparalleled defence of Lucknow. He would be the last to palliate the atrocities that too many of them had committed; but it was unjust and shallow to assume, because under a panic which, though groundless, was intense, they burst forth into murderous mutiny, that therefore they were mere vermin, to be killed off without mercy. He would rather judge them by the experience of a hundred years, by the testimony of those who had fought with them, and lived with them, and watched their behaviour both in peace and war, than by the things they had done in a hurricane of panic and passion. With the exception of the Duke of Wellington the almost unbroken testimony of those who had dwelt most among them had been that, though tainted with Oriental vices, they possessed many eminent qualities and were worthy of affection and esteem. Sir Charles Napier called the Sepoy a "glorious soldier," and in the opinion of Sir Thomas Munro they were in many respects hardly inferior to the people of Europe. Taking all this into account, we ought to consider whether we were to look forward to a system of extermination, and whether in bayoneting every man, wounded or not, that we came across, we were acting in a manner worthy of ourselves. It might, perhaps, be said that they would do the same by

us if they could. But were we to copy that cruelty which we decried so loudly? Our provocation had, no doubt, been terrible; so had been our vengeance. The plains of Hindostan were reeking with the blood of the mutineers. When would the time come when we should say that—

"Though by their high wrongs we are shook to the quick,
Yet with our nobler reason 'gainst our fury
Will we take part: the rarer action is
In virtue, than in vengeance."

Had not the time come to stay the avenger's hand, to revert to the usages of civilized, instead of going on with the atrocities of savage war? Ought we not to spare those who resisted no longer, at least until a careful trial had shown whether they belonged to a regiment that murdered its officers, or to one that saved them? He thought that a generous and Christian nation should now offer terms that would enable those who had been guilty, not of murder, but of insurrection, and of insurrection alone, to lay down their arms and undergo some lesser penalty. Let them bear in mind for what it was that the mass of the rebels were now fighting. No one would deny that since the mutiny burst forth the one aim of those misguided men had been to throw off our yoke—a yoke which, however beneficent, was hateful as being that of foreigners in blood, of infidels in religion, of haughty and ill-mannered masters. In Oude especially, the seat of the present campaign, this war had been a war of the people of Oude against our novel and abhorred dominion. It was but two years since our army had swooped suddenly upon that kingdom, snatched its King away, and set up an English Commissioner in his stead. With all that he found no fault. He had some hopes that there were fair grounds for that proceeding. But this was worth marking, that both in Oude and in Hindostan the cry of the rebels had been, "Away with the raj of the Feringhee! Up with our Native Kings!" Foolish enough, no doubt; we English were, of course, better rulers than their own Kings would be. But still the fact stood that, either because we were so skilled in taxation, or because we were alien from themselves in blood, in habits, in feelings, in colour, and in creed, our rule had not been to their mind. Seizing a moment when our power seemed wrecked, they rose against us. That uprising we were now putting down. And in what fashion were we putting it down? In this fashion—not only were we giving no quarter to those in arms, but we were tracking out every man, civilian or soldier, who had given countenance or food or shelter to the rebels, or written to them, or, in fact, in any way shown disaffection to our rule, and he was at once consigned to the gallows or the gun. The point with those who tried him was not, "Has this man taken part in massacres of our countrymen? Has he been within 100 miles of them?" but simply, "Has he shown disaffection to our rule?" And if that were shown, often, too, on the most slender evidence, he was at once doomed to die. He would not go back to events of three or four months ago, but he would simply take the last one or two numbers of *Allen's Indian Mail*, a journal which was favourable to the continuance of the rule of the Indian Government, and would therefore be desirous of softening down the case against our soldiers and officers, and see whether it bore out what he had been saying. The editor said—

"We have been willing to grant every allowance for the atrocious provocation afforded by the fiendish cruelties of the mutineers. We acknowledged, while we deplored, the necessity of making some terrible examples; but we hoped, against hope, that the first burst of fury would soon pass away, and give place to a stern, impartial sense of justice. But were we longer to preserve silence under this prolonged and barbarous system of retaliation we should render ourselves accomplices, as it were, in a state of things which we deprecate and abhor. British magistrates, we grieve to say, can bring themselves to write exultingly of the number of misguided fellow-creatures they have despatched to their last home. Such a one has boasted that he has already hanged ninety-five human beings, and that he 'hoped' to complete the round hundred on the morrow. Another affects to take pleasure in the shrieks of the writhing victims beneath the blood-stained lash. A third, in base imitation of the ancient tyrant, dares to express a wish that 'all the niggers had only one head.' Blood!" he went on, "the cry is still for blood! Is the reign of terror never to cease?"

Here, again, was a letter from an officer, describing what was going on in his own district, and describing it with jubilant approval. His letter began—

"December 29th. Capital news . . .;" and it went on—"Every village where the telegraph wires or telegraph posts are found injured has its head man hanged!"

We were hanging the chiefs of villages, not for having murdered our countrymen — not even for rebellion — but because the telegraph posts were injured. He besought the House to give its mind for a moment to this fact. He did not know what the House thought of it; but

his opinion was, that the man who did that did murder. Another officer wrote—

"A lot more rebels were strung up this morning; they were being thinned fast. I wish the authorities would set some more of the higher class swinging; it would do a vast deal of good."

Listen, again, to this:—An officer wrote after a battle in which the Sepoys had been routed with great slaughter without the loss of a single European:—

"We champagned it that night, and drank confusion to the Pandies. . . . Let not the people of England be in the least alarmed at proclamations of the Governor General, or of any one else. We do not care one straw for them. . . . The stragglers that are brought into camp by the Natives (for the dear villagers are beginning to sell the Pandies to us—unarmed, thirty rupees; armed, fifty rupees) are hanged, shot, or blown away from guns. We polished off a russeldar yesterday."

The spirit displayed in those letters showed how little the subordinate officers could be trusted to act with due moderation, and how great was the necessity for that House to assist Viscount Canning in keeping them within due bounds. The principle of punishing simple disaffection to our rule with death was acted on even by that noble hero Sir Colin Campbell. In a despatch, also contained in that number of *Allen's Indian Mail*, Sir Colin wrote that "the march of the troops must be deliberate. Time was thus afforded to the magistrates to visit rebellious towns and villages" (this was in Oude) "and to display to the people, in an unmistakable manner, the resolution of your Lordship's Government to visit punishment on all those who have during the last few months set aside their allegiance." A few lines after he mentioned that some "rebels belonging to the villages in the neighbourhood had been disposed of by the magistrate." What being disposed of by the magistrate meant they could easily guess—"a short shrift and a long halter." In Oude, then, "all those who had set aside their allegiance" were being put to death; and in Hindostan Proper we are acting on the same principle. Again, in that paper was the case of the Rajah of Bullubghur, who had saved the lives of Mr. Mitchell, Mr. Roods, and many other Europeans. He had been hanged, because, as he pleaded, under the compulsion of the rebels, and from mere terror, he had given them aid, and joined with them. Let no one, then, talk about our severities being aimed at murderers alone. Here was a Rajah who not only did not do murder, but who actually saved the lives of many Europeans. Yet he was calmly tried and hanged, simply and solely because he was a rebel. These cases, then, brought the matter to a most vivid issue. The question was, did the people of England think it right and good to hang in cold blood every man who sought to free his fatherland from the sway of strangers? That was the point at issue. They who stood here on behalf of their countrymen were called upon not merely to say, "It is well done, or it is ill done," to this doing or that; but they were called upon, in the sight of God and the world, in the sight, be it remembered, of Italy, of Poland, of Hungary, of Austria, of Russia, to lay down a maxim which, if applicable to Oude, must be applicable in all regions and in all times. Was it, then, their clear mind that, when a land had fallen, by fraud or force, into the hands of conquerors, death was the fair and fitting penalty for all who tried to shake them off? He for one felt assured that the heart of England would be with him while he repudiated such a dogma with horror and disgust. He could not but ask himself what would our feeling be if Italy had risen against Austrian sway, and every Italian who had given countenance to the rebellion were put to death in cold blood? Let it be not replied, "Oh, there is this difference, that in our case the Europeans in many places were murdered." He had demonstrated that what we were now executing for was distinctly, not for murder, but for "setting aside their allegiance." Yes, that was the expression Sir Colin Campbell used,—"setting aside their allegiance." He remembered how our blood boiled within us when but some twenty-five of the Hungarian leaders were consigned to the gallows. What a harsh thing we thought it of the Pope and of the King of Naples merely to keep in prison those who tried to overthrow their power! And, turning to our own history, what names stank most foully? Were they not those of men who, after all, did but enforce the law against traitors; and those, traitors, not to foreign conquerors, but to their lawful king? And could it be that we, who were so horror-struck at such deeds when done by other men and in other times—could it be that we Englishmen, who had felt so warmly for every people that had risen to dash aside a foreign tyranny—could it be that we, who took such delight in a spirit of independence, who loved freedom so dearly, who paid so tender a reverence to human life—could it be that we, at this day, were encumbering the reputation of our country

with memories bloody and terrible as the memories of Taunton and of Culloden? Yes, that was so. That was literally and accurately so. It was the case, and at this very day we were laying waste village after village with fire and sword, that we were hanging men in cold blood, he might say by thousands, on the sole ground that they had set aside their allegiance. He did implore the House to record that night its emphatic will that butcheries as cruel as those of Danton or Collot d'Herbois should cease. He was aware that he should be roundly abused for using such strong words. But he did feel from the very bottom of his heart that not merely in doing these deeds in India, but in not lifting up our voice against them here at home, we were involving our country in a crime worse than the crime of mutiny; in a crime that would be the ruin of our fame; in a crime that would make our remonstrances with such tyrants as the King of Naples seem a humbug and a sham; in a crime that would brutalize our own character; of a crime that would stir up the deadly hate of the men in India, and would thus cut away the only groundwork on which our sway over them could repose—the groundwork of their esteem and love. By acting thus we would be staining not alone our glory, but our souls, with that darkest and most awful stain—the stain of innocent blood.

MR. MANGLES said, he fully concurred with the hon. Gentleman the Secretary to the Board of Control in his opinion that the treatment of the Sepoys might, so far as official interference was concerned, be left with perfect safety in the hands of Lord Canning. That noble Lord had, throughout the whole of the difficult crisis with which he had had to deal, displayed a mixture of firmness and moderation which was beyond all praise, but which had exposed him to an unpopularity most unmerited among his countrymen in India, and on that account especially he (Mr. Mangles) regretted that any opposition should have been offered to the inclusion of the noble Lord's name in the Vote of Thanks. He had, however, been proof against the clamour which had been raised against him, and had pursued with undeviating steadiness that course which he felt to be right. Indeed, so strongly impressed was he with the feeling that his policy was the sound one to pursue, that in a letter, which he (Mr. Mangles) had received from the noble Lord some months ago, he had given expression to an apprehension that, although he was at the moment accused of exhibiting undue leniency, he should eventually be censured for having acted with too much severity. And he was happy to find that the noble Lord's policy was beginning to receive that approval to which it was entitled, and that he would be supported in his adherence to that policy by the opinions which the House of Commons had that evening so unmistakably pronounced. In the observations which had fallen from the hon. Member for Richmond (Mr Rich) he (Mr. Mangles) to a considerable extent concurred; but he could not at the same time help remarking that the hon. Member had sought to palliate the conduct of the rebellious Sepoys in a greater degree than they deserved. He had mentioned, among other things, that those greased cartridges, which might be termed the matches by which fire was applied to the train of disaffection, had been issued to all the Native regiments in India despite their protestations and remonstrances. The fact, however, was, as far as could be ascertained from the papers which he had seen upon the subject, in which some trifling contradictions occurred, that no cartridge had been issued to a single regiment of the line as a regiment, within our own provinces, although they had for some time been issued to some of the troops upon the Afghan frontier at Peshawur, without the slightest complaint upon their part. Cartridges had also in some instances been issued to those who were being instructed in the use of the rifle in the rifle schools, but that was the exception and not the rule. He might add, with reference to the case of the mutineers of the 3rd Cavalry, upon the treatment of whom, and the severity of their punishment, so much stress had been laid, that the cartridges which they had refused to use contained no grease whatever, and were of the same description as those which had been served out to them for years previously without any remonstrance being made. He should next advert to the speech of his hon. Friend the Member for Newport (Mr. Buxton), who had referred to the exaggerated language in which the proceedings of the Sepoys had been characterized, and would submit to the House that it was no marvel that those newspapers which had so overstrained the case against Lord Canning as to represent him as talking of "the poor dear Sepoys" had run into a similar error in describ-

ing the conduct of the Sepoys themselves. That they had perpetrated in so many instances those frightful atrocities of which they were said to have been guilty in the mutilation of women and children he, for one, did not believe. Much had been said about the horrible cases which had arrived in England, but the strictest investigation had hitherto been unable to verify a single instance; so also with regard to the atrocities in India, he believed that in the majority of cases there was no proof whatever of any such outrages having been committed. There might have been isolated instances, but in passing judgment upon statements respecting them, it was but right to remember the fact that all the English witnesses, who could bear testimony as to the conduct of the Sepoys and rebels, had been removed by death, and that therefore the question of their guilt depended upon stories told by one Native to another—evidence upon which no reliance could be placed. To prove how exaggerated were the statements with respect to the atrocities which were said to have been committed in India, he might mention that he had been informed by Captain Lowe, who had acted as aide-de-camp to Sir H. Barnard, who had been engaged throughout the whole of the siege and storm of Delhi, that the captors had been unable to discover that there was the slightest foundation for the charges which had been made against the Sepoys in that respect, notwithstanding that a strict investigation as to the truth of those charges had been made. He (Mr. Mangles) had particularly inquired from Captain Lowe as to the case of Miss Jennings, whose death was said to have been preceded by the infliction of the most horrible cruelties and indignities, the relation of which had excited so much horror in this country. Captain Lowe assured him that it had been established beyond all doubt that her death had not been attended by any circumstances of aggravation. She was simply murdered, as her male companions were. It was bad enough that our women and children should have been slaughtered in cold blood, but it was something to know that these horrible atrocities had been spared them. Most hon. Members, no doubt, had read the able letters in *The Times*, signed "Judex,"—written, it was generally understood, by Mr. G. Campbell. He stated that when at Delhi he did not hear of any atrocities being committed there, but he was told there was no doubt that such had been committed at Cawnpore. When he got to Cawnpore people said, "We've had nothing of the sort here, but there is no doubt that atrocities did take place at Delhi," and so on at all the places which public rumour had fixed on as the scenes of these occurrences. Then, again, with regard to the inscriptions which were said to have been found written on the wall of the room where the women had been confined at Cawnpore, he had been told on the authority of an officer, who was present with the English army, that on the first day, when the troops entered Cawnpore, there were no such inscriptions there, and that they had been written subsequently by some person who had a strange taste for exaggerating the real horrors of the spot. He differed entirely also from the hon. Member for Newport, in regarding the mutiny as a popular rising against a foreign rule. [Mr. BUXTON: I said that it was in Oude.] He had certainly understood the hon. Gentleman to speak much more generally; but, at all events, the hon. Gentleman had made a great mistake in supposing that the expressions which he had quoted from Sir Colin Campbell's despatch referred to Oude. They were confined entirely to the territory on our side of the Ganges, which had been a British province for more than fifty years. He did not believe that, in any place, any Native had been hung on mere suspicion of disaffection, without some overt act being proved against him. What might have been done in hot blood in the excitement of conflict was a different matter; but certainly no such acts had ever been perpetrated after the pretence of a judicial proceeding. It was said that a Rajah who had assisted the English refugees had been executed; he had previously heard the report, and a despatch had recently gone out to India, directing a full inquiry into the circumstances of the case. As to Oude, if the hon. Gentleman the Secretary to the India Board (Mr. Baillie) could have foreseen, a few weeks ago, that he would so soon be placed in his present office—in which no doubt he would do good service—it was more than probable that the House would not have been favoured with the speech which he then delivered on the annexation of Oude. He must wish now that he had said nothing about it; but, at any rate, now that they were in office, it was not likely that the House would hear anything more either from him or the noble Lord the Member

for North Leicestershire (Lord J. Manners) on the duty of restitution. When the hon. Member for Newport) Mr. Buxton) compared the people of Oude to Hungarians or Italians fighting for their nationality, he ought to know that no Asiatic since the world began had ever been animated by what we call national feelings. It was not possible to translate "patriot," "patriotism," or "nationality" into any language in India. They had no idea there what those words meant. Many years ago he recollected Sir James Mackintosh telling him that there was no language in Asia which had a word for "republic," and in the whole course of Asiatic history there was no instance of an attempt to establish anything like constitutional government. All rulers there were despots, and when one despot became intolerable he was pulled down, and another despot was put up in his place. The people of Oude were not fighting for anything approaching to a national cause, and the more closely the matter was looked into the more certain it became to his mind that the annexation of Oude had very little, if anything, to do with the mutiny. True, there might be 50,000 or 100,000 rebels assembled now in Lucknow; but the population of Oude was about 5,000,000, and this large force might easily be accounted for by taking into consideration the number of mutinied Sepoys who must be there, and the large force of armed retainers which the great Talookdars were in the habit of keeping up. The revenue measures which had set these people in opposition to our rule were measures of right and justice. The Talookdars were not the real owners of the soil in Oude. They had got possession of large tracts generally by most iniquitous means, and not unfrequently by murdering the rightful owners, and we had made them our enemies by endeavouring to do justice to the great body of the agricultural population. It redounded in fact, to the honour of the Government of India, that those spoilers were our enemies. He had no objection to the production of the papers for which the hon. Member for Richmond (Mr. Rich) had moved, for he believed that their production would strengthen Viscount Canning's hands. So long as that nobleman remained at the head of the Indian Government—and it was to be hoped he would long remain — the country might be assured that no system of indiscriminate punishment would be adopted. Distinction would be carefully made between different offences, and justice would be tempered with mercy.

CAPTAIN SCOTT wished to mention one circumstance with which he was acquainted, and which he thought would show that the rebels did not deserve to be treated with too much lenity. A gallant officer under whom he had served for nearly twenty years, in the town which he had now the honour to represent, had a son and daughter who went out to India. The son, who was in the civil service, was a very young man, and when the mutiny broke out in Lucknow he fled with his sister into Oude for protection. The young man, however, was immediately taken and blown from a gun, while his sister, it was to be feared, had been reserved for even a worse fate. He (Captain Scott) was anxious to state that circumstance in order to justify his feelings upon this matter, and that the hon. Member for Richmond might not regard him as a bloodthirsty monster in desiring justice to be dealt out to those who had committed such frightful atrocities.

MR. ADAMS said, there was one body of men to whom justice ought to be done, and, as military men in that House were perhaps precluded by feelings of delicacy from dealing with the subject, he, as a civilian, felt himself called upon to express his sentiments upon that occasion. Throughout the discussion he could not but think that a very scanty measure of justice had been dealt out to the officers of the army at present employed in India. It had been assumed, he might say upon no authority at all, that those officers had committed acts that were totally inconsistent with the character which English officers had hitherto borne. The only authority for those charges appeared to be odd scraps cut from various newspapers, and even the hon. Member for Richmond (Mr. Rich) had felt bound to admit that in many cases the charges were grossly exaggerated, while in others they rested upon no authority at all. While our officers were fighting the battles of their country under every difficulty in a distant land it seemed scant justice that all the apologies heard in that House should be for the Sepoys, and none for the British officer. He was glad to hear that evening from the hon. Member for Guildford (Mr. Mangles) that the atrocities committed by the mutineers were not quite so bad as had been supposed ; but still it must have

been a horrible state of affairs when the best that could be said in palliation was that the women and children were not tortured but only massacred in cold blood. If, indeed, under the excitement of almost witnessing the gross atrocities which certainly were committed in India, while the wail of the widow and the cry of the dying children rang in their ears, officers did in some degree exceed the prescribed limits of calm judgment, surely it was not an offence to be visited with too severe a punishment. The officers of our armies in India deserved the thanks of their country and every reward that could be bestowed for their gallant services, their many sacrifices, their persevering bravery under every difficulty, and it was an ill return for all their exertions that the House should be called upon to believe the slanders of anonymous accusers. Such charges as had been made should not have been suggested without some better foundation. All were agreed that indiscriminate slaughter would be a stain upon the character of our officers as well as upon the character of the nation; but what proof was there that such a thing had ever occurred? Although it was quite right to protest against any wild vengeance on the part of those in high command (of which there was no evidence), yet in the course of this discussion there had been too much of what might be termed maudlin sentiment — a desire to excuse those who were proved to be great offenders, and had, at all events, committed great atrocities. And when it was said that justice and mercy should be shown to those men now assembled at Lucknow, he asked the House to remember what those men were. They were not men fighting independently for the defence of their native land, but they were men who had eaten of our salt, had received our pay, and fought us with the arms we had supplied them. They were not enemies, but the remnants of bodies of rebels gathered from Delhi and all parts of the country in Lucknow, as a rallying place to make a final stand, and he only hoped, when that last horde was overcome, that although there ought not to be any indiscriminate slaughter, there would be nothing to prevent every step being taken that might be necessary to restore peace and quiet to a country so long distracted —in which so much blood had been shed by those rebels whom we had fostered and encouraged by the misplaced lenity and consideration which had been shown to them. He had been surprised to hear from the hon. Member for Richmond (Mr. Rich) an expression of regret at two recent occurrences in India, in each of which 200 or 300 rebels had been killed with only the loss of a single life upon our part. It appeared to him (Mr. Adams) that these facts testified the highest strategical skill on the part of the commanders. Unless it was intended to allow the rebels after a defeat to withdraw to another point where joining other bands they could reorganize their force and again make head against us, it seemed to be a natural course to pursue them in their flight, and thus prevent a renewal of their iniquitous warfare. As a civilian, connected with a very different profession from the military profession, he trusted the House would pardon any warmth which he might have exhibited in the course of his remarks; but he felt called upon to express a hope that, while no indiscriminate severity should be shown in punishment, they would never forget the justice which was due to the British officers in India.

Colonel SYKES said, that he had addressed the House so often on the subject, that there could be no doubt what was the opinion which he himself entertained; but he was glad to learn that the views which he had formerly expressed were reciprocated by his hon. Friend the Secretary for the Board of Control. It was necessary to execute justice, but in dispensing justice, the officials ought to discriminate and remember mercy. These were the views of the Governor General, and it would undoubtedly give great satisfaction as well as encouragement to Viscount Canning to learn the sentiments of the Government. He had read the proceedings of the court martial in the case of the Meerut mutineers, and his hon. Friend the Member for Guildford (Mr. Mangles) was right in stating that no greased cartridges had been issued to the troops of the line; but what he had said might lead to the conclusion that the refusal of the men of the 3rd Cavalry to take the cartridges which were served to them was occasioned by no overt act of the authorities. Unfortunately, however, there had been a change in the cartridges, and new paper with a glaze upon it had been used which created suspicion. Three weeks before the mutiny the men had said that they knew these were not greased cartridges, because they were intended for their old carbines,

and not for the new rifles; but yet they asked not to be forced to use them, as their comrades and relatives and friends would believe that they were greased, and would behave towards them as if they had lost caste in consequence. His hon. Friend had said, that in the East they had never known anything but despotism, and that therefore nothing but despotism ought to be dealt out to the people. He (Colonel Sykes) believed that statement to be contrary to historical facts. He learnt from the annals of Buddhism that at Vasali, the present Allahabad, 2,000 years ago the citizens elected their own magistrates, and that, under the ancient Hindoo system in India, remnants of which still existed, every village was a little republic in itself, consisting of a chief and a council, in which every man had a right to a seat who had land in the village constituting self-government. Political storms swept over the country, but did not touch those little republics, many of which had lasted to the present day; moreover, Arrian expressly said, that a characteristic of the Indians was, that they were all freemen and had no slaves amongst them. With regard to their acceptance of despotism, several of the largest principalities in Rajpootana at this day elected their own Princes, and he was, therefore, justified in questioning the broad statement of the hon. Member for Guildford.

MR. P. O'BRIEN said, that on the part of the supporters of the hon. Member for Richmond he wished to disclaim the existence of any feeling of disrespect towards the officers of the British army. He respected them for the manner in which they had protected the interest of our countrymen in India and elsewhere, and therefore, he thought it was not altogether fair to endeavour to avoid the real question for consideration, by the imputation of motives by which those to whom they were imputed were not actuated. Happily the insurrection in India was now narrowed within a small space, and he thought that in our administration of that empire we ought to temper justice with mercy. Let it be remembered that there was a very great difference between the man who would free his country from oppression, and the assassin. And it would be a wise and a statesmanlike course to show that we had no idea of preaching an exterminating war, but of settling as soon as possible the state of society in India. He thought it right to raise that point as a disclaimer of the statements of the hon. Member for Boston (Mr. Adams).

SIR HENRY RAWLINSON said, that he thought they owed a debt of gratitude to the hon. Member for Richmond as the point raised in this discussion was one not to be dealt with by enactment, but by public opinion and the opinion of that House. He was confident that neither the hon. Member for Richmond (Mr. Rich), nor the hon. Member for Newport (Mr. C. Buxton), had any intention to apologize for the Sepoys or to cast reflection on the officers who were so gloriously fighting our battles in the East. They only meant to call attention to the state of feeling in India which supported officers and men, not only of the British, but of the Company's service, in inflicting greater severities than were just and politic. There was one point which he thought it was worth while for the House to take into consideration—it was a negative fact, but spoke volumes as to the character the war had assumed. Let the House remember that we had been at war in India for ten months, had engaged with, perhaps, 100,000 mal-contents, in, perhaps, fifty different contests, and as far as official or non-official knowledge extended, there was not a prisoner of war—by which he meant a man taken in conflict or pursuit—in our hands. That was a great fact. The King of Delhi was understood to have given himself up, and could scarcely be properly denominated a prisoner, although he was a State prisoner. The inference that he drew, however, was that quarter was not given, and in many places it was stated broadly, and seemed almost to be gloried in, that quarter was not, and would not, be given. He did not mean to bring any general charge against the officers or men who had been engaged in the recent outbreak. Cruelty was not natural to Englishmen, or to brave men of any nation—and it could only be owing to extraordinary circumstances that our soldiers should lend themselves to the perpetuation of extreme severities. It was owing to the state of public feeling in the country. He could understand how when the outbreak first commenced, accompanied as it was by outrages against women and children, the feelings of Europeans in India would be aroused, and that they would entertain even a vindictive feeling against the Natives. That feeling had been transmitted to England and reflected back. What he looked for from this discussion was, that

there should be such an expression of opinion as that which he believed had been produced, which he trusted would react upon India, and teach the people there that in England we did consider that the moment for mercy had arrived, that sufficient blood had been shed, and that now they might temper justice with mercy. In no way did he impute wanton cruelty to the officers, for he considered that what had been done had depended on the state of public feeling. No orders had been issued by the Commander in Chief, or the officers under him, forbidding men to grant quarter; but the men, irritated and infuriated by what they had seen and heard, were in the habit of not granting quarter, and he trusted this feeling would no longer find favour in their sight. This mode of inflicting undue severity on the Indians was not only un-English and unchristian, but was also highly impolitic. If they looked to the future of India it was impolitic to widen the breach between themselves and the Natives more than was necessary. It was quite impossible that we could look to govern India as a conquered country through the fears of the people. If we attempted to do that we should suffer grievously on the score of the actual draining of our military resources, as well as on the ground of expense. The occupation of India, on such terms, instead of being a source of profit and glory to England, would be in the first instance a public loss, and ultimately end in dishonour. Looking, then, not only to the present but the future, we should seek to open up the means of reconciliation with the Natives. He did not say that an amnesty should be proclaimed at once such as been granted by Mr. Colvin, but that might be gradually prepared for; and that could only be done by mitigating the horrors of war and putting an end to the system of not giving quarter and other undue severities.

MR. RICH, in reply, said it was easy for the hon. and learned Member for Boston (Mr. Adams), or any other hon. Gentleman, to catch a certain amount of applause in defending what no one impugned—namely, the honour and gallantry of the British soldier. If, however, hon. Members had attended closely to what he had said about the statements in the newspapers referring to the atrocities in India, it would have been found that he had said that those atrocities seemed to be grossly and wickedly exaggerated on both sides. He had also borne testimony to the general good conduct of the officers and men, and could do so with a warmer heart than the hon. Member for Boston (Mr. Adams), inasmuch as he had enjoyed the honour of serving his Sovereign as a soldier. This discussion would prove advantageous to public opinion both at home and in India, where he trusted full attention would be paid to the humane declaration of the hon. Gentleman the Secretary to the Board of Control, that due discrimination would be shown in all the cases that might come under consideration. He rejoiced that the humane spirit displayed by Viscount Canning in his instructions to the civilians would be extended to the military authorities. It was satisfactory to know that the House applauded the merciful consideration of Viscount Canning. Some of the despatches it seemed could not be produced, but he should be glad to see the despatch relative to the conduct of Maun Singh without delay laid upon the table of the House.

Copy *ordered*,—

"Of any Report or Despatch relative to the protection afforded by Maun Singh and others to fugitive Europeans at the outbreak of the Sepoy Mutiny."

GALWAY FREEMEN DISFRANCHISEMENT.

LEAVE—FIRST READING.

MR. G. CLIVE, in rising to move for leave to bring in a Bill for disfranchising the freemen of the town of Galway, said it would be in the recollection of the House that a Committee sat last Session on this subject, whose Report he had himself brought up. That Report was followed by an Address, and the Address by the appointment of a Royal Commission to inquire into the bribery alleged to be practised at elections for the town of Galway. That Commission sat for a fortnight last autumn, and examined a large number of witnesses. The witnesses in nearly every instance spoke freely, fully, and fairly; indeed there appeared to have been a charming exhibition of candour on all sides and among all classes. Nothing was denied or even apologized for, and it seemed as if bribery was an element in which the Galwegians were accustomed to dwell, a bribe being regarded as little more than a proper remuneration to a poor man taken from his work. He did not know that it was necessary for him to detain the House by going at length into the matter, but he might state that the right of voting in Gal-

way was of a very peculiar nature. The charter of Charles II. admitted all persons to the freedom who were of any trade or art or seamen connected with the town by residence, on payment of 20*s.*—a sum which was a much greater amount then than at present. In the reign of George I. the Galway Act was passed, which repealed the payment of 20*s.* as a qualification, and substituted the condition that all claiming their freedom should be Protestants. Protestantism was thus insisted upon as an element of respectability in the place of the payment of 20*s.* The Irish Reform Act repealed this qualification, and almost every one who exercised any trade in the town and was resident could claim the franchise. The constituency amounted to 1,091, of whom 540, or about half, were freemen. Of the other moiety, some eighty or ninety were freeholders, and the remaining 450 were occupiers of £8 or upwards. It therefore appeared that if the freemen were corrupt, they had in effect the place entirely in their power, and the question came to be what use they had made of their powers of late years. The Commissioners did not feel themselves empowered to go further back in their inquiries than the election of 1847. There was no contested election in that year, and the Commissioners could discover no traces of corrupt practices, so that according to their instructions they could not investigate into the circumstances of any previous election, but they reported that they had ample reason to believe that bribery had extensively prevailed anterior to that time. They inquired, however, into the elections of 1852 and 1857, and on both these occasions they found that bribery had taken place, 250 freemen, or nearly one-half of their number, having accepted bribes. The freemen were formerly admitted by the Mayor, but now that duty devolved upon a person appointed by the Lord Lieutenant. That person was a very respectable man, but he had no means of examining adequately into the character and circumstances of the applicants, and had not the power of administering an oath. The consequence was, that very many persons not entitled to be considered tradesmen or artificers were admitted to freedom. He would read a short extract from the Report of the Commissioners, to show what the peculiar features were of this constituency. They said :—

"There is, however, no doubt, and it is one of the most unfortunate results of the system, that for a considerable period before an election a general interruption of industry and employment takes place among the freemen. The more influential convene meetings of those whom they can, or hope to influence; make out lists of voters for whom they undertake to answer; and endeavour to negotiate with the agents of the various candidates for the sale of votes That these lists often contain the names of persons who did not authorize them has been suggested; but the system is too firmly established and too openly carried on to leave any doubt on our minds that in the great majority of instances the parties named are well aware of the whole proceeding. And accordingly money is given on the faith of these lists, and to treat and entertain those represented upon them as combined together. In this way, and by this habit of acting in bodies in concert, a constant excitement is kept up, and the poorer tradesman and artizans, having no capital or property whatever, earning their subsistence by daily labour, and wholly dependent upon it, abandon their employments for the treating and other temptations held out to them, and, except by obtaining money from the candidates whom they support, have no means of repairing to themselves and their families the pecuniary loss thus occasioned. That there are among the freemen many solvent and respectable for their class in life is unquestionable; but the great majority evidently belong to a very humble class, and a considerable number of those whom we examined exhibited the appearance of poverty. Indeed, so far was this from being denied, that it was urged by several witnesses as a reason and excuse for the receipt of pecuniary assistance by the freemen. And it certainly is not improbable, as was also suggested in evidence, that it is their poverty, and a notion that mechanics and artizans may not unfairly claim some compensation for loss of time, which have induced persons of station in society in this constituency to view the distribution of money and provisions among the freemen at the time of an election, if not without scruple, certainly with very mitigated feelings of disapprobation."

That opinion ought to be a sufficient reply to those gentlemen who might think it unjust to disfranchise a body of men for acts attributed to only a portion of them. At the election of 1852 there were three candidates, Lord Dunkellin, Mr. Martin Blake, and Mr. O'Flaherty. Lord Dunkellin spent at that election £2,000, and Mr. Martin Blake £1,200; but both those gentlemen appeared to be ignorant of the way in which the money was spent. At the election of 1857, Mr. O'Flaherty and Lord Dunkellin were the candidates; Mr. Patrick Blake was also for a time a candidate. When the last-named gentleman went to Galway, he was told that twenty-one butchers demanded £210, and twenty-three shoemakers £115. This alarmed him and he retired, observing that the Bank of Ireland could not stand such a contest. After his retirement Lieutenant Colonel French came upon the field, there being a great desire on the part of a large portion of the constituency to have another candi-

date. At this election Lord Dunkellin spent £1,200, and Mr. O'Flaherty, so far as could be ascertained, £400, Colonel French spending but a very small sum. The whole of the money, both in 1852 and 1857, was given among freemen, of whom 250 had received bribes, and the Commissioners stated specifically that very corrupt practices prevailed in Galway. As a precedent for the disfranchisement he now proposed, he might refer to the case of Yarmouth, where the whole of the freemen were disfranchised, though fourteen cases only were proved. No Commission was issued in that case. Mr. Ker Seymer, the Chairman of the Committee, reported the facts, and the Bill was brought in. That was a precedent more than sufficient to justify the course he now proposed, and he was sure that a perusal of the Report of the Commissioners and the evidence they had taken must satisfy every impartial person of the justice of the step. The Bill he now asked leave to introduce was founded on that Report; and all he had to do was to refer the House to the Report, and then leave them to deal with the question as they thought best. With these observations he should move for leave to bring in a Bill for the disfranchisement of the county of the town of Galway.

SIR THOMAS BURKE said, he rose to second the Motion for the introduction of the Bill, leaving the House to dispose of it as it saw fit on the second reading. He wished to say a few words in consequence of a very extraordinary petition which had been presented by the hon. Member for Sheffield (Mr. Roebuck), affecting a noble relative of his (the Marquess of Clanricarde) in "another place," and for the allegations contained in which he could assure the House there was no ground whatever. Everything connected with the last election, in so far as the return of his noble Friend (Lord Dunkellin) was concerned, was carried on by him (Sir T. Burke). His noble Friend (Lord Dunkellin) was in Calcutta at the time, and his father (the Marquess of Clanricarde) asked if he would take the trouble to go down and canvass Galway in his behalf. He did so, and must say he did not find two respectable gentlemen or tradesmen opposed to him. He had no communication whatever with the Marquess of Clanricarde on the subject of expense. His Lordship wrote to his agent, saying, "Whatever money is required in the town of Galway I will see paid." [*Laughter.*] Hon. Gentlemen might laugh; but he was neither afraid nor ashamed of anything he had done throughout the whole transaction, and he challenged any one to say that this was not one of the most extraordinary cases ever brought before the House as regarded purity of election. It was, in fact, the want of spending money that had brought up this charge against them. It was brought by the freemen because they did not get the money they wanted. He would briefly state the facts of the case. The other candidates besides Lord Dunkellin were Mr. O'Flaherty and Mr. Blake. Colonel French canvassed the electors, and retired on the Friday, the nomination being on the Monday. Mr. Blake had previously withdrawn from the contest. He was ready to pledge his honour that not one farthing was spent by him on the freemen. What happened? The whole town was in an uproar. They were determined to get a candidate, but they did not know what to do. At last they discovered that Colonel French was in London; they telegraphed for him, and he arrived on the Sunday evening to his (Sir T. Burke's) utter astonishment. He had no more conception of Colonel French coming to the post than— On the Monday morning he handed Colonel French a document showing the result of the canvass, and how the constituency were likely to poll for the three candidates. On the morning after Colonel French's arrival, a number of the freemen came to him (Sir T. Burke) and said, "What will you give?" "Nothing," said he. He would not deny, although it had been used against him in the town, that he had pledged himself not to interfere with either candidate. His own relative was the whole and sole object of his solicitude; he did not care about either of the other candidates; he was determined, if he could, to place his relative at the head of the poll. There were upwards of 550 freemen, and he had a promise from every one of them but 180. What was he to do? On the eve of the election he sent a friend to Mr. O'Flaherty's committee, to say if they would poll him 100 men by ten o'clock next morning, he would give £250. What happened? Was there any petition against the return of Lord Dunkellin? No. Then the Commission was issued, and what happened? He (Sir T. Burke) was summoned to Galway to give evidence on oath before the three learned gentlemen of whom it was composed; he went, and he could assure

the House that a more unpleasant hour he never spent. He told those learned gentlemen all that had been done in much the same terms as he was now doing. One word more and he had done. He hoped, for the sake of those poor people in Galway —for they did not get 2*s.* in the pound of this money—that the House would allow the hon. and learned Gentleman (Mr. Clive) to bring in this Bill.

LORD LOVAINE said, he entirely agreed in what had fallen from the hon. and learned Gentleman who moved the introduction of the Bill. He himself moved the appointment of the Commission, in consequence of the extraordinary circumstances proved before the Committee ; and now he hardly knew which was the most extraordinary, the things reported by the Commissioners or the statement they had just listened to from the hon. Baronet opposite.

COLONEL FRENCH said, the course taken by the Committee on the Galway election was an extraordinary one. They were appointed to inquire into the circumstances connected with the election, and they reported that bribery had been committed not only at that, but at former elections. Subsequently a Commission of Inquiry was issued, and the proceedings of that Commission were before the House. But the Members of the Committee on the petition, not content with the investigation they there made, were now endeavouring to render their functions as it were, perpetual. He would ask the House, whether, under these circumstances, they had authority to proceed with this Bill, and if so, was it desirable to do so? The Act 15th and 16th of Victoria, chap. 57, sec. 9, expressly protected from punishment, disabilities, penal actions, and criminal prosecutions all persons who had been engaged in any corrupt practices at or connected with any election of a Member of Parliament, in respect of any evidence they might give touching such corrupt practices before any Commission appointed to inquire into them. Every person who was bribed, or supposed to be bribed, at the election in question was examined before the Commissioners at Galway, and a great number of them freed themselves from the imputation of bribery. The consequence would be, if the Bill now sought to be introduced were passed into law, that all those persons who had given evidence before the Commission in this case, under cover of the 15th and 16th of Victoria, cap. 57, would be subject to disabilities and incapacities, inasmuch as the Bill went to disfranchise the whole of them. Again, but a comparatively small number of the 558 freemen of Galway were proved to have been implicated in the bribery at the last election, while the gratuities given were of very small value, and in most cases did not compensate the recipient for his loss of time. He would ask was it just to disfranchise the whole for the culpability of a few? Besides, considering that there were now several Reform Bills "looming in the distance," each of which would probably attempt to deal with the class of freemen in the borough constituencies, he thought there was no necessity at this moment for such hasty legislation as this. Although he would not divide the House at this stage of the Bill, he should give it his most strenuous opposition on the second reading.

MR. MAGUIRE said, I venture to think, Sir, that the House will agree with me in this proposition—that the corrupter should be punished as well as the corrupted, the briber as well as the party bribed. I believe, Sir, that the rich and powerful briber —the man who held the purse and administered the bribe—is far more guilty in the eyes of God and man, than the wretched creatures whose ignorance or whose necessities induce them to receive the bribe. Now, because this Bill does not propose to do equal justice to the briber as to the bribed, to those corrupting as to those corrupted, I hold it to be an unfair, unjust, and one-sided measure. It has been said by the hon. proposer of this Bill, the freeman of the borough "controlled and commanded the elections." I can easily understand why certain persons are so anxious to disfranchise the freemen—"cut off these freemen—these corrupt and rotten freemen —and we have the representation in our own hands." This statement of the hon. Member I regard as most significant of the object of the Bill. Two gentlemen contested the borough of Galway, one of whom disdained all party ties, and stood on independent principles. That gentleman and his party were inconvenient to the Government of the day. The other candidate had canvassed the constituency on more than one occasion, and still had his eye on the borough ; but it was necessary for his success that the franchise should be left exclusively in the hands of a certain class, and therefore it would be most convenient to have this Bill carried, and these guilty freemen deprived of the franchise. Pass this Bill and what would be the re-

sult?—why, there would be an additional Whig Member to back some in-coming Whig Ministry. Now, Sir, I ask, the virtuous Chairman of this inexorable Committee, where, in his Bill, is his condemnation of Dr. Browne, one of the Professors of the Queen's College in Galway, who made himself the conduit pipe of all this corruption? It positively flowed through this Professor. That gentleman was bound to neutrality by his peculiar position, and was called upon in a special degree to give a good example to those over whom he presided; but that professor undertook what is popularly termed the "dirty work" for others, without any such motive as had actuated others—viz.; the desire to bring in a relative, or to serve a friend. Not one of the wretched freemen whom these gentlemen debauched could get the stipend of corruption, unless he had the stamp of Dr. Browne's approval. The miserable devil of a starving freeman, on whose head all the indignation of this virtuous assembly is to be poured, having voted for Dr. Browne's candidates, was provided with a ticket, and then proceeded to a certain house, and put his hand in a hole in the wall; but unless his ticket bore the impress of the signet of pure Dr. Browne he could not get a penny of the wages of corruption. The House is called upon to visit these wretched victims of the briber's guilt with exemplary punishment, and to allow Dr. Browne, Professor in the Queen's College, and those associated with him, to escape scot free. Surely that would be one-sided justice. Feelings of delicacy, as well as other motives, preclude any allusion on my part to the conduct of the hon. Baronet below me; but I cannot help remarking that, even were it only for his own sake, I wish that any other man had come forward and asked the House to pass sentence on the bribed of the town of Galway. The hon. Baronet has presented himself to the House as the amiable friend of the freemen of Galway; but well might those freemen exclaim, "Save us from our friends!" The hon. and learned Member for Sheffield (Mr. Roebuck) presented a petition from the inhabitants of that borough, asking not for the disfranchisement of one class of offenders; but that equal justice should be dealt to the briber as to the bribed, the rich as to the poor, and I had the honour of presenting a second petition to the same effect. All that the people of Galway ask is, that equal justice should be done to all. The Commissioners report that some of the very magistrates were implicated in this corruption; and if hon. Members will glance over that Report before this Bill comes on for a second reading, they will find that a Mr. Perrse, a Mr. O'Flaherty, who are magistrates, a Mr. Carter, who is Deputy Clerk of the Peace, and other persons, were as guilty as Dr. Browne. And this being so, am I to be told that these rich and powerful offenders are to be absolved of their crime, and their wretched victims alone to be condemned. I contend that this Bill is not only partial in its intention, but that it also confounds the innocent with the guilty. The Report says, and the hon. Mover repeats, that several of these freemen are solvent and respectable persons, who disdained bribery, and who never accepted, or thought of accepting a bribe; and are these innocent men to be punished while the Professor of the Queen's College and his associates in corruption are to be allowed to go scot free. There are 660 freemen in Galway, of whom 120 are of entirely new creation, having never taken part in an election; and are they to be held responsible for the acts of others? There were really but 180 guilty, while there were 480 innocent; and yet, by this Bill, it is proposed to condemn the whole, innocent and guilty alike. This, I assert, is not the justice that the House of Commons should be asked to deal. The fact is, the freemen of Ireland are not liked by a certain class of politicians, and I must confess that I am one of the number myself, because, being generally of the poorest class, they are most liable to yield to the arts of the tempter; and it was thought by some persons that the proposal now before the House would afford an admirable opportunity of inserting the sharp end of the wedge, to be driven home on a convenient occasion. It might be, and no doubt would be, a question with the House whether this particular franchise ought to be abolished or continued; but this certainly is not the time, nor is it the manner, in which the attempt should be made. This Bill was given notice of even while the late Ministry were in their places, and a Reform Bill, which the country had been promised, was "looming in the distance." Why not have waited for the measure, which was to have been introduced after Easter?—why not wait for the Reform Bill, which we are to have next year? Surely, the authors of this penal measure need not be in such a desperate hurry to display their one-sided virtue. At any rate, let them

not be tolerant of bribery in broadcloth, and inexorable towards bribery in rags. Before the second reading comes on, I will arm myself with such facts as will bring shame on the concocters of this Bill, unless they include in it the names of the arch-bribers who are responsible before God and man for the corruption of these miserable voters, and unless they are prepared to punish the bribers as well as the bribed.

MR. KER SEYMER said, he thought the question raised by the gallant Member for Roscommon (Colonel French) as to the indemnity given to corrupt voters could be easily disposed of. If these Royal Commissions were intended in certain cases to be followed by the disfranchisement of corrupt constituencies, as was undoubtedly the fact, *à fortiori* they might be followed by the disfranchisement of a corrupt class. The indemnity was an indemnity from criminal prosecution, and was never meant to preclude Parliament from meting out any measure of political or social justice which it might deem necessary. Allusion had been made to the disfranchisement of the freemen of Great Yarmouth. He was himself chairman of the Great Yarmouth Election Committee, which recommended the disfranchisement of the freemen of that borough. The practice of issuing Royal Commissions in these cases had not then been introduced, but it had been established before the Galway Election Committee sat, and therefore that Committee were right in suggesting its adoption in that particular instance. When he rose to move the second reading of the Bill to disfranchise the freemen of Great Yarmouth he was greeted with general cries of "Agreed!" He took the hint and cut short his speech; when the measure was passed unanimously. The corrupt freemen of Great Yarmouth did not find a friend in that House, but the men of Galway appeared to be more fortunate. A distinction, however, could not consistently be made in their favour.

MR. BERESFORD HOPE believed that with a Reform Bill looming at no great distance it would be unwise to pass this measure. Without justifying the venality which formerly prevailed among the freemen of this country, it had yet to be proved that, under present legislation, and with the higher tone of morality that now pervaded elections, this class were peculiarly corrupt, and worthy of being specially selected for vengeance under a new Reform Act. They had in the last Session complaisantly refused, in accordance with the then Prime Minister, to entertain the small Reform Bills brought forward by Lord Ebury and by the hon. Member for Finsbury. If, on comparatively slight evidence, they passed this small Reform Bill, they would establish a precedent which they had no right to establish for the disfranchisement of a class of voters who ought not to be condemned wholesale without trial, and who, if Parliament was to be placed on a more popular basis, must be comprised in any measure which brought the masses within the electoral pale, involving, as the freeman's suffrage did, the principle of industrial suffrage. Those who had been proved guilty of having received bribes should be disfranchised, but the innocent should not be confounded with the guilty. If the Galway freemen were to be put on the black list the same fate should be extended to the gentlemen who so kindly took the £500 of which the hon. Baronet had spoken. The House ought to find out who Dr. Browne's friends were, and strike them off the roll for attending the learned Professor's "lecture."

MR. AYRTON said, he wished to call the attention of the House to the real difficulty of the Bill. He thought that there was a great deal of weight in the objection which had been raised by the hon. and gallant Member for Roscommon (Colonel French), and that this proceeding must be looked upon as a prosecution against which all the persons who had given evidence before the Commission were indemnified by the Act of Parliament. The words of the statute appeared to him to be broad enough to cover every kind of penalty; and, as he understood it, they could not proceed to disfranchise these men without being guilty of a violation of the good faith of the House. But if he were wrong in his construction of the statute, then it must be held not to apply to any proceedings in Parliament, and he called upon them, if they resolved to punish the poor voters, not to exempt the greater delinquents. This was not a matter which could be disposed of by an hon. Member, who had been guilty of grave misdemeanours, getting up and laughingly confessing his offences. There was no occasion for such a confession, as it had already been made before the Commission, and its repetition there tended to cast discredit upon that House. It was no light matter that a Gentleman of edu-

cation and station, a magistrate and a person holding a high position in the county, should have incited others to commit criminal acts of corruption, and should have paid them £100 or £150 for doing that which would render them liable to prosecution and imprisonment. Was it to be supposed that because he made light of what he had done, and excited the laughter of that House, therefore he was to be passed over, and that while penalties were to be imposed upon the victims of his offences, no notice was to be taken of his own misconduct? If the Bill before the House was to be proceeded with at all, it ought not to be permitted to reach another stage unless the names of all those gentlemen who had been guilty of corruption were inserted in it and proportionate penalties imposed upon them. Was it to be tolerated that a noble Lord should sit in that House by the votes of men who were punished for giving them? Was it possible to proceed with the Bill without putting into it the name of that noble Lord, and declaring that he should no longer sit in an assembly which it was determined he had only been able to enter by poor people being induced to commit crime? These subjects could not be dealt with in a merely conventional manner, and that House would lose much in public estimation if they punished the poor and left rich delinquents to enjoy the fruits of the crimes of which they had procured the commission. Nor did it seem possible to proceed with the Bill without some reference to the conduct of another noble Lord in respect to this election. It was true that that noble Lord was not himself guilty of criminal acts, but he must have been aware that an election for Galway could not fairly cost an unlimited sum, and must have known from previous proceedings that elections for that town were carried by money spent for corrupt purposes. The course he appeared to have pursued was to give an unlimited credit to a relative of his in Galway and to desire him to carry the election by means of that credit. Remembering the evidence upon which persons had been convicted of conspiracies, he thought that in this case, where one man had found the money for the commission of a crime and another had committed it, such a charge might have been substantiated to the satisfaction of a jury, and the parties to the offence convicted and punished. It might be inferred that the noble Lord must have had some knowledge of the object for which it was necessary to place funds at the disposal of his relative, and must have understood that the election was to be compassed by bribery. Would it be possible for that House, remembering the Standing Order that no Peer should interfere in the election of Members of Parliament, to proceed with this Bill without asking leave of the other House that the noble Lord should appear at the bar and be examined touching his proceedings at this election? Because it was somewhat grievous that while all Her Majesty's other subjects, including the hon. Baronet (Sir T. Burke), paid a certain respect to Commissions such as this, the conduct of the noble Lord in question was rather different. The Report said:—

"It has already been mentioned that Sir Thomas Burke represented Lord Dunkellin, who was in India, during this election. This he did at the request of Lord Clanricarde, Lord Dunkellin's father, who had requested him to ascertain the feelings of the constituency, and if he found them favourable, to put forward Lord Dunkellin as a candidate. Lord Clanricarde having given this authority to Sir Thomas Burke, appears to have taken no part in the conduct of the election, and the subsequent proceedings which took place were, so far as we could ascertain, directed by Sir Thomas Burke. The outlay was supplied during or after the election by the land agent of the estates of Lord Clanricarde. At the time when the Commission was opened Lord Clanricarde was on the Continent; he, however, arrived in Dublin, as we afterwards learned, on the 14th of October, the day on which we had finally closed the examination of witnesses."

The Commission was issued on an Address from both Houses, and the Marquess of Clanricarde must have known that it was about to sit. He knew that his agent had supplied funds and how his son had been returned, and yet when the Commission sat, the Marquess of Clanricarde was on the Continent, and when the Commission had concluded its labours the Marquess of Clanricarde returned. [Sir T. BURKE: Read the next paragraph.] He was going to do so. The Report went on:—

"And on the 17th of October addressed to us a letter intimating his readiness to attend for examination, if we required it. As, however, nothing appeared before us to show that Lord Clanricarde knew anything of the details of the election, and as Sir Thomas Burke, who was well acquainted with them, had given his evidence in the most candid manner, we did not feel it necessary to reassemble and reopen the Commission in the town of Galway, where alone we had jurisdiction, for the mere purpose of examining this nobleman."

He could quite understand that; but still it was not the less striking that the Marquess of Clanricarde did not appear upon the

stage until the Commissioners had closed their labours and left Galway. They might have gone back to Galway, reopened their proceedings, and examined the noble Lord; but he wondered whether it ever occurred to anybody that when their labours were closed the Commission was at an end and could not be reopened. Still the question remained and it was one on which the House must, before it could proceed with this Bill, be informed what was the Marquess of Clanricarde's knowledge of the purpose to which his money was to be applied. That information the noble Lord alone could afford, and he hoped that he might be able fully to exculpate himself from any suspicion that the credit which he gave was to be employed for corrupt purposes. At any rate there were other persons of high rank who were implicated in this affair, and if this Bill was to be proceeded with, it ought to be gone on with not in the spirit in which it had been introduced, but for the purpose of doing equal justice to all; to punish all who had either given or received bribes, but not to disenfranchise those who had had no share in the offences which had been committed.

MR. J. D. FITZGERALD said, it was right that before proceeding further the House should understand the meaning of the indemnity clause in the Corrupt Practices Act. If there were no indemnity clause in the Act, each witness, as he was called to give evidence, could refuse to answer any question which might be put to him on the ground that he might expose himself to penalties or prosecution for bribery; and the object of the indemnity was to render the evidence of each witness available by protecting him from past consequences; but the Legislature never intended that, while it could issue a Commission to inquire into the circumstances attending an election, it should not have the power of preventing parties proved to have accepted bribes from again selling their votes. The question, indeed, was already settled, for the cases of Sudbury and St. Albans were provided for by special Acts of Parliament, and each of these Acts contained the very indemnity clause now under consideration. Passing by that point, he thought that the hon. Member for Hereford had brought forward this question in a most proper manner. He had abstained from entering into any party, personal, or political questions; and he (Mr. FitzGerald) thought the House ought not to compromise its honour and dignity by entering into such topics. But if an argument were wanted to induce the House to agree to the present Bill, it would be found in the speeches of the hon. Members for Roscommon (Colonel French) and the Tower Hamlets (Mr. Ayrton). This was not a Bill for the punishment of individuals. [*Cries of* "Oh!"] Well, was he to be told that they were punishing people by preventing them from selling their votes. The hon. Members to whom he had referred had descibed in glowing language a scene of corruption which, if the House had any regard for its own dignity and wished to stand well with the country, it would use its utmost efforts to put an end to. Such a case as that of Galway had never been brought under its consideration. There were 540 freemen upon the roll at the time of the last election, and the Commissioners stated, in their Report, that 250 cases of personal bribery had been proved to their satisfaction, but that they had not been able to reach the whole. Before the election a person named Hyland appeared in Galway. Nobody knew who he was or where he came from, and after the election he disappeared in the same mysterious manner; all that was known of his business in Galway being that it was to bribe. It was a remarkable fact, too, that there was no bribery except among the freemen, of whom about one-half had been proved by the clearest evidence to have sold their votes. There were only fourteen cases of proved bribery in Great Yarmouth, but, in addition, the Committee reported that they were led by circumstances to believe that extensive and systematic bribery prevailed among the freemen. The whole body of the freemen of Great Yarmouth were disfranchised. It further appeared, in the case of Galway, that such of the freemen as were respectable—if, indeed, there were any not subject to monetary influences—would come upon the roll as householders, although the household franchise was not so acceptable to them on account of its being coupled with the obligation of paying poor rates. He believed it was a fact that, as stated by some of the witnesses, nine-tenths of the freemen had been bribed, either at the election of 1857 or at that of 1852. The Commissioners, according to the hon. Member for Roscommon, had discovered that there was no bribery at the general election in 1847, when there was no contest, but they also stated that ample materials came before them to induce them to believe that pre-

vious to 1847, and at one election in that year, though prior to the general election, there was gross bribery. What were the freemen of Galway? Any mechanic or artisan, provided he resided within the borough, could claim to be admitted upon the roll without the payment of a single farthing. In four days preceding the election in 1841 no fewer than 491 persons were admitted as freemen; on the 15th of March, previous to the election of 1847, 322 were entered, and his hon. and gallant Friend had told them that 128 had been added since. He had no doubt that if a general election were expected to take place next year, a great number of additional freemen would be admitted to the roll. The person who admitted them was a Mr. Lynch, a gentleman of respectability, who was appointed under the Reform Act, but a gentleman with no responsibility or power of examining witnesses. When an applicant appeared before him and stated that he was an artisan and resided in the borough, he was put upon the roll as a matter of course. It was a curious fact, that the freemen of Galway were never satisfied unless there was a contest. In 1857, when the third candidate had retired, saying "that the Bank of Ireland could not stand Galway," they applied to Sir Thomas Redington, and subsequently to another gentleman. Disappointed in both quarters, a telegraphic despatch was sent to London, and in due course Colonel French made his appearance in the field. The freemen voted for him, but they sold their second votes to one of the other candidates; in other words, they voted for one candidate without payment in order to induce him to stand, but sold their second votes to the highest bidder, the payment being made by ticket through a hole in a wall. It was worthy of notice that, while there were only 551 registered householders in the town, there were 945 householders who might be registered. The remainder adopted the freemen's roll in order to avoid paying their taxes regularly. Under these circumstances, seeing that 250 cases of personal bribery had been proved, that, according to the Commissioners, there was every reason to believe that extensive and systematized bribery prevailed among the whole body of freemen, and that the few who were pure would come upon the roll as householders, he trusted the House would vindicate its own honour and character by passing the present Bill.

MR. WALPOLE said, that the question brought before the House was one of very considerable importance to its character. For that reason, if for no other, he should strongly advise the House to agree to the introduction of this measure. What the House might do with the Bill in its future stage must, he thought, turn on some very grave and very serious questions, for in doing justice in such matters as this, they should not strike the low without at the same time striking the high. They might depend on it that any legislation which proceeded on the contrary principle to that which equal justice required would neither reflect credit on the House nor give satisfaction to the country. The hon. and learned Gentleman, who had just sat down, had stated very properly that the House should not view the question as a question of party, and he found a paragraph in the Report of the Commission which would enable them to discuss the particular Motion before the House in a manner entirely free from party considerations. The Commissioners stated:—

> "The only matter which occurs to us as important to mention in connection with the constituency is the fact that the great mass of the electors are of Liberal politics; that the candidates since the Reform Bill (with, as we are informed, but one exception) have been of similar opinions; and that the contests are generally not those of rival political parties, but of individuals belonging to different sections of the Liberal party."

Therefore the House had to deal with a matter affected by no party considerations, and they were simply called on to say whether, in furtherance of the endeavours which the House had made to put down bribery and corrupt practices at elections, they could not now, entirely independent of party considerations, take some course which would be effectual for the purpose and satisfactory to the country. Now, the doubts which he had in respect to the Bill, and which he thought it fair to state, while he strongly advised the House to agree to its introduction, were simply the following: It was proposed to disfranchise, first of all, the innocent with the guilty. There was on the face of the Report a distinct intimation that it was unquestionable that there were among the freemen many solvent and respectable men for their class in life. If that were so, it certainly became the House to consider whether it would in one indiscriminate censure strike those who were not guilty while striking those who were. According to the statement of the gallant Colonel opposite, 120 freemen had been put upon the roll since the time of the last election; and it would, therefore, be a most extraordinary kind of legislation

if the House were to disfranchise those against whom not a tittle of evidence could by possibility be adduced. Again, they would have to consider on the second reading of the Bill whether they ought not to bear in mind the statement of the Commissioners contained in Schedules A and C, by which it appeared that the lists of persons there, who in 1852 and 1857 were guilty of corrupt practices by giving money or other valuable consideration to purchase, or for the purpose of purchasing votes, were not nearly so long as the lists of persons in Schedules B and D. It would become a grave question to consider whether they could deal with one class of cases without dealing with the other also, and he hoped that the hon. Baronet who had spoken in the course of the debate would forgive him for pointing his attention to the answer he made to question 1,421, which revealed a state of things which the hon. Baronet in his calmer moments must regret. He thought that the hon. Baronet would see that when that evidence was brought to the notice of the House it was impossible to be passed by in silence. The passage he referred to was that in which the hon. Baronet stated what took place on the Sunday when Colonel French had come down. The hon. Baronet stated :—

"On Sunday evening, when I went to Lord Dunkellin's committee room with his staff, Colonel French having arrived in town by the four o'clock train, I totted up the lists and saw that to make the election perfectly secure to Lord Dunkellin, we should bribe to some extent, and we wanted 200 freemen. That, however, was entirely of my own doing, without saying a word to anybody. I considered how I could get them ; they were offered to me in every direction, and I was told I could get ten or twenty in various ways, so I handed to Mr. Persse £250. To get them ?—No, I understood I got 100 split votes for £250, and the same thing to Colonel French's party, for which it was arranged that I was to get 100 of their votes. I drew 100 from each and thought I had got myself secure."

That passage appearing in the evidence which was laid before the House for its guidance, and upon the confession of a Member, made it impossible for the House not to have some explanation of such a matter when proceeding with a Bill disfranchising others. One observation he should wish to make on the Act of Parliament under which the Commissioners were directed to proceed in their inquiry. It was "An Act to provide for the more effectual inquiry into the existence of corrupt practices at elections for Members to serve in Parliament," and it stated the course of proceeding the Commissioners were to adopt, and what they were to inquire into. It exonerated the witnesses and exempted them from all penalties, and the evidence was reported, but it purposely avoided stating in what way the House were to deal with the matter. The whole matter was in fact before them quite unprejudiced by anything that had occurred, and the House might deal with it in various ways. They might deal with it as they dealt with the cases of Sudbury and St. Albans, and disfranchise the borough, on the ground that the bribery and corruption were systematic and general, or as it dealt, as he had always thought, not very fairly, in the case of Great Yarmouth, by disfranchising not the borough but a particular class of voters. Now, he would put this case : suppose it were made manifest that a great number of £10 householders in a borough had been treated or bribed, would anybody say that the whole of the £10 householders in that borough should be disfranchised ? But the consideration must come home to the good feeling and good sense of all persons in that House that if they could not disfranchise that class of voters on whom the Reform Bill conferred the right of voting, on what principle of justice could they disfranchise another class, who were allowed to retain the right, because a portion had been guilty of bribery ? This was a very grave question. He did not wish to preclude all proper discussion of it, but he wished to point out that the matter was not so easily solved as might at first appear; and when they came to the second reading, and, still more, in Committee, they ought to reserve to themselves the fullest power to deal with all the cases, bearing in mind that whenever they dealt with them the first principles of justice and equity must be observed.

Leave given: Bill for the Disfranchisement of the Freemen of the County of the Town of Galway *ordered* to be brought in by Mr. GEORGE CLIVE and Lord LOVAINE.

Bill *presented* and read 1°.

ROYAL BRITISH BANK.

RETURN MOVED FOR.

MR. BRADY said, he rose to move for an Address for a Return of the expenses attendant on the prosecution of the Royal British Bank Directors. He said, he thought it high time that the directors of public companies should be made to feel that the public watched their proceedings with the greatest attention, and that all defaulters connected with them and men who violated the laws of the country would be punished with the greatest severity.

The directors of the Royal British Bank were in comparative happiness—they were in Her Majesty's prison. As regarded the late trial, it appeared that there were no less than 300 witnesses, each of whom was subpœnaed three times, and not more than sixteen of them were actually examined. One reason for desiring the Return he moved for was, because he deemed the penal law as it stood to be in a most unsatisfactory state, and he was of opinion that it must necessarily come under the consideration of the House in a very short time. The hon. Gentleman concluded by moving an Address for a return of the expenses attendant upon the prosecution of the directors of the Royal British Bank.

Motion made and Question proposed,—

"That an humble Address be presented to Her Majesty, that She will be graciously pleased to give directions that there be laid before this House, a Return of the Expenses attendant on the Prosecution of the Royal British Bank Directors."

Mr. G. A. HAMILTON said, that the information which the hon. Gentleman asked for was not yet in the possession of the Treasury. When that information was furnished to the Treasury, he did not think that there would be any objection to furnishing the Return moved for by the hon. Gentleman.

Mr. CRAWFORD said, he wished to take that opportunity of directing the attention of the right hon. Gentleman the Secretary for the Home Department to the tables of allowances to witnesses recently issued by the Treasury. He had presented a petition from an unfortunate gentleman who, after losing all his property in the bank, was summoned as a witness from the country, and remained in London for fifteen days, and at the close of that time, having never been examined, he was tendered by way of expenses 3*d.* a mile, or second-class fare for travelling expenses, 3*s.* 6*d.* a day for personal expenses in London, and 2*s.* 6*d.* a night for lodging. Of course the actual expenses of this unfortunate gentleman far exceeded the allowance. He was sure that the continuance of such a scale of payment by the Government would have a most prejudicial effect on the administration of criminal justice by inducing parties to conceal the information in which they were in possession, rather than incur the loss consequent upon attending as witnesses.

Mr. WALPOLE said, that several cases had been represented to him, in which it was clear that the scale of allowances to witnesses in criminal prosecutions was disproportionately low. He had therefore given instructions that the scale should be revised in order to see whether a better one could not be adopted. The case adverted to by the hon. Member who had last spoken had come before him on the previous evening. On consideration he was of opinion that the new scale of fees did not apply to witnesses on *ex-officio* indictments, and he had given directions that the witnesses on the British Bank case should be paid in the manner in which they would have been entitled had the new scale not been promulgated.

Mr. WILSON observed, that since it had been the policy of Parliament to repay to counties the costs of criminal prosecutions there had been a great tendency to abuse, and he hoped the right hon. Gentleman, while endeavouring to promote the ends of justice, would take care not to encourage abuse. The late Government adopted the existing scale after due inquiry, having found that the ends of justice were best promoted where the scale of allowance was the lowest. Under the former scale a great number of unnecessary witnesses, particularly witnesses belonging to the police force, were summoned, and the expense arising from that source formed a heavy burden on the rates.

Mr. HENLEY said, he was quite sure that his right hon. Friend would earnestly direct his attention to the remedying of those abuses. These payments to police witnesses were, no doubt, crying abuses; but the late Home Secretary, with the view of putting an end to them, adopted a scale so low as absolutely to defeat the ends of justice. The allowance to witnesses belonging to the class of mechanics absolutely put them out of pocket, and the effect of such a course would soon be to prevent them seeing anything.

An Hon. MEMBER hoped that the allowance to those Gentlemen who prepared the case for prosecution would be increased.

Mr. J. D. FITZGERALD said, that having been on the Public Prosecutor's Committee, which sat some years ago, he would beg to direct the attention of the House to the evidence given before it as being of a very valuable nature, and such as to throw great light upon several abuses. He recollected that one of the cases brought before the Committee was that of £1 a day being allowed to a witness. It turned

out that the witness who received that allowance was the gaoler of the town in which the assizes were holden.

Motion, by leave, *withdrawn.*

LONDON CORPORATION REGULATION BILL.

NOMINATION OF COMMITTEE.

MR. WALPOLE moved to nominate the Members of the Select Committee. When this Bill was introduced by the late Secretary of State for the Home Department, he was asked to serve on the Committee. He consented to do so, and said that he should go into it with a perfectly unbiassed mind. Since he had come into office he had become better acquainted with the Bill, but he should still enter on the inquiry with the same unbiassed mind. Some of the clauses would certainly require consideration, but he should be sorry to preclude inquiry by any intimation of his own opinion before the Committee was appointed. Reference had been made in debate to the propriety of extending the area of the jurisdiction of the corporation; but he thought that that question would be better raised separately, and without reference to this Bill. He desired, at present, to give no opinion upon it.

MR. AYRTON said, he thought the Committee was not constituted in such a manner as rendered it likely to deal fairly with the question of an extension of the corporate jurisdiction to the metropolitan districts; for, while it included two representatives of the City of London, two Aldermen of London, and several hon. Members connected with the City, he found upon it the name of only one hon. Member for Westminster, who was the sole representative of the interest of the western portion of the metropolis. On a future occasion he would ask the House to consider whether the wards for the election of Common Councilmen ought not to embrace the whole metropolitan district.

Motion *agreed to.*

Select Committee on the London Corporation Regulation Bill *nominated:*—

Lord JOHN RUSSELL, Sir GEORGE GREY, Mr. Secretary WALPOLE, Mr. THOMAS BARING, Mr. Alderman CUBITT, Sir JAMES DUKE, Sir JOHN SHELLEY, Mr. BAINES, Mr. MILNER GIBSON, Sir WILLIAM HEATHCOTE, Mr. HANKEY, Mr. EDWARD EGERTON, Mr. KER SEYMOUR, Mr. LYALL, and Mr. GEORGE CLIVE.

Power to send for persons, papers, and records; Five to be the quorum.

Mr. J. D. FitzGerald

MUTINY BILL.—COMMITTEE.

Order for Committee read.

House in Committee.

MR. ALCOCK said, that although he had to thank the Secretary for War for the explanation he had given on a previous occasion respecting the clothing supplied to British troops in India, great misconception still existed on the subject. The right hon. and gallant Member (General Peel) had expressed his belief that clothing adapted to the climate of India was supplied to Her Majesty's troops in that country, at the cost of the East India Company; but it appeared that such was not the case. The men were obliged to pay for the extra clothing, and also half the expense of their bedding. The cost was £2 to each soldier, and as there were now 92,000 Queen's troops in India, they were saddled with a charge of £184,000. He hoped the right hon. Gentleman would cause this subject to be investigated. He might also state that soldiers on embarkation for India had another grievance to complain of. They were charged rather more than £2 each for what was called their "sea kit." He had received letters from two soldiers, who informed him that the articles in this kit were charged 50 per cent more than they could be obtained for elsewhere, and that many of them were totally useless. Each man, for a voyage of two or three months, was supplied with nine cakes of pipeclay, which were said to be sufficient to last for twelve months; and they had also three boxes of blacking each, and two smockfrocks which were never worn at sea. The two charges to which he had referred, amounting together to £4, were deducted by stoppages from the soldier's pay, and amounted to two-thirds of his year's income. He had observed placards at the Horse Guards, offering bounties of £3 and £6 to recruits, but these inducements were calculated to mislead men who enlisted, and who were subjected to such deductions as he had mentioned. The right hon. Member for Wiltshire (Mr. S. Herbert) had some time ago argued in the country that, although the nominal pay of a soldier was only 13*d.* a day, it was practically almost double that amount; but he (Mr. Alcock) believed that it was not more than one-third.

GENERAL PEEL said, that he had instituted inquiries immediately after the question had been put to him by the hon. Member, and representations had

been made to Sir Colin Campbell, with a view to the reduction of the stoppages to which soldiers were subjected on their arrival in India.

Bill passed through Committee.

House resumed; Bill *reported* as amended, to be considered *To-morrow.*

House adjourned at half after Twelve o'clock.

HOUSE OF LORDS,

Friday, March 19, 1858.

Minutes.] *Took the Oaths.*—The Lord Bishop of Cashel.

Public Bills.—1ª Marine Mutiny; Militia Act Continuance; Commons Enclosure.

3ª East India Loan.

EDUCATION—IRELAND.—QUESTION.

THE NATIONAL SYSTEM.

The Marquess of CLANRICARDE rose to ask the noble Earl opposite, the head of Her Majesty's Government, the question of which he had given him notice, with respect to the course intended to be pursued by the Government in reference to the National System of Education in Ireland. In making this inquiry, nothing could be further from his views than to take any step that might have the effect of embarrassing the Government. It was with great regret he felt himself called upon, in the performance of a public duty, to allude to a subject which, he thought, had been set at rest. Unfortunately, there had recently fallen from a right hon. Gentleman in another place—a Minister of high influence—observations relating to the National System of Education in Ireland. Those observations, which were made on Monday last, had occasioned considerable alarm. As no announcement whatever had since been made, by the Government on the subject, he hoped that those words had fallen in the heat of debate, without consideration or any intention of announcing any fixed determination of the Government. But, at the same time, it was undoubtedly supposed by the people of Ireland, from what had been uttered by the Minister to whom he was alluding, that it was the intention of Her Majesty's Government so far to alter the system of education of the poor in Ireland as to extend the grants to the Church schools in that country not in connection with the National System. He thought that nothing could be more injurious than such a proposition at the present time. He would not then go into a description of the system of National Education, nor did he think it necessary to describe its effects; suffice it to say, it had been established for a considerable number of years, and under it upwards of 500,000 children were receiving a sound and efficient education. That system was working well. In his opinion it was one of the elements by which they might hope for the permanent prosperity and tranquillity of Ireland. He thought it would be a great misfortune, on many accounts, if such a system were at all disturbed by the Government; and it was impossible that any such change as was supposed to be in contemplation could be made without most seriously affecting the present established system. If schools other than those connected with the National System were to receive Parliamentary grants, the two classes of schools must either be in rivalry with each other, or the National System must be essentially modified to make it correspond with the Church Schools. He would not discuss the question whether the separate was or was not preferable to the united system; but the united system had been long established, and no change could be made without seriously affecting the social peace of Ireland. He sincerely hoped that the noble Earl at the head of Her Majesty's Government would state that they had not come to any determination of the kind. He could not believe that there was any intention on the part of the Government to disturb the National System. At any rate, he hoped that if they had any such question under consideration, that no actual decision upon the point had as yet been come to. He therefore begged leave to ask Her Majesty's Government what course they intended to pursue with respect to education in Ireland!

The Earl of DERBY: My Lords, I have listened with much attention to the observations of the noble Marquess, and I think that he has misunderstood the remarks made by my right hon. Friend the Vice President of the Council of Education in another place; because undoubtedly no such determination as that supposed to have been announced has been come to on the part of the Government. I believe that whatever differences of opinion there may be in regard to the merits or defects of the present system of national education in Ireland, which has been now about a quarter of a century in existence, there is

no one, not even amongst the most eager opponents of it, who does not admit that in its practical working it has very materially increased the extent, and moreover has greatly improved the character of the education given to the people of Ireland. I admit, on my own part, I much regret first of all that as a system of united education, which was intended to be national, it has to a considerable extent failed in realizing our anticipations ; and, in the next place, in consequence of religious scruples, (which I respect, though I cannot share them) the clergymen of the Church of England in Ireland have abstained from giving that support to the system which I think they might have done to the great advantage of those under their spiritual care. I regret also that in a portion of the schools themselves there should be an encouragement and support given to those who are opposed to the system on which they were established, in the fact, that, contrary to the original intent, in the great bulk of the schools, not only is no religious education given, but no facilities even are given for separate religious instruction by ministers of different persuasions out of school hours. I think in the non-vested schools, as they are termed, the absence of any such facilities for religious instruction as was intended by the original scheme of the vested schools, has furnished a great handle to the opponents of the system. Nevertheless, with all these defects, I think it is most important that this system of Irish education should be maintained. Her Majesty's Government will not therefore be a party to anything which in their judgment would have the effect of impairing or altering that system. At the same time I must be permitted to say I do not concur in the opinion expressed by the noble Marquess, that this determination on the part of the Government wholly excludes us from considering the question whether there may not be consistent with the maintenance of this system, that means should be furnished of affording encouragement on the part of the State to those schools that are founded upon a different principle, even though to a certain extent that support may be in violation of the principle of the existing system. I say distinctly—and the principle was discussed in a Committee of this House some few years ago—and I regret that that Committee did not make any report—I think that the principle of giving some assistance to schools of a different character, and founded upon a different principle—a proposition which was not unfavourably entertained by the noble Earl opposite, the late President of the Council—I say, I think that such a principle may be consistently recognised. But I am prepared distinctly to say this—that Her Majesty's Government have come to no decision on that subject. Her Majesty's Government have, however, come to the decision not to imperil the existing system; and further, they have determined that no alteration shall be made in the distribution of the grant without first obtaining the assent and concurrence of Parliament.

The Earl of Derby

THE INDIAN LOAN BILL.

THIRD READING.

LORD MONTEAGLE: My Lords, I have hitherto been unable to call the attention of the House to this very important Bill, from the desire I felt to have first been able to examine the Financial papers for which I moved before the adjournment, and which have not been distributed till within the last very few days. But being sincerely anxious that the Bill should pass without avoidable delay, I raised no objection to its progress to the second reading, nor do I mean to do so even on the present occasion. I cordially support the grant of an increased provision for the public service of India, and I shall give the same support to an extension of those powers, if such extension be hereafter required, an event which I cannot but consider as highly probable. Nor do I entertain a doubt but that the House of Commons will be swayed by the same motives. I am old-fashioned enough to consider the British Empire in India as one of the most wonderful and important possessions of the Crown. It raises our country in the estimation of all foreign states, and connects with the European dominions of Her Majesty an area and a population never before possessed or governed by any other power. Even if it could be shown that India creates a permanent balance against us, I could not agree to the suggestion that we should therefore be justified in treating our Eastern empire with unconcern. It would neither be true nor wise to do so. We are bound to India by the obligations of duty, a much stronger tie, to a country like ours, than any mere question of money profit and loss. We dare not throw India off, if we were unfortunately tempted so to do. We have contracted obligations to its 180 millions of people from which we have no escape. Those obligations must be fulfilled,

whatever may be the pecuniary sacrifices they entail upon us. The noble Earl over the way (Lord Ellenborough), on a former occasion expressed his regret that the House of Commons had reduced the Indian loan from ten to eight millions. If I considered that this reduction implied any unwillingness to contribute all that could be required to meet the necessities of India, I should participate in that regret. But I feel assured such could not have been the motive for the reduction made in the other House. Your Lordships should remember the peculiarity of the position in which Parliament is placed in respect to this Bill. Concurrently with this application for an authority to raise ten millions, a legislative measure has been announced to abolish the existing Government of India. The East India Company to whom by this Bill we are asked to confide the Imperial function of borrowing and of expending ten millions of money, has been, by another measure, served with notice to quit; or rather is left to await the execution of a capital sentence already pronounced. The present Indian Government will obtain the loan; a new Government, on the constitution of which Parliament has not as yet decided, will be intrusted with the expenditure of the sum borrowed. It was, therefore, thought expedient elsewhere (and in that opinion I heartily concur), to mark, by a reduction of the vote, that whilst Parliament was willing to sanction a loan for all that could be required to meet present necessities, it was imprudent and inconsistent with sound principles. to exceed that immediate demand, till we could see our way clearly to form a judgment whether the new Government of India were constituted on principles to make it deserving of confidence. This is the more necessary when the conditions of the proposed loan are considered. These conditions have not as yet been even adverted to, and many of your Lordships may be under the false impression that this Indian loan is identical in principle with the loans with which we have been but too familiar in our own home service. Such is not the case. A British loan can only be applied to certain specified services approved of by Parliament, and to which it is strictly appropriated. Thus the 19 *Vict.* c. 6, recites as the object of the loan, "the Supplies which have been cheerfully granted," and in 19 & 20 *Vict.* c. 44, the proceeds of the bills and bonds authorized to be issued and sold under the Act are required to be paid into the Exchequer to the account of the Consolidated Fund, being thus brought under the most rigid rules of responsibility, appropriation, and ultimate audit. No provision of an analogous kind is made in the Bill before us. It authorizes the borrowing of eight millions, but not one word is stated under what responsibility, for what objects, or where, these millions are to be expended. No limitation is even introduced, enacting that the loan shall be expended solely for the public service of India. It might be devoted to other purposes, without violating any one of the enactments of the present Bill. We have been informed that the Government claim very large repayments out of the funds to be borrowed, for stores furnished and advances made; yet no provision is made to recognise, or to secure, the discharge of these pressing obligations. I am not unprepared for the reply which I may receive to these remarks. I shall be told that I am not entitled to compare the strict practice of a constitutional Government, like that of England, with the practice of what must be considered to be at best a regulated despotism. This reply is, however, inconclusive, for I can point out precedents even of Indian loans, in which the more accurate system for which I contend has been adopted. Thus by 33 *Geo.* III. c. 47, s. 14, the subscriptions to the loan raised in 1793 are appropriated primarily to the reduction of the bond debt in Great Britain to a sum of £1,500,000, and are only made applicable as an ultimate trust to the discharge of other debts. By the 34 *Geo.* III. c. 41, the fund originally granted to pay off India bonds is permitted to be appropriated to the general purposes of the Company as circumstances may require." By 47 *Geo. III.*, Sect 2, 41, £2,000,000 authorized to be borrowed, is appropriated "to the same purposes as the capital stock of the Company." Precedents like these, might have been advantageously adopted in the Bill now to be read a third time, which, on the contrary, leaves the House uncertain by what Government the eight millions granted are to be expended, and to what uses they may be applied.

I rejoiced the other night to hear my noble Friend (Lord Ellenborough) speak so cheeringly of our military prospects. The past victories of our brave troops justify anticipations, which I trust may be realized by the event. But the military strength of a State should always be con-

sidered in connection with its credit and revenues, and though I do not wish to excite any unnecessary alarm on the subject of Indian finance, I cannot disguise from myself, whatever success we may expect in the field, that our Indian money prospects are but gloomy, and that a time will probably come when the Exchequer of England may be called on to assume a responsibility for some portion of the engagements of India. I, therefore, earnestly entreat your Lordships to look forward and examine this subject with prudent caution —to weigh well all future contingencies, and to apply yourselves carefully to the great question of the finances of India. Let us inquire whether the present or the past state of the resources of India—whether the peculiarities either of its income or of its expenditure, are such as to place us at our ease. I shall avoid the fallacy of reasoning and drawing general conclusions from what we are, I trust, justified in considering the exceptional case, of mutiny and revolt, and I shall, therefore, direct your Lordships' attention to the twenty-two years from 1834-5, to 1856-7. Now during this period, I find but seven years showing a surplus income, to set off against fifteen years of deficiency. The seven years 1835, 1836, 1837, 1849, 1850, 1851, and 1852, show a surplus of £5,195,206, and the fifteen years (1834, 1838, 1839, 1840, 1841, 1842, 1843, 1844, 1845, 1846, 1847, 1848, 1853, 1854, 1855), a deficiency of £20,349,238. We have thus to deal with a deficit of £15,154,032, the balance between the income and expenditure of twenty-two years. Nor do I see much reason to expect that this state of things, which I find described in perfectly accurate, though somewhat fanciful diction, as "a chronic state of deficit" and "a dilapidated condition of finance," is likely to be set right by any improvement in our Indian revenue. I consider that revenue to rest on a most precarious basis. Take for instance the net revenue received in the year 1854–55. It amounted to £27,312,235. Of this no less an amount than £22,137,948 was collected under the following, three heads: Land, £16,419,000; Salt, £2,385,347; Opium, £3,333,601. Let us examine shortly how far the permanence of these sources of receipt can be relied on. We know that though the several strongly contrasted systems of land revenue have, in their turn, been subjects of high eulogy, each of them is now considered justly liable to serious objections. It is admitted that a mistake was committed by that kind and generous man Lord Cornwallis, who, in making his permanent settlement, chiefly benefited the zemindar, or middle man, and gave no due consideration to the claims or interest either of the cultivators or of the real owners. In the Madras Presidency we have seen the Ryotwaree system with all its eccentricities of varying valuation, taxing the industry of the Ryot rather than the land itself, and, as has been proved to our horror and astonishment, collected, in too many cases, through the agency of torture. These atrocities have been practised, it is true, without the cognizance of the superior authorities of the Government; but they are all the more dangerous on that account, as being successfully concealed from those whose duty it was to detect and to punish. This is enough, independently of other evils, to condemn the Madras system, though that system has been, I might almost say, consecrated by the great name of Munro. Of the system practised in the newer settled districts, it appears that better hopes may be entertained, though few men are so sanguine as to believe in the practicability of its immediate introduction into Bengal and Madras. It is indeed suggested, and may perhaps be true, that by a reduction of land rents the total amount collected may be increased. This must be considered as, at best, but an experiment. It can only succeed slowly, if it succeeds to any considerable extent, not furnishing any certain or immediate relief to our financial wants.

The next head of revenue is that of salt, which if not subject to the same perils as those which attend the land tax, is exposed to risks of its own. Let me entreat your Lordships to remember what took place in 1853. We were then precipitated into most hurried and inadvertent legislation. We passed the last India Act of 1853, under compulsion, and subject to protest. The Government would not allow us to complete our inquiries, or even to wait till our evidence was laid on the table. Still less were we given time to frame and present a report. But, nevertheless, the other House of Parliament acting with less consideration for India than their constituents would have approved, had the case applied to England, found time with what might almost be termed a rash generosity, to increase the salaries of their rulers, and to place in jeopardy the salt revenue of India,

in consideration to the interests of Cheshire, and of other English salt producing districts. A signal service was then rendered to India by the noble Earl opposite. The noble Earl (Lord Ellenborough) not contented with protesting against this somewhat selfish decision, induced your Lordships to reject the decision of the Commons by omitting the clause so imprudently adopted. Does such ill-considered financial legislation give us grounds for confidence that Indian finance will be discreetly managed by a distant Legislature which exhibited in 1853 so much carelessness for the interests of India? I am unwilling to go into the Opium case at any length, though sorely tempted to do so. But the question is too important to be altogether overlooked. Opium yielded in 1854-55 a net revenue of £3,333,000, and I believe this income is still increasing. But will the President of the Council of India deny that this revenue hangs by a thread? Who can affirm what may happen in China? If the Government of that Country should come to its senses, and substitute a moderate duty for its absurd prohibition, the Opium revenue of India is gone; the Poppy will be grown in China, and the Indian Treasury is made irretrievably Bankrupt. We have known one enlightened Governor, Keshen, who was called, as I remember, the Chinese Huskisson. But the Chinese need not rely exclusively on their home political market to furnish them with teachers of wisdom. We send them out an instructor in the person of our British consul at Hong Kong. Whatever differences exist in the value assigned to Sir John Bowring's services, as a statesman and a soldier, there is no doubt of his acquirements as a political economist. If he desires to persuade the Mandarins, we can hardly doubt but that he will be able to convince them of the folly of their existing laws, and of the necessity of abjuring their present faith and practice.

I shall not trespass on your Lordships' time by any observations on the miscellaneous revenue of India, amounting in 1855-56 to a sum of £5,174,287. But I think I shall not be open to contradiction when I assert that it would be rash and over-sanguine to anticipate any considerable or certain improvement in our Indian finance, from an augmentation in the reveuue receipts.

Nor can we find more of consolation if we consider the present prospects of Indian expenditure. The existing amount of Indian debt has been stated by Sir George C. Lewis at £68,000,000, and its annual charge at £2,829,000. The heaviest portion of this charge must be, at the present time, the military expenditure. Can the noble Earl opposite give your Lordships any approximate estimate of the increased expense of the military establishments of India likely to be required, as consequent upon the mutiny? Coming events cast most portentous shadows before. I have seen an estimate which raises the probable number of the Queen's troops in India to 92,000, or above 52,000 in excess of the present contingent. It is true that this may be accompanied by a reduction of the Native Forces. But is there any one among your Lordships who is at present prepared to state what will be the augmented expenditure, and what the saving of this change? I have already alluded to the great difficulties we are under from the unfortunate events, connected with the hasty renewal of the Charter in 1853. We now suffer from the want of information which that incomplete and unsatisfactory proceeding has occasioned, which leaves Parliament without the means of forming any well considered determination. Certain facts are, however, distinctly stated. We are informed that in 1857, the following funds were at the command of the East India Company. The borrowing powers of the Company amounted to £3,000,000; the cash account stood at £1,000,000; a similar sum of £1,000,000 was reserved in 3 per cents.; and £1,800,000 in exchequer bills. Since then we are told that "these resources have been called into requisition and are nearly exhausted." In the return made to the order of the Chancellor of the Exchequer, and signed by Sir George Clarke, there appears the following statement of the cash balance in the Home Treasury. On the 1st of January, 1858, the credit balance stood at £1,187,963; on the 1st of May, 1858, it is estimated at £859,958; but in May, 1859, the estimated deficit is calculated at no less a sum than £7,586,068. This suggests serious reflections.

I am far from calling attention to these figures with the view of throwing difficulties in the way of the progress of the present Bill. On the contrary, they prove its necessity. But they do much more. They show us the obligation we

are under of considering another, and a much more important question to which they necessarily lead. I allude to the obligation existing, or which may hereafter exist, in case of a continuing deficiency in the finances of India, and the liability which such an event may cast on this country — a liability to supply means to meet such deficiency. This question does not arise as a necessary result of the loan now proposed, but rather as the effect of another measure, which we are all aware is submitted to Parliament. Assuming that the measure about to be proposed by the Government involves the abolition of the East India Company, and the transfer of the territory and revenue of India to the Crown of England, I cannot, for the life of me, see how the Parliament of England which is to effect this mighty change can escape from the liabilities to which such revenue and territory are subject. The territories of India will necessarily cease to be held by a great Corporation in trust for the Crown —they will become the absolute possession of the Crown itself, and must be taken subject to all their burthens. I feel that this proposition is unpopular, I know that it is startling, and I therefore am bound to support it by authorities higher than my own. Even before such abolition of the Company was dreamt of, and before such transfer of Indian revenue and territory was suggested, this great question was opened to Parliament in the most distinct manner by no less important a person than Sir Robert Peel. In 1842, when that great statesman laid before the House of Commons his financial propositions, and recommended the strong measure of adopting an income tax in time of peace, he did not overlook the relations existing between the finances of India and of this country. On the 18th of March, 1842, he said:—

"I refer to a subject which has of late occupied but little attention in the House. I refer to the state of Indian finance. I am quite aware that there may appear no direct or immediate connection between the finances of India and those of this country; but that would be a superficial view of our relations with India, which should omit the consideration of this subject. Depend upon it, if the credit of India should become disordered—if some great exertion should become necessary—then the credit of England must be brought forward towards its support; and the collateral and indirect effect of disorders in Indian finances would be felt extensively in this country."

This was a serious warning, and the words which then fell from the lips of the head of the Government were words of weighty import, particularly in times like the present, when I have shown you a continued decrease in the revenue, and a continued increase in the expenditure, of India. These words, it must also be remembered, were spoken whilst the Company still existed, governing India, subject, it is true, to the authority of the Board of Control, but possessing an indisputable right of applying Indian revenue. This state of things it is now proposed to set aside. If the Company were still to be permitted to exercise the jurisdiction and appropriate the revenue of India, as in 1842, it might be said in reply to any applications from the Company for British aid or guarantee, though it might not be wise or generous invariably to employ such an argument, "You are entrusted with the whole revenue of India, you have the power of applying it to the payment of Indian debt, and to the support of Indian Government, and being so entrusted, you cannot urge any claim whatever upon this country." The case will be widely different hereafter. But even in times past—I repeat it—if the revenue of India become deficient, and that Indian necessities could not be met by Indian credit or increased Indian taxation, the austere refusal of British aid under circumstances which may easily be conceived, would neither be generous, wise, or even practicable. And if the pressure became extreme, this country would find itself compelled, in duty and in interest, to realise the prediction of Sir Robert Peel, and to bring forward its resources in support of India.

Nor would such a course be unprecedented. Under very different circumstances, and before Parliament had interfered with the commercial and exclusive privileges of the East India Company, Parliament did not adopt the principles which have been avowed in our times. For instance, in 1810 (50 George III. c. 114.) Parliament granted to the Crown a sum of money in exchequer bills for the relief of the East India Company. This statute recites, "Whereas the East India Company at present labour, and have for some time past laboured, under difficulties for certain demands by creditors; and whereas it is expedient that a sum of money be advanced for the relief of the said Company:" and the Act proceeds to authorize the issue of one million and a half for In-

dian purposes. Two years subsequently, by the 52 George III. c. 125, a sum of £2,500,000 was advanced to the East India Company to enable them to discharge part of the Indian debt. This sum was deducted from the loan of £22,500,000 raised in 1812, and was directed to be applied "for the relief of the Company under existing circumstances."

But I will assume that neither these precedents nor yet the authority of Sir Robert Peel existed, I shall contend with confidence that the argument with respect to the British responsibility becomes irresistible on the enactment of a statute abolishing the Company, and vesting all the revenues of India in the Crown. Under these circumstances, when we assume the responsibility of governing India, we cannot separate from that responsibility the obligation of meeting the engagements chargeable on Indian revenue. Those obligations must rest somewhere. If the proposed Act be once passed, it cannot be argued in Parliament that these obligations rest upon the non-existing Company abolished by Parliament itself. They must be sought for elsewhere. With the revenue of India they must be transferred to the Crown of England, and must, in case of necessity, be met by Parliament. I know that the argument which I am now urging is a most unpopular one. Even your Lordships may be displeased at being reminded of those serious liabilities. Remember I do not urge my argument as arising out of the present Bill, but in reference to the important change which it is proposed to make in the Government of India. I ask not for any immediate reply on the part of my noble Friend, the head of the Government, but I express a confident expectation that in connection with the India Bill, he will be prepared hereafter to give us a clear explanation upon the subject. It is not consistent with the decision and manliness of his character that we should be called upon to legislate in the dark, or that the slightest doubt should be left to rest on the minds of the lenders of money as to their rights, or on the minds of the borrowers respecting their responsibilities. The question demands a decision, Aye or No. It is idle to talk of leaving this great question to a moral responsibility, or to a vague general understanding. I must be permitted to say that according to my experience, what is generally designated a good understanding, as distinguished from a precise contract, generally ends in a misunderstanding. The *jus vagum at eque incognitum* has been well described as a miserable bondage. I need not rest on the philosophical historian: I can appeal to official authority in our own times in support of my views, for I find that the present Chancellor of the Exchequer in the debate upon the India Bill, on the 11th of February, is reported to have made the following statement:—

"Let me remind the House of the Bill now on the table for raising money for the service of India, and of the effect on our finance, and on Indian finance, of the proposal of Government. It is idle any longer to distinguish between English and Indian finance. If the President of the Indian Council, a Queen's Minister in Downing Street, should find it necessary to raise money by a public loan to pay Her Majesty's troops in India, it will be idle when the dividends are due upon that loan to pretend to assert that he will be able to say if the means are not at hand, 'the Exchequer of India is empty and the revenue of India is alone liable.' Every Gentleman will feel in his own mind, that such a distinction as this, between the finances of India and the finances of England cannot be retained for a moment, and that a blow on British credit at its very source where the tide is highest is infallible and inevitable."

The right hon. Gentleman, who used this powerful and unqualified language, has but expressed in a more distinct manner, the very conclusions to which I have endeavoured to lead your Lordships. I cannot understand, indeed, by what process of reasoning any noble Lord, whom I am addressing, can satisfy himself that if there should be a deficiency in the revenue of India hereafter, which the Government were unable to meet from the resources of that country, we can contend that the responsibility of making good such deficiency would not ultimately rest upon the Parliament of England. This is a point which at a proper time will require to be clearly explained, because the Government of this country have no right to leave those who under the sanction of Parliament may lend money for India in any doubt as to the obligation for repayment. I have thought it my duty to address these observations to your Lordships to prepare you for the solution of the question hereafter, when the Indian Bill comes under discussion. I do not raise any objection to the passing of the present Bill, which is admitted on all hands to be absolutely necessary, but the public attention should be directed to the consideration of the ultimate results of a policy which proposes to vest the absolute Government and possession of Indian territory in the hands of the Crown, and which appears to me thereby to augment the financial responsibilities of the European dominions of Her Majesty.

The Earl of ELLENBOROUGH: My Lords, if I understand aright, the object of

the measure which was proposed by the late Government, and the object of the measure proposed by Her Majesty's present Government, with respect to India, is to give to that country a better and cheaper government; and if that object can be accomplished, undoubtedly the danger of this country being called upon to assist India in its pecuniary difficulties will be greatly diminished. What I understand, then, is, that it is the duty of the person, whoever he may be, who is placed at the head of Indian affairs in this country, to endeavour so to reduce expenditure in India as to make that expenditure, if possible, come within the revenue. That, undoubtedly, is his first duty; and, above all, I desire and trust that we shall effect the object of relieving this country from any burden on account of India. My Lords, although the difficulties are undoubtedly great, I look forward with some hope to the ultimate result. I recollect that, when nearly thirty years ago I undertook the same office which I hold now, we had to encounter difficulties similar to those we are now experiencing; yet, under the advice and assistance of the late Duke of Wellington, in the course of two years and a half we effected or ordered, or had in contemplation reductions which in the aggregate would have exceeded £1,800,000 a year. No doubt the pecuniary difficulties arising out of the present condition of India are very great. We are compelled to employ, and shall be compelled to employ, in that country more than forty additional battalions of European troops, and at least ten, if not more than ten, additional regiments of European cavalry; besides that great arm, the artillery, a portion of which was formerly Native must now be altogether European. That will cause a very considerable increase in the expenditure, for the expenditure for a European soldier is very nearly equal to three times that necessary for a Native soldier; and it is therefore perfectly impossible for us to effect the equalization of the revenue and expenditure without a great reduction in the Native army. What is passing through my mind at the present moment, is a reduction of sixty-four battalions in the Bengal army. Your Lordships may depend upon it, if I am to be at the head of this great work, I shall do it with a determination of succeeding, if success be possible. I know it will be necessary to make great reductions in the expenditure; and every reduction will probably create considerable unpopularity. That will be to me a matter of very small account, and I shall bear it as I have borne it before. As I have mentioned to your Lordships, I shall in every direction make such reductions as appear to me consistent with the public interests. My noble Friend (Lord Monteagle) observed that this loan differs altogether from loans which are raised for the service of this country. Those loans have a specific object; but with respect to this there is none, further than that it is for the general expenditure of India. Although, however, it differs in its general character from loans raised for the service of this country, this loan entirely agrees with the power of raising money which from time immemorial has been extended to the East India Company. They have had at all times the power of raising a large amount of money on India Bonds—£7,000,000, I believe—a portion of which remains to be raised at the present moment. The usual amount which they raise is £3,000,000 or £3,500,000, and sometimes it may go to £4,000,000. They have borrowed a large sum of money of late on these securities; nevertheless they have at this moment a power which is still unexercised of raising £1,000,000. This loan is only an extension of their power—a large extension, no doubt; still only an extension of the power of borrowing money which at all times seems to Parliament to have been consistent with the public interest that they should have. A power is to be now given to raise an amount that will about equal the expenditure; and no doubt it is extremely probable that events may occur which, under the present difficult state of circumstances, will render it necessary for the Government of India to depend altogether, for a time, upon our means of borrowing money, and not upon revenue. My noble Friend has referred to circumstances which existed twenty years ago, and he tells that at one period he found a surplus which amounted to £5,000,000, and at another a deficiency amounting to £15,000,000. But, my Lords, if you recall twenty years, you must recollect that the first portion of that period embraced the Affghan war, which continued four years, the two years' war in the Punjab, and another war, though not a long one a very costly on, in Scinde. These wars added millions to the expenditure. Although, however, the wars in the early part of those twenty years affected the

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revenue materially, it was not so with respect to the last ten years; whereas, by the way in which it was put by my noble Friend, it would appear as if £7,000,000 had been added to the debt during that latter period. If my noble Friend will look into the amount of the balances in the treasury of India, he will find that those balances have increased £3,300,000; so that, in point of fact, the total increase of the debt has only been £3,700,000. If against that debt he will place £4,000,000 or £5,000,000, which have been expended in public works, many of them most profitable and remunerative to India, he will find that the revenue of India during the last ten years stands better than it did before. My noble Friend has gone into details with respect to land and other portions of Indian revenue. I speak from recollection; but when in India I took occasion to look at the subject as closely as possible, and the result which appeared to me at that time likely to occur with respect to the land revenue of Bengal was, that there would be a probable increase at the rate of £100,000 a year, but not beyond that amount. Undoubtedly, as regards the revenue from opium, no one can look to that without feeling apprehension as to its probable amount in future years, because circumstances happening from time to time may materially affect it. I should have mentioned, amongst various things to be taken into consideration as affecting the revenue of the previous period of ten years, that the war in China, although in one sense it cost India nothing, the expenditure being thrown on this country, yet it was not an event which ought to be omitted to be taken into consideration—it seriously affected the trade of India at the time, and the effect of it upon the revenue from opium was to lessen it fifty per cent., and therefore it most materially deteriorated the then position of the Company. At the present moment the amount received from opium is extremely large; and although sanguine persons may expect that the progress of civilisation and enlightenment will decrease the consumption of the drug, yet it is an undoubted fact that a most extraordinary increase has of late taken place in the quantity of opium exported to China, and the demand for it in that country seems to be still extending. Now, if we are capable of obtaining a good Government for India—and I know that we shall do what we can for the attainment of that object—why should we despair of seeing that country hereafter in a prosperous condition? It is the most extensive and the richest empire in the world; it is traversed in all directions by noble rivers, which can be made navigable by the art of man; we are now intersecting it in every direction with railroads; and I cannot understand why we should not, with all our European energy and European knowledge, make India as productive as it was in the time of Aurungzebe, who, it is stated, drew as large a revenue from that portion of the country which was under his control as the East India Company have derived from the whole of their territories. I confidently look forward to the realization of that object, which, if it can be accomplished, will be particularly gratifying to my noble Friend, who very naturally takes a fiscal view of these matters. I am willing to do the same, for I hold that a Government conducted by intelligence can do more for the good of the people than one which, by injurious parsimony or unpardonable extravagance, impoverishes the resources of the country. My Lords, I shall say no more than that before a fortnight has elapsed my noble Friend will see what steps I have endeavoured to take, which I trust will have the effect, not only of giving good government to India, but of greatly improving its fiscal position.

EARL GRANVILLE: I recollect that at the last stage of the Bill my noble Friend near me (Lord Monteagle) complimented the noble Earl opposite on the very satisfactory statement which he then made with regard to India; but I cannot help thinking that my noble Friend has not to-night followed the text on which he then preached. There is no doubt that the finances of India require very great attention, and I believe that a reform in them might be most advantageously carried out. I think, even with regard to the system of accounts, much remains to be done under that head. The income of the last year has of course seriously suffered from the rebellion; but I believe some compensation for that will be found in the fact of the Company having been released from some of its liabilities. I do trust that in the reorganization of the army, although I quite agree that it will be necessary to increase very much the number of European troops, it will not be found impossible on the whole to reduce considerably the total cost of the Indian army. But of one thing I am quite certain, and that is, that any real economy must depend on the local government of India. If the Imperial Parliament once encourage the local government to believe

that they can obtain facilities for raising money, not on the security of the Indian revenue, but on the security of the Crown and the Parliament of this country, there will be encouragements to a lavish expenditure, which will not exist if they find they are checked by the difficulty of raising loans merely on the security of the Indian Government itself. I think this is a most important consideration. The noble Lord referred to certain assistance which had been given by this country to India at a former period. No one can doubt that circumstances may arise in which this country might think fit in some way or other to afford assistance to India; but I do not understand how the form of Government at home can in the slightest degree affect that question. It appears to me that it would be entirely unreasonable to raise money now at a higher rate on the security merely of the Indian revenue, and to look afterwards to the English Government for the repayment of the loan. I believe that could not have been the intention of Sir Robert Peel when he stated, as he did on one occasion, that it might be necessary for this country to come to the assistance of India in a time of great difficulty. I really have nothing more to say in defence of this Bill. The noble Earl upon whom has devolved the responsibility of conducting it through your Lordships' House has disposed of the arguments raised against the measure. In conclusion, I will only say that I entirely deny that by this Bill we give in the slightest degree any collateral security to that afforded by the revenues of India for the repayment of this loan.

THE EARL OF ELLENBOROUGH: The noble Earl is quite right. Neither by this Bill nor on any other ground can India evade in the slightest degree the liability thrown upon it to repay the whole of this loan. As regards what Sir Robert Peel appears to have said, I was in India at the time he made the speech to which reference had been made, and I recollect reading that speech with complete astonishment. What he could have meant I cannot understand. I felt I was then thoroughly independent. I had to pay my own way, and I never had the slightest chance of obtaining assistance from this country. What assistance Sir Robert Peel could have contemplated, I repeat, I cannot understand.

EARL GREY: My Lords, I rejoice to find that, with a single exception, there is a general repudiation by your Lordships of the doctrine that, by this Bill, any engagement whatever can be implied on the part of Parliament to make up any deficiency on the part of the revenue of India, to provide for the interest of the loan about to be made. I think there is no obligation, either moral or otherwise, imposed on this country to pay the debts of India. If it were otherwise, what would be the consequence? If you adopt the principle that this country may be answerable for debts contracted by India, you must follow it up by taking care that the whole expenditure of the Indian Government shall be brought under the consideration of Parliament, and Parliament must exercise a close scrutiny over that expenditure. But more than that. If that principle is to be applied to India, must it not be extended to other dominions of the Crown? And remember there are dominions of the Crown—such as Trinidad, the Mauritius, and others, which do not possess any representative legislatures. I contend that the principle is one which we cannot too studiously guard against admitting, either directly or indirectly. I hold that the revenue of India, and the revenue of India alone, is pledged by this Bill. There are reasons of policy which make it desirable that English security should not extend to loans contracted on behalf of India. I think it desirable that there should be a great number of persons in this country who would take an interest in seeing that the affairs of India are so managed as to conduce to the welfare of the Native population under our rule, and to the interests of the mother country, and who would exercise a check on the misgovernment of India, by which the security of private property might be injured. I am persuaded that, if India is properly governed, the security it affords for this loan is a very good one. I have heard with great satisfaction the views stated by the noble Earl opposite (the Earl of Ellenborough). I believe with him the resources of India are so great that, if properly administered, they will furnish ample means of repaying this debt. I was glad to hear that he looks to the possibility of reducing the expenditure of India, especially the military expenditure. So, from the fearful calamities consequent upon the mutiny, we may at least derive this benefit, that in future the policy pursued towards India will be very different from what it has been heretofore. We have hitherto kept up a disproportionate army in India, not so much for internal purposes as with a view to meet imaginary external dangers. The real source of our calamity in India, and of

our future danger, is, the warlike policy on which we have acted. I trust we shall now feel the necessity of keeping our army in India, and particularly the Native army, within more moderate limits; and we shall then adopt the principle of not meddling in the affairs of our neighbours, a course which has drawn us into unnecessary and expensive wars, and been the cause of all our difficulties. If the £12,000,000 of money thrown away on the Affghan war had been applied to internal improvements, how far it would have gone to increase the security of our position in the country, and to establish our influence in the central parts of Asia.

THE MARQUESS OF CLANRICARDE said, he would remind the House that in 1773 Lord North complained of the conduct of the East India Company being so oppressive towards the Natives that it was absolutely necessary to subject it to the control of the Crown, and at the same time proposed a loan from Parliament to the Company of £1,400,000. No doubt, the resources of India, if properly developed, were fully equal to make it one of the richest Governments, as it was by nature about the richest empire, in the world. But to attain that end a very different system of administration must be introduced into that country from that which had prevailed under the East India Company. The noble Earl had referred to the reduction of the army of Bengal; but the army of Bombay required almost as much looking into it as what was left of the Bengal army. Indeed, to effect great reductions the army of all the Presidencies must undergo revision. Nor, indeed, ought their economy to be confined to the military service. The salaries now paid to the civil service of India were in many instances in the highest degree exorbitant. If the Administration of that country was to be put upon a proper footing, with a view to its being permeated throughout by British capital and British enterprise, and to its being really civilized, they must establish better laws and an improved judicial system. This, however, would lead to a considerable increase of expense, the means of defraying which could be supplied only by careful retrenchment in the other branches of the Government. He thought the noble Earl took too bright a view of the probable prosperity of India for some time to come; and when he stated that at the present moment there was such a demand for opium in China that the value of that drug had largely increased, and, consequently, that our opium revenue had greatly advanced, he should not forget that this growing demand in China would most likely induce the Government of that empire to alter a policy which, though beneficial, perhaps, to this country, was yet perfectly absurd in itself. English credit and English revenue were therefore intimately connected with questions of Indian finance.

Motion *agreed to.*

Bill read 3ª accordingly, and *passed.*

House adjourned at Seven o'clock to Monday next, half-past Ten o'clock.

HOUSE OF COMMONS,

Friday, March 19, 1858.

MINUTES.] PUBLIC BILLS.—3° Marine Mutiny; Militia Act Continuance; Commons Enclosure.

ASSIMILATION OF THE ENGLISH AND COLONIAL LAW.

QUESTION.

MR. HORSFALL said, he would beg to ask the Secretary for the Colonies whether, seeing the great inconvenience which arises from the existence of Dutch, Spanish, and French Laws in various of our Colonial Possessions, the time has not arrived when the attempt may be made to assimilate the Laws of our Colonies to those of the Mother Country?

LORD STANLEY said, that no doubt there did exist a great diversity between the laws which prevailed in different portions of the British empire; no doubt also that diversity gave rise to considerable practical inconvenience in this country, but possibly also in the Colonies; at the same time, however, he could not hold out to his hon. Friend any hope that the Imperial Government would attempt to remodel the laws in the Colonies, and establish a uniform system of law throughout the British empire. Any such attempt, if made by the Imperial authority, would create in the Colonies concerned a feeling of great dissatisfaction and great discontent. In most cases, if not in each case, where the Colony formerly belonged to a Foreign Power, and came into the possession of the British Crown, a pledge was given to the inhabitants of the colony that they should continue to enjoy their own institutions and their own laws. Although he did not say that those institutions and laws belonging to a former time were inviolable

and for ever binding on this country, yet there were strong arguments against any interference with them by the Imperial authority. There had been some special cases in which it had been thought necessary to interpose by the Imperial authority; but, as a general rule, the matter had been left to the various local Legislatures. The Government of this country had always felt confident that in the lapse of time, and with the increased trade and increased intercourse with the rest of the British empire, English habits and English ideas would be introduced into our Colonies, as they already had been to a considerable extent in Canada and the Cape of Good Hope, and one result of that would be, that ultimately, although not at present, there would be established throughout the British empire a uniform legal system, free from practical difficulties. But in the meantime we were bound to consult the feelings and convenience of the inhabitants of the Colonies as well as our own; for, like ourselves, they were attached to the laws and institutions under which they had been brought up; and whatever might be the advantages—and he did not deny that they would be considerable—of a uniform system of law prevailing throughout the British empire, those advantages would be dearly bought if purchased at the expense of the loyalty and good will of any of the Colonies subject to British rule.

FAIRS AND MARKETS (IRELAND)—GRAND JURY (IRELAND).

QUESTION.

MR. MACARTNEY said, he wished to ask the Chief Secretary for Ireland whether, in the event of the Fairs and Markets (Ireland) Bill and the Grand Jury (Ireland) Bill, now on the table of the House, being withdrawn, he will be prepared to introduce a Bill or Bills upon the same subjects after the Easter recess?

LORD NAAS said, it was his intention to postpone the Bills alluded to by the hon. Gentleman until after Easter, and he would then state what course the Government intended to take with regard to them.

CAPTURE OF DELHI—ISSUE OF MEDALS.

QUESTION.

MR. KINNAIRD said, he would beg to ask the Secretary for War whether it is in contemplation to issue Medals to commemorate the capture of Delhi to all those engaged in that memorable siege?

GENERAL PEEL said, it was in contemplation to give a decoration to those engaged in the capture of Delhi, but he would be able to give a more satisfactory answer to the question on Monday.

On the Motion that the House at its rising adjourn until Monday,

EDUCATION REGULATIONS (ARMY) INDIA.

OBSERVATIONS.

MR. FAGAN said, he rose to call the attention of the Secretary to the Board of Control to the army regulations made by the Governor General in India in Council in 1855, which requires that the children of soldiers over four years of age should be sent to the regimental schools in order to entitle such soldiers to draw for each child subsistence money of 5*s.* per month; and to ask whether, during the last year, any modification or alteration of that regulation has been made so as to allow the Roman Catholic soldiers now serving in India, who conscientiously object to send their children to these regimental schools, to have them educated in schools of their own faith without the forfeiture of their subsistence money; and to ask, further, if no such modification has been made, whether it is the intention of Her Majesty's present Government to afford that just relief to the consciences of the Roman Catholic soldiers now serving their country in India. He had given notice of similar questions last summer; but before they were asked the news of the mutiny arrived, and at the request of the right hon. Gentleman, who was then President of the Board of Control, he did not press them. He did not know what had occurred since, and could well understand that the mind of the right hon. Gentleman might have been so pre-occupied that he had forgotten the subject. Now, however, they were assured by the noble Earl at present at the head of the Board of Control that the mutiny was nearly suppressed, and he therefore thought that the time had now come when no injury to the public service could be done by bringing the subject forward. To understand his questions the House must be informed that every soldier serving in India was entitled to draw subsistence money at the rate of 5*s.* per month for each of his children; and that there were at almost every military station Roman Catholic schools of great efficiency, indeed, nearly equal to those which were to be found in

this country. In 1854 the celebrated Education despatch was sent from this country by the Court of Directors, establishing a system of education in India on much the same plan as was established in Ireland. In the following year Lord Dalhousie, anxious that the children of soldiers serving in India should have the advantage of the great system of education established under that despatch, drew up certain army regulations, among which was one providing

"That all children being above four years of age for whom the Government subsistence allowance is drawn, are required to attend the school regularly, unless prevented by sickness, failing which the allowance is forfeited."

These regulations were published in the Madras Presidency, but he did not know whether they had been applied also to those of Bengal and Bombay. What had been the result in Madras? Roman Catholic soldiers, who could not conscientiously send their children to the Government schools during the hours of religious instruction, had been obliged to give up their subsistence money, amounting in some cases to 25*s.* or 30*s.* a month. It was true that there was a regulation that the children of Roman Catholic soldiers would be allowed to absent themselves at the time when religious instruction was afforded, provided their parents signified in writing to the schoolmaster or mistress their wish to that effect. But practically that regulation was a nullity. It might do very well in Ireland, where public opinion could be brought to bear upon it, and where there were Commissioners of Education to protect the religious rights of Roman Catholic children; but everybody acquainted with regimental discipline knew that a private soldier could not refuse to send his children to the regimental school, especially when it happened that his commanding officer was a person of strong religious feelings on the Protestant side. He understood that in point of fact the regimental schools in India were essentially, apart from the question of religious teaching, Protestant institutions, with Protestant books, and Protestant masters and mistresses, so that the Roman Catholic soldiers could not without great sacrifices, including the deprivation of the sacraments of their Church, send their children to them. The result was that they were deprived of that subsistence money which he maintained was their right. It was proper the House should know that the number of Roman Catholic soldiers in India amounted to nearly one-half of the entire force. For the future, the European troops would be considerably increased, and he asked whether it was right that such a regulation as that he had quoted, though intended for the best purposes, should be continued? He hoped that the Secretary to the Board of Control would give him a satisfactory answer; if not, it would be his duty at some future period of the Session to direct attention again to a question of such vital importance to a large portion of the soldiers serving in India. The hon. Gentleman concluded by putting his question.

MR. BAILLIE: The inquiry of the hon. Member for Cork embraces two questions. First, he asks whether, during the last year, any modification or alteration of the regulation to which he has referred has been made, so as to allow Roman Catholic soldiers, now serving in India, who conscientiously object to send their children to the regimental schools, to have schools of their own? No alteration has been made in those regulations; but the hon. Member does not seem to be aware that those regulations of the Government of India are the same, word for word, as the regulations for the British army in this country. That regulation to which he referred seems to me to meet completely the case of which he complains. Before reading it, however, I may state to the House that the hon. Member has stated quite correctly that those soldiers who receive subsistence money of 5*s.* a month for their children have it on condition of sending their children to school; and I suppose he does not object to that. The regulation of the Governor General on the subject, which is, as I have said, copied word for word from the regulations of the British army for this country, is as follows:—

"The children of Roman Catholic soldiers, or of soldiers dissenting from the Church of England, will be allowed to absent themselves at the time at which religious education is given, provided their parents signify their wish in writing to the schoolmaster or schoolmistress; but they must attend at the opening of the school."

The religious education commences at the beginning of the day, and the Roman Catholic children are thus not required to attend school until that portion of the instruction is concluded, and they then come in solely for secular instruction. That is the regulation at present, and I do not

know that there is any intention of altering it.

MR. MAGUIRE said, he had had conversations with Roman Catholic soldiers, who represented the existing regulations as imposing upon them the most intolerable grievance. The comfort and the promotion of the soldier depended upon his obtaining the goodwill of his superior. It was, therefore, "a sham" to tell a soldier in a regiment, where there was a proselytizing colonel or major, that he might withdraw his children from the religious education which they favoured. There was no human being so dependent on the caprice of another as a private soldier in the army. The present regulations did not protect the Roman Catholic soldiers, and they ought to be modified.

COMMISSIONS IN THE ARMY.

OBSERVATIONS.

MR. BAGWELL said, he rose "to bring before the House the subject of certain parties professing to obtain Commissions in the Army without purchase or examination, by raising men for Her Majesty's Service." Since he brought this subject before the House on a former evening he had received several communications from persons complaining that commissions in the army were given without examination. There was no branch of the public service of which the people were more justly jealous than the administration and patronage of the army. In *The Times* of that morning—a journal which both led and followed public opinion—there was an article on General Havelock, of whom the writer said "He had not attained to high rank or high command, for he had no family influence nor political interest at his back;" and "It seemed pretty certain that he had reached the limits of any advancement possible under the circumstances of this peculiar case." That showed the state of public opinion on the question of the advancement in the army. He held in his hand a letter from Mr. Galbraith, a Fellow of Trinity College, Dublin, and one of the most distinguished scholars in Ireland, complaining of the want of a proper competitive examination for the scientific branches and higher grades of the service; and upon the same point he would just allude to a letter in *The Times* of that morning. The particular case which had directed his attention to the subject of commissions in the army might be briefly stated. Some time ago a young gentleman, a friend of his, saw the following advertisement in *The Field*, a newspaper likely to attract young men fresh from Eton:—

"The Army.—Commissions without purchase.—Young gentlemen are now permitted to raise 100 men for the army, and thereby obtain without purchase or examination an ensigncy in the Line. Those who have obtained their orders or wishing to do so will study their interests by applying by letter, in the first instance, to Captain Hunt, 3, Montague Place, Islington, London. Militia aspirants will be attended to."

Upon application by letter being made to Captain Hunt, the following communication was received:—

"3, Montague Place, Islington, London,
March 3.

"Dear Sir,—If you are under twenty-three years of age, I shall, I have little doubt, be enabled to get you a cornetcy in the cavalry without examination. In the first instance you must lodge at the army agents a stipulated sum, to be paid over to me upon your name appearing in the *Gazette*. No money required before.

"Procure a certificate of your birth, a certificate of your education and moral conduct from your schoolmaster, a certificate as to what religion you are from your clergyman, two or three of the most influential testimonials you can procure regarding your respectability, &c. When you procure these call upon me by Friday evening. It must be by Friday evening at furthest, as I leave for the Lancashire recruiting district—say, seven o'clock on Friday evening."

Captain Hunt subsequently called upon the young gentleman and took him to the office of Messrs. Armstrong, 2, Russell Court, St. James Palace, by whom the following advertisement had been inserted in *The Times*:—

Army, Militia, and East India Company's Service. Gentlemen desirous of entering any of the above services, or of effecting exchanges in any of them, may receive full information and assistance to accomplish their wishes from Messrs. Armstrong and Co., 2, Russell Court, St. James Palace, who can also furnish 100 men for gentlemen qualified to obtain ensigncies in the Line."

At the office of Messrs. Armstrong he was required to fill up an application to the authorities for leave to raise fifty men for the Cavalry; and he was then taken down by Captain Hunt to the Horse Guards. He was left alone in one of the lobbies connected with the Commander in Chief's office, and Captain Hunt upon his return stated that he had had an interview with some person whom he did not name. They then proceeded to the office of General Wetherall, where the same scene took place. After a few days an answer was returned from the Horse Guards to the effect that they would not permit this young gentleman to raise men, and would

not avail themselves of his services. The young gentleman then went to Messrs. Armstrong, and they said, "It is not of the least consequence; we expected that you would be refused; but we will get you your commission—here is a letter saying so." This was a letter from Captain Hunt to the following purport:—

"Patten Arms, Sunday, Warrington.

"Dear ——,—I send my Friend Stringer to London to complete our agreement. He is my partner, and empowered to act for me. Loose (*sic*) no time, as the recruiting will be very slack, as soon as agriculturists commence their farm operations. Drop me a line as soon as you hear from Ireland. My reason for naming an additional £50 was that we might be enabled to give a greater inducement to recruits than other fellows who are in the field here, and thus give you the first choice of a regiment."

Well, the following letter was received from Messrs. Armstrong:—

"2, Russell Court, St. James's Palace,
March 9.

"Dear Sir,—As we shall make the application in the proper quarter in order to receive the permission to raise fifty men for the cavalry and thus obtain a cornetcy, we beg you will have the deposit made at our bankers, according to the arrangement we made with you.

"We trust that you will pardon our reminding you of the necessity of complying with our conditions, as we have to make ourselves responsible to other parties."

He (Mr. Bagwell) came to London at that time, and the young gentleman, having sent to him, he went to the office of the Messrs. Armstrong; and, this part of the business resting on his own testimony, he was ready to state on his honour as a Member of that House, or on his oath before the tribunals of the country, the propositions made by those gentlemen. There was no disguise on his part whatever, and he asked them how it was to be done. They said, "It is no matter how the thing is to be done; we will get fifty men and a commission for your nephew; as soon as the commission is got you will pay £550, and we shall not require one shilling from you before." He asked whether they would apply to Sir Charles Yorke or to General Wetherall, and they did not seem to like the application to either of those authorities; and he then wrote to say that he would have nothing more to do with the transaction; upon which he received the following letter:—

"2, Russell Court, St. James's Palace,
March 12.

"Messrs. Armstrong and Co. have received Mr. Bagwell's letter, declining to accept the proposal they had made to Mr. ——. Messrs. Armstrong would suggest the propriety of Mr. Bagwell cautioning his ward not to enter into arrangements entailing a vast amount of trouble and expense on those with whom he is in treaty, unless he be prepared to carry out his proposals. It was fortunate that Messrs. Armstrong did not rely solely on promises, or they might have been seriously compromised in high quarters, and feel greatly indebted to Mr. Bagwell for having saved them from the dilemma."

He then received on Thursday last the following letter from Captain Hunt:—

"Pattern, Arms, Warrington, Lancashire.

"Dear Sir,—Having known you some years ago, and having enjoyed myself frequently on your beautiful grounds at Marlfield, besides having been in communication with your ward about raising men for his commission, I beg to inform you that you have made some grave errors in your misstatements in your address to the House. What could your object have been in standing between your ward and his commission? Surely you are not so 'verdant' as not to know that in London money is everything, and that for money properly applied, money I say, mind you, properly applied, any desire can be gratified. Now, Sir, if you are disposed to forward your ward's wishes, I repeat—what has been already told you—that for £550 I will procure him fifty men, and thus entitle him to a commission in the cavalry, and will also furnish him with two first-class chargers for £220.

"Yours faithfully, "De Vere Hunt.

"It may be well to acquaint you that I possess the highest influence in very high quarters, and to impress upon you that I require no money, not one shilling until Mr. —— shall have been gazetted. You are at perfect liberty to publish this letter."

The gravamen of the matter was this—that here was a man, who in one letter signed himself as a captain in the recruiting service, who went to public offices, went through all the forms, and stated that he had authority to get commissions for sums under the regulation price. He (Mr. Bagwell) applied the other night to the right hon. and gallant General at the head of the War Department (General Peel), and he expected that some notice would have been taken of these agents; but no notice, as far as he was aware, had been taken of the matter since. It struck him that the whole affair might be a mere swindle; yet he did say that when people advertised themselves as army agents, and went through the form of going to the proper authorities, some notice ought to have been taken of the matter by the authorities at the Horse Guards, in order that a stop might be put to these proceedings. If that had been done when he first mentioned the subject in that House the House might probably have been spared the present lengthy appeal; but when it was stated over and over again by these people that they could procure these commissions, by which representation the public were

probably gulled of their money, he thought it was a grievous error on the part of those who stood in a position of high authority not to take any notice of the matter. If there was one thing more than another necessary in the administration of the Army it was, not only that no irregular applications such as he had alluded to should be tolerated, but the administration should be above all suspicion. He should be ready, if necessary, to move for a Committee in order to prove before it all that he had stated; and if a stop should be put to these proceedings, and to robbing young gentlemen of their money, he should consider that, at all events, he had done some good. If he had let the matter rest, he did not think he should have been performing his duty as a parent, magistrate, or Member of that House. He left the matter now in the hands of the House, but at the proper time, if the reply he should receive from the Government should not be satisfactory, he should be prepared to move for a Committee to inquire into and report to the House upon the alleged system of granting commissions in the army, without purchase or examination, upon the condition of bringing a certain number of recruits for Her Majesty's service.

Colonel KNOX said, that before the right hon. General the Secretary for the War Department answered the statement just made, he wished to express his opinion that the House were much indebted to the hon. Member for Clonmel for having brought the subject before them. There could not be a more scandalous system than that which appeared to have been adopted. He did not know by whom it was introduced, but it was ruining the service; and every word stated with regard to those agents he knew to be true. They were going on with this trading with commissions under the sanction of the War Department. He did not blame the present Government; for it was carried on long before they came into power, but it was a nefarious system. An education test had been laid down for young gentlemen entering the army; they had to go before examiners, and their names were placed on a list for commissions according to rotation. They often waited until they were too old to enter the service; while commissions were given to men who were allowed to raise fifty men for the cavalry, and one hundred men for the infantry, without any educational test whatever. The men having that permission went to these agents, and the jobbing which went on at the offices of the agents was beyond all belief. He thought it discreditable to a country like this that young men should be brought into the army without that test which had been laid down as the basis upon which young gentlemen should enter the service. He hoped the head of the War Department would take very strong measures to put a stop to these proceedings.

General CODRINGTON thought the hon. Member for Clonmel ought to have inquired further before bringing this case before the House. Had he done so, he would have found that transactions such as that of which he complained might be made the subject of public advertisement, but that, in the end, the promises they made turned out to be unfounded. However, these things were not done by the regular army agents who were authorised by Government, and the proper distinction ought to be drawn between those gentlemen and persons who entered into the bargains complained of. These latter persons offered to get commissions for a larger sum of money. [Mr. Bagwell: No, but smaller.] He meant that they procured the necessary number of men by giving a larger bounty than the recruiting sergeant, and so interfering with the regular recruiting for the army. This was, however, a matter with which the War Department was in no way connected. The persons who published those advertisements, and made those promises, had no official authority to do so.

General PEEL: I trust the House will believe that the Government are anxious to afford every information in respect of the Orders issued by the Horse Guards and the War Department. I am now in a position to give a fuller explanation to the hon. Gentleman than I was when he first mentioned this matter. The date of the circular which originated the granting of the commissions, to which the hon. Gentleman has more particularly referred, is 1st September, 1857. It will be in the recollection of the House, that in the month of August last year almost every available regiment had been sent from this country to India, and the moment was one of great pressure for raising additional troops. His Royal Highness the Commander in Chief, with the consent of the noble Lord then at the head of the War Department, issued the circular to which I have just referred. That circular was printed, and made known throughout the kingdom. It announced

the adoption of the principle of giving commissions without an examination, on the condition of the applicant raising a certain number of men. But the House should remember that this was an exceptional case. There was a large and sudden drain of troops; and some new measure became necessary in order to obtain a sufficient number of recruits for the requirements of the service. The result has been this: that whilst, during the whole year 1855, only 33,000 men were raised, 36,000 have been raised during the last six months. This order, whether a good or a bad one, was made perfectly known to the public. The conditions it prescribed were these: That any person who was a candidate for raising this number of men should, in the first place, present himself to the Adjutant General in England, to Lord Seaton in Ireland, or to Lord Melville in Scotland. On obtaining the sanction of one of those authorities to his raising the men, he was to produce certificates of his baptism, of his moral character, and to comply with certain other prescribed forms; but he was not to be subjected to that examination which other young gentlemen entering the army in the ordinary way were obliged to pass. Having obtained permission from the Horse Guards to raise a certain number of men, he was not to make use of the services of the recruiting sergeant, but was to report himself to the officer in the district in which he proposed to raise the recruits. He had to bring the men to this officer, who gave him credit for them; and as soon as the required number were enlisted, the officer reported this fact to the Horse Guards, and the gentleman got the commission. The consequence of this circular was, that a great many gentlemen applied for permission to raise men, and these candidates were taken from the list exactly in the order in which they applied; and no person, by any possibility, could have obtained through an agent permission to raise men. But, having obtained the permission from the proper authority, the question arose how to raise them. There, I have no doubt, the system of agency which has been referred to commences. "Get your permission to raise the men, then lodge the sum of money we require, and we shall raise the men." No doubt that was the substance of the agreement with those various agents. Many of these young gentlemen who applied for, and obtained, permission to raise men, would no doubt have been unable of themselves to do so. They must employ some agent; and the House will see that unless those agents gave more bounty than the recruiting sergeant they would have very little chance of getting recruits in preference to him. The amount of money to be supplied by the candidate for a commission is, therefore, a mere matter of arrangement between himself and his agent, and is confined merely to the number of men, and not to the obtaining the commission for money; for these commissions cannot be obtained by purchase, and that, when obtained, they have no money value, for the recipients have no power of selling them. The power of selling such commissions depends entirely upon the length of time for which the officers who receive them remain in the service, and permission to sell can only be obtained after service for a certain number of years. I can only say, on the the part of the military authorities, that nothing can have been more open than their conduct, and they were most anxious that any inquiry which may be considered necessary shall be instituted with regard to persons who advertised that they were able, for a certain sum of money, to obtain commissions. There is no authority for such statements, and the arrangements are mere private bargains between the agents and these young men, of which the Horse Guards have no knowledge. With regard to the particular case brought forward by the hon. Member for Clonmel (Mr. Bagwell), Messrs. Armstrong stated that that gentleman's nephew, being a candidate for a cornetcy, and having failed in his examination applied to the firm; that they replied, "Get the proper authority from the Adjutant General, lodge £550 in your own name at our banker's, and we will endeavour to get you the men." Messrs. Armstrong assert that they never undertook, or pretended to undertake, to obtain commissions; but that all they said was, "First obtain your authority from the Adjutant General, and the raising of the men is a matter of bargain between you and ourselves." I am, however, able to inform the House that the system under which these proceedings have taken place no longer exists. The Government consider that there is not now such a pressure for troops as justifies its continuance, although, when it was originally adopted, it undoubtedly afforded a just and proper means of obtaining recruits.

Mr. BAGWELL wished to add that

when a reply was received from the Horse Guards refusing permission to his nephew to raise men for Her Majesty's serviee, the agents said, "We expected that answer; but no matter; we will get you the order to raise the men, and you shall have your commission." He (Mr. Bagwell) saw the agents on Thursday, when they told him, "We shall have the order for your nephew to raise the men on Tuesday; on getting that order we will raise the men, and when your nephew's name is in the *Gazette* you will pay over to us £550."

VISCOUNT BURY said he did not understand the hon. Member for Clonmel to accuse the Government of countenancing the system to which he had called attention; but he (Viscount Bury) wished to know whether there were no means of preventing persons from holding out these inducements which frequently occasioned very serious inconveniences to young men who were desirous of obtaining commissions. He was able to confirm the statement of the Secretary for War as to the non-complicity of the Horse Guards in these proceedings. The son of a constituent of his, who had been reading for a commission, was advised to apply to a gentleman who called himself a captain, but who he believed was not a captain at all, who said he could raise the requisite number of men and obtain a commission on payment of £450. Upon this the young gentleman left off reading, although he was to have been examined next month. The agent or captain told him that as he could raise the 100 men and obtain the commission, it would be quite unnecessary to continue his studies. However, since the hon. Member for Clonmel had brought the subject under the notice of the Secretary for War the captain informed the young gentleman that a new order had been issued, that preference was to be given to applicants who had passed their examination, and therefore advised him to resume his reading. But the examination was to take place next month. He (Viscount Bury) had yesterday called with this young man upon Sir C. Yorke, who repudiated all knowledge of the proceeding; so, of course, the Horse Guards had nothing to do with the matter, which was one entirely between the young man and the gentleman who had deceived him; and Sir Charles very sensibly advised the young gentleman to resume his studies. The £450 had not been paid; but the inconvenience to this young man was that he had lost three months' reading, and, as the examination took place next month, it was not improbable that he would be unable to pass. He (Viscount Bury) had mentioned this case to show that army agents were not the only persons engaged in these practices.

VISCOUNT GODERICH expressed his gratification at the statement of the hon. and Gallant General, the Secretary for War, that an end had been put to the system to which the hon. Member for Clonmel had called attention. One result of the plan clearly was that young men who were unable to pass the examination, or who did not like to continue their studies, had means open to them of obtaining commissions. No doubt, the theory upon which the system was established was that persons possessing local influence in particular districts would be able to obtain recruits, who might not otherwise be induced to enter the service, in consideration of which they should themselves receive commissions. The fact seemed to be, however, that young gentlemen in the position he had described had resorted to agents, who had gone, if he might so say, into the man-market, and had competed with the recruiting sergeant. He (Viscount Goderich) did not believe, however, that under this system a single man had been induced to enter Her Majesty's service who would not have done so in the ordinary course of recruiting, and he hoped some assurance would be given that such a system would not be re-established.

THE RECENT RIOTS IN DUBLIN.

QUESTION.

THE O'DONOGHUE begged to ask the noble Lord the Chief Secretary for Ireland (Lord Naas): Whether the statements which have appeared in certain Irish newspapers, alleging that mobs have paraded the public streets of the city of Dublin (on Saturday last), in some instances breaking the windows of police stations and of other places, molesting peaceable inhabitants, forming party processions, and committing other outrages, have taken place? Whether any measures have been adopted by the Irish Government for the punishment of such offenders, and for the future repression of similar offences? He would give the noble Lord a piece of information which was, perhaps, not altogether new to him—namely, that attempts were being made in Ireland, by parties interested, to gather from these unfortunate occurrences the materials for a religious agitation. He hoped the Government, if for their own interest only

would take precautions in order to prevent any foundation being given for such an agitation.

LORD NAAS: With regard to the case to which the hon. Member for Kerry has called attention, it is quite true that a riotous assembly took place in Dublin on Saturday night—the day after the unfortunate collision between the students of Trinity College and the police. Subsequently I had an interview with the Provost of Trinity College, and he assured me there was every reason to believe that in the assemblage which congregated on Saturday night, very few of the students of Trinity College took a part. The assemblage was a mob, who paraded though the streets in a riotous manner; but the amount of injury done to the property of the citizens was confined to the breaking of four panes of glass in one of the police stations. Three or four persons were arrested by the police; but it was not found necessary to inflict any punishment, and most of the parties taken into custody were discharged by the magistrates on Monday morning. I am happy to say that since then the peace of the city has been preserved, owing to the precautions taken by the Government. No doubt very great excitement has prevailed in Dublin since the unfortunate occurrence at the College, but I am glad to think that that excitement is fast dying away. Since I came into the House this evening, I have received a telegraphic despatch, stating that the city is now perfectly quiet, and that there has been no further disturbance. I can assure the hon. Member that it is the intention of the Government to have a full inquiry into the circumstances connected with that unfortunate occurrence at the College, and that no effort will be spared to prevent the excitement from taking a party or sectarian character. Their only desire in the matter is to do equal justice to all parties.

INCUMBERED ESTATES COURT—THE DUBLIN RIOTS.

QUESTION.

MR. DE VERE said, he rose to ask the Chief Secretary for Ireland to state the intentions of the Government in relation to the Incumbered Estates Court, and especially whether it is intended to make permanent the system for sale of incumbered estates, and to extend the benefit of the system to unincumbered estates. He thought no Irish gentleman who had witnessed the operation of this Act could have any doubt as to the benefits which the country had derived from it, or could doubt that it was unjust and unfair to those who wished to sell unincumbered estates that they should find their market spoilt by the existing system for the sale of incumbered estates.

LORD NAAS: In reply to the question of the hon. Member for Limerick, I can only repeat the answer which I gave the other night to another hon. Member—that the question, which is a most important one, is under the consideration of the Government. Either I or my right hon. Friend the Attorney General for Ireland will be prepared, at the earliest possible opportunity after Easter, to say what are the intentions of the Government with respect to the Incumbered Estates Court. As I said the other night, we propose, if possible, to bring in a permanent measure during the present Session; but if we find that we cannot do this, it is our intention to introduce a Bill to continue the court for a year.

MR. J. D. FITZGERALD, though not at all desirous to press the Government for any premature decision on the subject of the Incumbered Estates Court, could not help saying that the answer given by the noble Lord was not perfectly satisfactory. The question was one of absorbing interest in Ireland. The powers of the Court expired in July next, and it was subject to another casualty, for if this Session of Parliament should terminate in the interval, the Court would fall to the ground. Now, the institution was one from which Ireland had derived advantages scarcely to be overestimated; and the question put by his hon. Friend, (Mr. De Vere) did not in any way press the Government to state the details of any measure, but only to inform the House what the principle of their policy was to be—namely, whether the system was to be perpetuated and extended so as to include unincumbered estates. In reply the noble Lord simply said, that some time after Easter the Government would state the course they intended to pursue. Now, the subject was one which had occupied the attention of the House year after year, which had been fully canvassed and discussed, and he did not think it was unreasonable even now to ask the right hon. Gentleman opposite (Mr. Walpole) to state what the policy of the Government was, if they had resolved on any. The anxiety felt on this question in Ireland was extreme. Apprehensions were enter-

tained lest by some casualty this valuable institution should be allowed to perish; and the effect of the communications which reached him almost daily on the subject was, that a continuance Bill would not, under the circumstances, be deemed satisfactory. The view of the late Government was, that the two recommendations of the Committee of 1856, embodied in the first two Resolutions, should be carried out—namely, that the system should be perpetuated and its benefits extended, so that proprietors of unincumbered estates should be able to go into the market and have the advantage of offering to purchasers a statutable title. Had the late Ministry remained in office, it would probably have been his duty to lay on the table of the House a measure to this effect. Great anxiety was felt as to the intentions of the Government on this subject, and not unnaturally, in consequence of the avowed opinions of the present Lord Chancellor and the Attorney General for Ireland, who had both been steady opponents of the Incumbered Estates Court. The former right hon. Gentleman had declared that the system of giving Parliamentary titles was monstrous, unrighteous, and unjust, and that the measure would be ruinous to the Irish landed interest and fatal to the prosperity of the country; and in 1849 he did what he could to prevent the measure from becoming law, and he had since consistently opposed it. He might say the same for the present Attorney General for Ireland, who opposed in Committee two propositions for making the Court permanent and extending its action to unincumbered estates. Under such circumstances —these having been the opinions of the present Irish law officers—the country were doubly anxious to know, what would be the course taken by the Government. He did not seek to ascertain from the Government, so soon after their accession to office, in what shape they proposed to carry out their views in reference to the continuance of the Incumbered Estates Court; but he trusted he should receive from them some more satisfactory statement than that which he had just heard, as to whether it was their intention or not to perpetuate a system from which Ireland had derived so much advantage.

Mr. VANCE thought the hon. and learned Gentleman might have been satisfied with the answer which had been given by the noble Lord to the question which had been put to him. The hon. and learned Gentleman was aware of the very short time Ministers had occupied their present seats in that House, and must also know that the Attorney General for Ireland—whose opinion on the subject it was necessary to take—had, for the last week or ten days, been engaged in the performance of his professional duties in the south of Ireland, prosecuting certain criminals for very serious offences. The hon. and learned Gentleman was exceedingly anxious to perpetuate the Incumbered Estates Court, and so was he (Mr. Vance); but it would be in the recollection of the House that the hon. and learned Gentleman had himself, not long ago, introduced a Bill to abolish that Court, and transfer its jurisdiction to the Court of Chancery. The hon. and learned Gentleman had also expressed a great desire that unincumbered properties in Ireland should be sold with an indefeasible title, the same as incumbered; but although he had been Attorney General for Ireland for several years, and had promised a measure of the kind, he had never introduced it. Irish Members had long felt anxious respecting this subject, and it certainly was a serious grievance that, whilst properties could be transferred and money borrowed with the utmost ease through the Incumbered Estates Court, gentlemen who had held estates from time immemorial experienced the greatest difficulty in doing either, in consequence of the competition which prevailed. He would merely further observe, that he thought it was going beyond the usual licence of opposition, when a Government had only just taken their places, to ask for the details of a measure of this description, which could not possibly be arranged until the law officers of the Crown had had an opportunity afforded them of meeting and consulting with their colleagues in the Government.

Mr. WALPOLE said, it was rather unusual, and certainly not very convenient, on the Motion for the adjournment of the House, to raise questions with regard to the particular nature and character of Bills which Government might or might not introduce, and as to what was the course they intended to take on those Bills, before the Government had had an opportunity of stating their views respecting them, and laying them upon the table of the House. With reference to the question which had been put by the hon. Gentleman opposite, he should have thought that, after it had

been answered by his noble Friend, it was unnecessary to carry the discussion further. He might, however, in reply to the observations of the right hon. and learned Gentleman opposite, be permitted to state that the Act of Parliament under the operation of which the Incumbered Estates Court now existed continued the existence of that court not only to the month of July next, but till the end of the next ensuing Session of Parliament. But even if that were not the case, the hon. and learned Gentleman must be perfectly aware, both from the statement of his noble Friend (Lord Naas) that evening, as well as from what had passed upon a former occasion, that the Government had no intention whatever to allow the present Act to expire ; but they did not feel themselves to be in a position, in the absence of the Attorney General, to lay before the House the exact nature of the measure in reference to the Incumbered Estates Court which they would be prepared to introduce. With regard to this Commission he wished the hon. and learned Gentleman to recollect that in 1856 there had been a great controversy on the subject ; and that then the hon. and learned Gentleman made a proposition with reference to it totally different from that which he that evening appeared to advocate, inasmuch as he had sought to hand over its jurisdiction to several Vice Chancellors—a scheme against which the House of Commons had completely set its face. A Committee, indeed, had reported against that portion of the measure which the hon. and learned Gentleman had submitted to their notice, and had recommended the adoption of certain propositions entirely distinct from it in principle. The hon. and learned Gentleman had gone on to state that the present Lord Chancellor of Ireland had been the steady opponent of the Incumbered Estates Court Act, and had alluded in proof of that charge to the original introduction of a Bill upon the subject ; leaving altogether out of consideration the circumstance that his (Mr. Walpole's) right hon. and learned Friend had placed his name upon the back of a Bill which had been introduced by the present Attorney General for Ireland, and the object of which was to establish a permanent system of Parliamentary titles to land. It was, under these circumstances, scarcely necessary, he trusted, to offer the House any further assurance that there was no danger that the system which had been set on foot by the Incumbered Estates Court Bill would, under the auspices of Her Majesty's present advisers, be abolished, or that the Government would be found unwilling to extend the principle of granting a Parliamentary title to property which happened to be unincumbered. For his own part, he might observe that, having been a member of the Commission which had been appointed to investigate that important question in connection with property in England, and having subscribed his name to a Report recommending the extension of the principle of statutable title to England, he should be as anxious—perhaps more so—as any hon. Member in that House, if such a measure could be carried into effect, either in the sister country or in this, to advocate its introduction.

MR. ELLICE quite concurred with the right hon. Gentleman opposite in thinking such discussions as that in which they were engaged extremely inconvenient. He might nevertheless be allowed to remark that he, as a member of the Commission of 1856, had felt it to be his duty to dissent from the views of his right hon. and learned Friend below him (Mr. FitzGerald), who desired to abolish the Incumbered Estates Court altogether, and, in conjunction with his right hon. Friend the Member for Carlisle (Sir James Graham), to object to the extension of the system of statutable title to unincumbered estates in Ireland, upon the ground that in taking that course they would be likely to interfere with the arrangements of another Commission which was engaged in dealing with that important question in relation to property in this as well as in the sister country.

MR. J. D. FITZGERALD explained that the Bill of 1856 was designed to carry out the recommendation of a Commission of which the Lord Chancellor of Ireland, the Master of the Rolls, the Solicitor General, himself, and others were members, to perpetuate the system of the Incumbered Estates Court, but to annex it to the Court of Chancery.

MR. SLANEY expressed his gratification at finding that it was in contemplation to extend to England the system of granting Parliamentary titles to property.

THE OATHS BILL.—OBSERVATIONS.

LORD JOHN RUSSELL ; I may take this opportunity to state the course which I propose to take in reference to the Oaths

Bill, which stands for consideration on Monday next. My right hon. Friend the Secretary for the Home Department (Mr. Walpole) asked me a few days ago whether I meant to introduce any Amendments upon the bringing up of the Report, and I then said I should move the insertion of some additional words in the preamble of the Bill. I have not, however, been enabled to come to any satisfactory conclusion with respect to those words, and I shall therefore abstain from making in the preamble the alteration to which I adverted. The only Amendment, I may add, which I intend to submit to the notice of the House is, that at the end of the oath, page 2 line 10, the words "directly or indirectly" should be omitted.

Mr. COGAN was understood to say that it was the intention of an hon. and learned Friend of his (Mr. Deasy) to move an Amendment to the Bill similar to that which he had brought forward last year, embodying the principle that a uniform oath should be taken by Members of the Roman Catholic as well as of other religious persuasions.

Motion *agreed to.*

House at rising to adjourn till *Monday* next.

CONSOLIDATED FUND (£10,000,000) BILL.

COMMITTEE.

Order for Committee read; House in Committee.

Bill *considered* in Committee.

House *resumed.*

Bill *reported* without Amendment.

CUSTOMS ACTS.—COMMITTEE.

Order for Committee read.

House in Committee.

Upon the Motion of Mr. G. A. Hamilton, the following Resolutions were *agreed to* :—

"1. *Resolved,* That, in lieu of the Duties of Customs now chargeable on the undermentioned articles on their importation into Great Britain and Ireland, the following Duties shall be charged—namely, Bonnets of Felt, each 6*d.*; Manufactures of Caoutchouc, per lb. 2*d.*

"2. *Resolved,* That the Duties of Customs now chargeable on the undermentioned articles, on their importation into Great Britain and Ireland, shall cease and determine—namely, Chloride of Lime; Platina Wire.

"3. *Resolved,* That, on and after the 5th day of April, 1858, the following Duties of Customs shall be charged on the articles undermentioned, on the importation thereof into the United Kingdom—namely, Stearine, the cwt., 3*s.* 6*d.*; Candles—namely, Stearine, the cwt., 3*s.* 6*d.*"

House *resumed;* Resolutions to be *reported* on *Monday* next.

Lord John Russell

PUBLIC HEALTH ACT (1848) AMENDMENT BILL.

SECOND READING DEFERRED.

Order for Second Reading read.

Mr. WALPOLE said, that this was a measure of the late Government, and as he wished to have time to consider its provisions, he should move that the Order be postponed until Friday next.

Mr. PALK wished to say a few words with regard to this measure, which had been so constantly before the House and so constantly postponed. The Bill related to a subject than which there was none more important, or that required more consideration, and he hoped that his right hon. Friend, who would probably state on a future occasion upon what principle he intended to legislate in this matter, would clearly and emphatically inform the House that one provision of the Bill should go to the total and entire abolition of the Board of Health, and that all powers which were of a centralising character should be vested in the hands of some member of the Government, having a seat in this House, and responsible to it for the fulfilment of the duties of the department of which he would be the head.

Mr. SLANEY said, that as a member of the Health of Towns Commission, he had investigated the condition of many of the humble dwellings in densely populated districts, and he felt confident that there was no Bill of greater consequence to the welfare of the working classes than the one alluded to by the hon. Gentleman. He concurred with him, however, in thinking that the gentleman at the head of the Board of Health, ought always to have a seat in this House. Those provisions which enabled local bodies to carry out improvements in the drainage, cleansing, and supply of water in large towns were absolutely necessary; but he thought a clause should be introduced for preventing further interference with buildings, except the construction of such courts and alleys as had been found by experience, and had been reported by Commissions, to be inimical to the health and comfort of the humbler classes.

Second Reading *deferred* till *Friday* next.

EDINBURGH, &c., ANNUITY TAX.

LEAVE.

Mr. BAXTER moved for leave to bring in a Bill to abolish the Ministers' Money or Annuity Tax levied within the city of

Edinburgh, parish of Canongate, and burgh of Montrose as vacancies occur among the present ministers, and to make provision for their successors.

THE LORD ADVOCATE said, there was no objection on the part of Government to the introduction of the Bill. But the House was aware that the annuity tax was the chief source from which the clergy of Edinburgh derived their incomes, and any Bill which went to abolish it must provide something in the nature of an equivalent. It would be for the House and the Government hereafter to consider the details of the measure, and to judge whether the equivalent proposed was an adequate one or not.

Leave given; Bill *ordered* to be brought in by Mr. BLACK and Mr. BAXTER.

The House adjourned at half after Six o'clock till *Monday* next.

HOUSE OF LORDS,

Monday, March 22, 1858.

MINUTES.] PUBLIC BILLS.—1ª Consolidated Fund (£10,000,000); Consolidated Fund (£500,000); General Board of Health (Shipton, &c.); Cambridge University Matriculation and Degrees; Mutiny.

2ª Law of Property Amendment; Marine Mutiny; Militia Act Continuance; Commons Enclosure.

3ª Church of England Special Services; Trustees Relief.

ROYAL ASSENT.—Lady Havelock and Sir Henry Havelock's Annuities; East India Loan.

IMPORTED LABOURERS IN THE WEST INDIES.—QUESTION.

LORD BROUGHAM wished to put a question to the noble Earl the Under Secretary for the Colonies (the Earl of Carnarvon) with respect to some legislation which he understood had been going on in the West Indies in a retrograde direction, and which, if persevered in, was calculated to reduce the free negro population of those islands to somewhat of the same condition they were in before emancipation—or very near it. He had his information from a respectable clergyman in one of the colonies of the West Indies, whom he should take especial care not to name, having learnt the necessity of caution in this matter from what had formerly happened in the celebrated case of the missionary Smith, who was persecuted to death in that part of the world. The clergyman to whom he referred stated that an act had been passed in Jamaica which he hoped and trusted had not received the sanction of the Government of this country, because, although, for anything he knew to the contrary, there might be unobjectionable and even good provisions in it, he was informed that some of its provisions were of a most reprehensible character. The rev. Gentleman stated, amongst other things, that the emigrants, as they were called, whether Coolies, Chinese, or African negroes, when brought to the island, were not allowed to choose their masters, but were apportioned or allotted by a public officer called the Emigration Commissioner; that they were kept under the strictest superintendence; that they were compelled to work every day in the year for nine or ten hours, with the exception of Sundays and three holidays; that they were not allowed to absent themselves from their master's grounds, and that if they should go from those grounds they were liable to be seized without a warrant; that if found five miles distant from the plantation, or out of the parish at any distance, they may be arrested or committed (without a warrant), and be sentenced to imprisonment for so many days with or without hard labour, and that whoever employs them should be liable to a severe penalty. He hoped and trusted the Act either had not passed at all, or if it had passed, that it had not received the sanction of the Government at home, at least as regarded those most objectionable parts of it. The rev. Gentleman had characterized the state of the negroes thus produced as an approach to Russian serfdom; but it gave him (Lord Brougham) inexpressible satisfaction to be able to state that at that very moment Russia was making great progress in the right direction towards the emancipation of the serfs, and that Russian serfdom was no longer what it was a few years ago. To the honour of the Emperor of Russia and his counsellors, serfdom in Russia would be brought to a very speedy termination, and it would ill become such countries as France and England to be making a retrograde movement in their colonies, when Russia was so laudably advancing. He wished to ask the noble Earl whether this Act, if it had been really passed in the colony, had yet received the approval of Her Majesty's Government? He earnestly trusted that the answer would be in the negative. He would also ask him whether he had any objection to lay a copy of the Act on their Lordships table?

THE EARL OF CARNARVON said, it was true that within the last few days an Act had been received from Jamaica, and

was at present under the consideration of Her Majesty's Government. As it had not received the Royal assent, however, it would be better to refrain from expressing any opinion upon its substance or general bearing. The interests of the West India colonies had suffered greatly from the deficiency in the labour market; but while we were anxious to give full relief to them, as far as it could be legitimately and reasonably given, it was also the duty of the Government to guard most jealously and watch more closely every Bill which had for its object the importation of free labourers into those islands. It was not usual to lay on the table of the House the Bills of Colonial Legislatures until they had received the Royal assent, but he would not object to do so in this instance, if his noble and learned Friend made a Motion to that effect.

BUSINESS OF THE HOUSE—QUESTION.

EARL GRANVILLE wished to ask the noble Earl (the Earl of Derby) if he was prepared to state to the House what course he proposed to adopt with reference to the conduct of business in that House; and also with regard to the adjournment for the Easter recess.

THE EARL of DERBY: Your Lordships are aware that it has for a long time been a matter of considerable comment that at the early period of the Session your Lordships have very little business to conduct, and that the business of the Session is brought before your Lordships at so late a period of it that it has to be transacted in an unreasonable short period of time. Unfortunately, my Lords, I cannot hold out any expectation of any difference during the present Session. On the contrary, owing to the change of Government, as your Lordships must be aware, and the necessary adjournment of the other House, they have been prevented going on with the measures that were then before them. Beyond those Bills which have just been brought up from the other House and laid on the table, and which would be read a first time to-night, I am not aware that any other measures will come before your Lordships before the recess. I should therefore have been prepared to move the adjournment of the House on Friday next; but as I understand it would be for the convenience of my noble and learned Friend on the woolsack, and other noble and learned Lords, that this House should sit on Monday and Tuesday next, I propose that we adjourn from Tuesday next until Monday, the 12th of April, it being understood that our meetings on Monday and Tuesday will be purely for the transaction of legal business.

LAW OF PROPERTY AMENDMENT BILL.

SECOND READING.

LORD ST. LEONARDS in moving the second reading of this Bill, stated that a law had been in existence from the time of Lord Coke to the present day, which had never been altered, but which every one agreed ought to be altered. The law was laid down in Dumpor's case, that where a condition in a lease was dispensed with by license even to assign for example to one person the condition was gone for ever, and he proposed by the present Bill that any condition should only be affected by a license in the particular case to which the license referred. He thought that a landlord ought to have the benefit of every insurance effected upon his property, although not made in accordance with the lessee's covenant. There was already a remedy for the landlord under the Building Act, at least in the Metropolis, but his additional remedy would be found useful. Equity will in some cases relieve a tenant from a breach of covenant working a forfeiture, but this remedy is not extended to a breach of a covenant to insure. If a tenant were to omit to keep up his insurance, for however short a time, it would be a breach, and although no fire had occurred, the landlord might re-enter if there was the usual power of re-entry in the lease, and oust the tenant, who would be remediless although he might have expended thousands on the property. He proposed, that the tenant in the absence of fraud or gross negligence, where no damage had happened, should be relived if the insurance was correct at the time, but only once relieved, upon payment to the landford of twice the amount of the premium, which ought to have been paid with interest at 5 per cent. from the time they should have been paid. This will prevent negligence and will be an indemnity to the landlord for the risk run although no damage was sustained whilst the property was uninsured. It had become a common practice upon the sale of leasehold property to insert in the conditions of sale a provision to the effect that the production of the receipt of the last payment of rent without the production of any fire insurance effected upon the property should be a good title to the purchaser. Hundreds of purchases had been made under that stipulation, but nothing

could be more dangerous, because if, by mistake, the property had not been insured, the landlord, even although he might have given a receipt subsequent to the period at which the covenant to insure had been broken, would not be bound by that receipt, and might recover the whole of the property from the purchaser. A remedy in that respect was needed every day. What he proposed, therefore, was, that where the purchaser had not actual notice that there had been a breach of covenant, and the landlord's receipt for the last payment of rent, and the sale was a regular *bonâ fide* transaction, the purchaser should not be affected by any breach of covenant previous to that receipt. With regard to the days of grace allowed by fire insurance offices for payment on insurance policies, no court of law had yet actually decided whether they were bound to adhere to their promise to allow days of grace. All the insurance offices had lately issued advertisements stating that the days of grace were binding upon them; but he had lived long enough never to trust any directors; he therefore proposed to make it imperative upon the insurance offices to allow days of grace when they had given days of grace, just as if those days had been mentioned in the original policy. He requested the Law Life Office, whose business was of great extent and importance, to look at the clause which he had drawn on this point. They did so, and stated that it would in their opinion work fairly to them as well as to the insurer. The directors assured him that they had no objection to it. He would gladly receive any communication with which the directors of any other office might favour him upon the clause. He proposed that the release from a rent charge of part of the hereditaments charged therewith should not extinguish the whole rent charge, but should operate only to bar the right to recover any part of the rent charge out of the particular hereditaments released. The Bill contained a similar enactment with regard to judgments. The release from a judgment over a portion of an estate was not to operate beyond the actual portion released by the particular judgment. In this provision he followed the precedent which had been found to work satisfactorily in Ireland. With respect to uses he proposed an important provision which was calculated, he belived, to set at rest a number of very difficult questions which constantly arose out of this branch of the subject. He proposed that where by any instrument any hereditaments were limited to uses, all uses thereunder, whether expressed or implied by law, and whether immediate or future, or contingent or executory, should take effect as they arose by force of, and by relation to, the estate and seizin originally vested in the person seized to the uses. This would get rid of the fine doctrine which is termed *scintilla juris*, and which led to such learned yet trifling discussions, after the passing of the Statute of Uses, in the reign of Henry VIII. With respect to the execution of powers by deed, he might remind the House, the law had already been altered in regard to wills, with perfect satisfaction to every one, and he proposed by this Bill, to place the law relative to the execution of powers by deed on precisely the same footing as the execution of powers by will. He proposed that where there was a power to dispose of property by deed, the instrument should be executed in the ordinary way, and property and powers should be placed on the same footing. It had been decided in that House, that if a trustee sold an estate—having the power to do so—and by mistake gave certain benefits to the tenant for life which he ought not to have, yet if that were a mistake and no fraud, they would not allow the estate of an innocent purchaser to be taken from him, but would give compensation to the person entitled to the property, so as to make good the deficiency created by a wrong proceeding by mistake. Acting upon that principle he proposed to place powers on exactly the same footing as property. The effect would be that where money had been paid by mistake to the tenant for life, the mistake might be corrected by repayment of the money to the persons entitled under the settlement, and they would be placed in just as good a position as if the money had been originally paid to the trustees. The present law may work great hardships. The Marlborough family bought White Knights, the well known estate upon which they expended large sums. It was sold under a power; and as the tenant for life had a power to cut down all the timber, but left it standing, the trustees allowed him to receive the value of the timber, but subsequently finding this was wrong, he invested the sum paid to him upon the trusts of the settlement, the purchase nevertheless was set aside, and a remainder-man under the settlement recovered the estate with the timber. The next clause took away the

right to limit an estate after lives in being for a term of twenty-one years, without reference to the minority of any person entitled to take the estate. This as it stood was an abuse of the law against perpetuities. The next clause was intended to supply a remedy for a defect in the law of inheritance which had been very much felt. He proposed that where there should be a total failure of the heirs of the purchaser of land in fee simple, the land should descend and the descent should be traced from the person last entitled to the land as if he had been the purchaser thereof. The real property Commissioners intended to provide for a case of hardship, but ultimately the clause was struck out of their Bill. He had introduced it into the present Bill. It was to provide for a case of this sort. An illegitimate person bought an estate, and married, and had an only child, a son, the estate not being devised, of course descended to his son ; the son died without issue, and the estate was held to have escheated to the Crown instead of going, as he now proposed, to the natural heirs of the son. In the next clause he proposed to give power to any person to assign property to himself and another person, in the same manner as he might now assign the same to another. The last two clauses referred to the manner in which wills might be attested and executed. At present when a will was attested in any place where the testator might see the attesting witnesses sign, the will was held good even though he did not absolutely see them ; but if it was attested in any place where the testator could not see them it was invalid. He proposed to enact that even though it might be attested in any place where the testator could not see the attestation executed, yet if the court or jury should be of opinion that the particular place of attestation was chosen not for the purposes of fraud but simply for convenience, the will should be valid. The old statute of Charles II. made a will valid which the testator acknowledged to the witnesses, and which was then attested by them. But the new Wills Act required that the testator should either acknowledge his signature or sign in the presence of the witnesses who were also to sign in the presence of each other. It might happen that a testator called in two persons and said, "I want you to witness my will," folding down the paper so as to cover the signature. Such a will was void. He thought that was too nice a distinction upon which to invalidate a will when the signature of the testator was in the proper place, and the witnesses were both present, and both attested the will in the presence of the testator, and a clause upon the subject was therefore inserted. He could assure their Lordships, that in proposing these alterations, he was carrying out the declared intentions of the Real Property Commissioners. In their fourth Report, they proposed that the signature or acknowledgment should be in the presence of one or two witnesses present at the same time. He would read to the House, from the Report, what followed on this subject :—

"We do not think it necessary to continue the provision of the statute of frauds which requires the witnesses should subscribe *in the presence of the testator.* This, as we have stated, has been disregarded so far that the Courts have not required that the testator should actually see the witnesses sign, but have considered it sufficient if he might see them ; and yet several fair wills have been adjudged void, where witnesses have signed in an adjoining room, and even where the testator, if he had thought proper, might have seen them merely by changing his position. It is important that no long interval should elapse between the execution and the attestation of a will, because it would afford an opportunity for the substitution of a false will, and, therefore, create doubt whether the attestation was written upon the will which had been executed by the testator. But if it be required that both witnesses shall be present at the time when the will is signed or acknowledged, and shall attest it in the presence of each other, the signatures of the witnesses will usually be made either in the presence of the testator or before they lose sight of the will. We have considered whether any regulation can be made for affording further security in this respect, but we have not been able to devise any provision which would not occasion evil or inconvenience of more importance than the advantage it would afford. It does not appear to us that the additional security which may be obtained by requiring the witnesses to sign in the testator's presence is of so much importance, as the burthen and danger of imposing such a restriction."

Their second proposition accordingly requires the two witnesses to subscribe their names to the will, but is silent as to the presence of the testator. The noble and learned Lord concluded by recommending the Bill to the consideration of their Lordships.

Moved, That the Bill be now read 2ª.

THE LORD CHANCELLOR said, he had appealed to the noble and learned Lord the other night to postpone his measure for further consideration. It was undoubtedly one of considerable importance, and the public, he was sure, would feel much indebted to the noble and learned Lord for the great attention he had given to the

subject. The provisions of his measure were very general—many of them were very valuable—some of them, he ventured to say, were objectionable. But whatever might be the opinion of himself or that of any other noble Lords, he thought after hearing the able exposition of his noble and learned Friend on a subject in itself difficult and complicated, their Lordships would all agree with him in thinking that this matter could only be discussed advantageously in Committee. He would, not, therefore, oppose the second reading; but he would suggest that after it had been read a second time it should be sent before a Select Committee, where its clauses could be much better considered than in the House itself.

Lord BROUGHAM concurred with the noble and learned Lord that this Bill could be better discussed by a Select Committee. To many of its provisions he had material objections. There were other clauses in it of great importance, to which he apprehended there would be no objection.

Lord ST. LEONARDS said, he would state on Friday what steps he should take as to the further progress of the Bill.

The Earl of DERBY trusted his noble and learned Friend (Lord St. Leonards) would not object to send his Bill before a Select Committee, where it was most likely to receive the fullest and most attentive consideratien.

Lord ST. LEONARDS said, he had no objection to refer both this Bill and the Bill for Simplifying the Transfer of Land to a Select Committee on Friday, when he would take the opinion of the House upon a clause in the latter Bill, to which the late Lord Chancellor objected.

Motion *agreed to:* Bill read 2ª and *Committed* to a Committee of the whole House on *Friday* next.

MAGISTRATES' (GREAT YARMOUTH) PETITION.

Lord SONDES addressed their Lordships with reluctance; but having the honour to hold the office of High Steward of Yarmouth, it was his duty to attend to the wishes of those who placed him there. He therefore presented a petition from the Mayor, Aldermen, and Magistrates of Great Yarmouth, praying for an inquiry into the recent Appointment of Magistrates in that borough. He had understood that last year the hon. and learned Gentleman, one of the Members for the borough of Yarmouth, had a communication with the late Lord Chancellor, in which he represented to him that it was necessary to increase the number of magistrates in Yarmouth. The noble and learned Lord attended to the wish expressed to him, and intimated to the Mayor that he would appoint six new magistrates. This announcement caused great astonishment in the borough of Yarmouth. The town council assembled and resolved by a majority of 25 to 5, to present a memorial to the late Lord Chancellor against the proposed addition to the bench. They presented a memorial, which is embodied in the petition accordingly, which stated that the magistrates then on the bench were constant in their attendance, and were sufficiently numerous; that the borough had about 31,000 inhabitants now, thirty-one magistrates, and thirty-one policemen — being one magistrate to every 1,000 inhabitants—and one policeman to each magistrate, which appears ludicrous—that the bench represented every shade of political feeling; but that the six gentlemen proposed to be appointed were all of one political opinion. The Mayor of Yarmouth presented this memorial to the then Lord Chancellor and had a long interview with him, and a correspondence took place between them. The noble and learned Lord intimated that it was his intention to persist in the appointment of the six magistrates, and that he felt it his duty, contrary to his usual practice, to appoint the new magistrates all of one party. This made a great sensation in the borough of Yarmouth, and in consequence the town council assembled and unanimously determined to petition their Lordships on the subject. Their petition he now presented; and represented that the addition to the magistracy was not made because there was any deficiency in number, and not because the administration of justice was partially administered, but because the majority of the bench had not voted for the liberal candidate at the last election. He believed that the noble and learned Lord was acquainted with Yarmouth, and connected with the county of Norfolk. He could assure him that this transaction made a great sensation in the county and borough. The noble and learned Lord, amongst his various duties, had not time to read the local press, but he (Lord Sondes) wished he would refer back to some numbers of the *Norwich Mercury*, the oldest and most influential of the Liberal papers in that county, and see the remarks upon that

transaction. He must express his opinion, that if magistrates are to be made for party purposes, there must be an end to that great feature in the administration of justice in England by unpaid magistrates, and the country must expect stipendiary justices to be appointed throughout the kingdom.

LORD CRANWORTH said, though he was not aware what the contents of this petition were, yet if it were for an inquiry into his conduct he would at once say that the more searching that inquiry was the more glad he should be. He thought it necessary that he should state shortly what the facts were, because he entirely concurred in the opinion of the noble Lord that the making the appointment of the magistrates subservient to any political or party purpose was a course of conduct which was more completely disgraceful than any other. He must state at the outset that he had no connection with Yarmouth. He was never there in his life,—at any rate not for forty years,—except once, and that was on a railway excursion, when he stayed about an hour, and he knew nothing of the place except that an old friend of his represented it a good many years ago. The way he came to make the appointment of the additional magistrates was this. On the first day of last Michaelmas term, on which it was usual for the Lord Chancellor to entertain the Judges and the Queen's Counsel, one of the Queen's Counsel represented to him that the state of the magistrates of Great Yarmouth was most unsatisfactory. He would not say from party motives or from whatever cause it was, but it so happened that all the magistrates, except three, were not only of one political party, but were violent partisans. The number of magistrates was eighteen; the noble Lord overstated the number. He did not like to speak of Whigs or Tories, but of these eighteen, fourteen were violent Tories, one was a neutral, and three were Liberals. He said he could not appoint magistrates on the ground of politics; that was not the ground on which he went in this matter; but his informant said, "I will bring before you the facts, and I think they will induce you to interfere." He also got a memorial from the three liberal magistrates, who stated that they were in an unpleasant predicament; that they had to act with persons who were opposed to them in politics; that they did not like to absent themselves, but that they were only three against so many, and that the suspicion prevailed that justice was not impartially administered. Turning a deaf ear to these representations would have been an easy way to himself; but on further reflection he thought that was not a proper course, and that he was bound to sift the matter to the bottom, and see whether there was any truth in the statement that justice was not impartially administered, or that it was believed that it was not impartially administered. The course he took was this: Being unconnected with Yarmouth he wrote to a gentleman of the highest respectability in the county of Norfolk, with whom he was not even personally acquainted, and stated what had been represented to him, and begged him to give him his opinion. He got a courteous answer from his correspondent, who stated that he had nothing to do with Yarmouth himself, but that he thought he had a friend with whom he would communicate, who would give him an impartial opinion on the subject. In the course of a week he got a letter from that gentleman, saying he did not believe, from his knowledge of Yarmouth, that with the then bench of magistrates it would ever be believed in Yarmouth that justice was impartially administered. He returned that letter, and therefore he had not the means of showing what were the exact expressions, but that was the effect of it. He (Lord Cranworth) thought he could not ride off, and say he could not interfere on party grounds; but he thought himself bound to put the magistracy in a position in which justice should not only be impartially administered but should be known and felt to be so. He might mention, to show the state of things, that the only two brewers in the town were Conservative magistrates; that they had the greatest possible influence, and that nobody but a political friend of theirs could ever get a license for a public-house. He was perfectly aware it might be said that brewers could not act in the matter of licenses; but they were acting with the other magistrates, sitting with them nine days a month, and it was ridiculous to suppose that the influence of these persons did not continue during the licensing days. And, therefore, it was that he felt himself bound to interfere. He communicated with the mayor; he did not say to him "justice is partially administered in your borough," but he told him he was satisfied from the information he obtained

that it was thought to be so, and he mentioned the circumstance about the licensing, and that at the last election, out of eighteen magistrates fourteen voted against the Liberal candidates, which satisfied him that the allegations were not without foundation, and he said to him, "Let there be no mistake. I will appoint additional magistrates; and I tell you honestly and freely I do so because I think there is an undue preponderance of one political party on the bench." He did not know whether this explanation would be satisfactory to their Lordships; but for himself, if he had the same thing to do over again, he would take exactly the same course; because the holder of the Great Seal was bound to do everything in his power to have the magistracy as free as possible from party and political bias. Unfortunately, in the appointment of borough magistrates the holder of the Great Seal had very little, if any, guide. In the appointment of county magistrates he had the guide of the Lord Lieutenant, and though it was said that Lords Lieutenant acted from political motives, from his experience he did not think they did. But with regard to borough magistrates, there was nothing whatever to guide the Lord Chancellor in his appointments. In his appointment of borough magistrates he endeavoured to keep the two parties equal on the bench, and it was on that principle that in the appointment of magistrates at Yarmouth he appointed them all on one side. If an inquiry were instituted it should have his entire concurrence; and if the noble Lord moved for the appointment of a Committee he would second it.

LORD SONDES, in reply, said, he regretted he had made a mistake in supposing the noble Lord was acquainted with Yarmouth; he believed that at the last election twelve magistrates voted for the Conservative candidate and ten for the Liberal. He did not wish to contend further with the noble and learned Lord, and left the case in the hands of their Lordships.

Petition to lie on the table.

CHURCH OF ENGLAND SPECIAL SERVICES BILL.

THIRD READING.

On Order of the Day for the third reading,

VISCOUNT DUNGANNON said, he would not oppose the passing of the Bill; but he hoped that the utmost caution would be shown in the choice of persons who were to be sent into parishes under this Bill, and that in their discourses they would as much as possible avoid topics of a controversial and party character; otherwise, they would sow the seeds of schism between the incumbents and their parishioners. The measure, to say the least of it, was an experiment, and it might be productive of good if cautiously applied. He confessed he did not look with much satisfaction upon any measure of that kind; but he thought the Bill of the Archbishop was much better than that introduced by the noble Earl (the Earl of Shaftesbury), and which he could not but view as tending to remove the line of demarcation between the Church and sects. He should like to ask the Archbishop whether, under this Bill, persons would be able to administer the holy Communion during the special services that might be appointed?

THE ARCHBISHOP OF CANTERBURY said, the Bill would not in any way enable the administration of the Communion during the special services.

Bill read 3a; Bill *passed*, and sent to the Commons.

NEGRO REGIMENT FOR INDIA.

QUESTION.

LORD BROUGHAM asked the noble Lord the Under Secretary for War (Lord Hardinge), whether there was any truth in the report that the Government intended to send to-morrow two officers to the coast of Africa for the purpose of raising black regiments for service in India. He cordially hoped that if this was not an entirely unfounded it was yet an exaggerated statement; because he could conceive nothing more strongly to be deprecated than sending men to purchase negro slaves — for it amounted to that — in Africa, with the view of enlisting them in black regiments. It would not be a free emigration scheme; but an emigration of slaves, purchased in the slave market and obtained from the native Princes, amid all the horrors, the detestable atrocities of the slave trade. If such a scheme were in contemplation, we must at once give up our negotiations with the French Government, by which we were endeavouring to obtain the abandonment of the emigration system adopted by that country; our mouths would be closed for ever if we ourselves were entering upon the same course and commissioning persons to proceed to the coast of Africa and procure negroes for India. [The Earl of

DERBY: There is nothing of the kind.] If there was no foundation for the report, then all he could say was that he should be highly gratified, and at once relieved from the necessity of addressing their Lordships, or entering his protest against such a proceeding as he had described. He hoped his noble Friend would state to the House that there was no intention to take any such steps.

VISCOUNT HARDINGE assured the noble and learned Lord that the War Department knew nothing of the report to which he had referred. It had, he believed, no foundation whatever in fact.

EARL GRANVILLE said, that the step in question might be a very dangerous one, and it would be satisfactory to their Lordships to hear that the Government had no intention of taking it. He was glad, however, that his noble and learned Friend had called attention to the subject.

THE EARL OF DERBY said, he had never even heard of such a report until the noble and learned Lord mentioned it. It would, however, have been more convenient if the noble and learned Lord had given the Government some previous intimation of this question, in which case they might have been able to ascertain from what possible source such a rumour could have emanated, and therefore to give it a more positive answer. All he could say, he repeated, was that he had not heard of such a report.

LORD BROUGHAM agreed that it would have been much more convenient if he had had an opportunity of previously communicating the purport of his question to the Government. But the case was this —the report had just reached him, and, seeing that his noble Friend at the head of the Indian Department had left the House, he had no means of asking anybody except his noble Friend connected with the War Department. If he had waited until the noble Earl was in his place, it might have been too late; because the report, if true at all, purported to be that to-morrow morning two officers were to leave this country for the coast of Africa. By putting the question he had obtained the satisfactory reply that the War Department knew nothing about the matter; and he trusted the report would turn out equally groundless as regarded the Indian Department.

House adjourned at seven o'clock, till To-morrow, Half-past Ten o'clock.

HOUSE OF COMMONS,

Monday, March 22, 1858.

MINUTES.] NEW MEMBER SWORN—for Enniskillen, Right hon. James Whiteside.

PUBLIC BILLS.—3° Consolidated Fund (£10,000,000); Consolidated Fund (£500,000); Mutiny; General Board of Health (Skipton, &c.); Cambridge University Matriculation and Degrees.

THE MILITIA—QUESTION.

MR. MACKINNON said, he would beg to ask the Secretary for War whether any additional Regiments of Militia are to be embodied; also, whether those regiments which are not intended to be embodied, are to be called out for a month's drill, and, if called out, whether it will be in the Spring or Autumn?

GENERAL PEEL said, it was not the intention of the Government to embody any more regiments of Militia, neither was it proposed to call out any regiments for drill.

LICENSING PLACES OF PUBLIC ENTERTAINMENT—QUESTION.

MR. NICOLL said, he would beg to ask the Secretary for the Home Department, if it is the intention of the Government to introduce, during this Session, a Bill to alter the existing system for Licensing places intended for Public entertainment?

MR. WALPOLE said, that a great many applications had been made to him since he accepted office with reference to the question of the hon. Gentleman, and on Friday next a large deputation would be received at the Home Office upon the same subject. Until he had had an opportunity of considering the suggestions of that deputation he wished to be excused from giving any opinion upon the matter; but as soon as possible afterwards, he would announce to the House what course the Government intended to take on the subject.

THE ENDOWED SCHOOLS IN IRELAND. QUESTION.

MR. GROGAN said, he wished to recall to the attention of the House that some time ago a Commission, consisting of five Members, was issued to inquire into the state of the Endowed Schools in Ireland. The Commissioners, after concluding their

investigation, could not agree upon their Report. Three of them drew up and signed a Report which they presented to the Government; the fourth also laid a Report before the Government, while the fifth embodied his opinions in a letter to the Home Office. What he wished to know was whether, when the two Reports were laid on the Table, they would be accompanied by the letter of the fifth Commissioner?

Mr. WALPOLE said, he rather believed that the Report of the Commissioners, to which the hon. Gentleman alluded, had already been laid upon the Table. He wished to call the attention of the House and of the hon. Members to the extreme inconvenience which would result from allowing any one Member of a Commission to report separately. Commissioners such as those who had inquired into these Endowed Schools were authorized by the Crown to report collectively and jointly. The great object of such Commissions was to get the joint authority of the Commissioners as to the Report; and if the Commissioners differed, it was usual—it was indeed the almost invariable custom—that they should state their differences in the body of their Report, or call attention to it in the appendices. When filling the place which he (Mr. Walpole) now occupied, the noble Lord the Member for the City of London refused to lay two Reports, or rather letters, emanating from Commissioners acting in the Larne inquiry on the Table of the House. He (Mr. Walpole) had thought it right to send the letter referred to by the hon. Member for Dublin (Mr. Grogan) to the head of the Commission to see whether he or the rest of the Commissioners had any observations to make on it; but they had not done so. Under those circumstances, if the hon. Gentleman gave notice of a Motion for the production of the letter, he would assent to its production.

Mr. GROGAN said, he would move for the production of the letter to-morrow.

Mr. KIRK said, he wished to ask the Chief Secretary for Ireland when the Report of the Commissioners of Endowed Schools (Ireland), which was presented to the House on the 26th day of February last, and which it was understood was printed at the time, will be distributed to Members?

Lord NAAS said, it was not the practice to distribute such very voluminous Reports as this was to the Members of the House. There were, however, 250 copies of it in the Bill Office, and a copy would be delivered to any hon. Member who applied for it.

PAROCHIAL REGISTRATIONS.

QUESTION.

Mr. WARREN said, he wished to ask the Secretary for the Home Department whether his attention has been called to the Report of the Commissioners appointed to inquire into the state, custody, and authenticity of certain Non-Parochial Registers or Records of Births, Baptisms, Deaths, Burials, and Marriages in England and Wales; and whether it is the intention of the Government to bring in a Bill, during the present Session, in conformity with the unanimous recommendation of the Commissioners, for the purpose of securing the legal custody of such Non-Parochial Registers, and their being received in evidence in all courts of justice. Also, whether the Government is prepared to carry into effect an important suggestion of the Commissioners, that the draft Bill prepared by and now in the hands of the Registrar General for framing a General Index to all the Parochial Registers in England and Wales since 1701, should be passed into law, and comprise, as recommended by the Commissioners, the Non-Parochial Registers referred to in their Report?

Mr. WALPOLE said, he would in a day or two give notice of his intention to bring in a Bill on the subject.

THE ITALIAN NATIONAL LEAGUE.

QUESTION.

Mr. BOWYER said, he would beg to ask the Secretary for the Home Department whether it is true that a Body of Delegates from all parts of Italy have been lately holding meetings in London for the formation of an Italian National League, and to bring about great political changes in Italy, and what information Her Majesty's Government have on the subject?

Mr. WALPOLE: Sir, I really hardly know how to answer this question. Since the notice was given, of course I felt it my duty to inquire into the truth of the statement implied in the question of the hon. and learned Member; and all I can say is that I believe no such meetings of Italian Delegates have taken place. I believe that Italians do meet privately on matters of political interest, but without any violation of the law. With regard to those political meetings which the hon. and learned Member spoke of, he may

know more of the matter than I do; but I am told that the head of these meetings and the head of these Italian Delegates is not an Italian, but an Irishman.

PUBLIC HEALTH AMENDMENT BILL.

QUESTION.

MR. REPTON said, he would beg to ask the Vice President of the Committee of Council on Education whether it is the intention of the Government to proceed with the Public Health Act (1848) Amendment Bill during the present Session of Parliament?

MR. ADDERLEY said, he would on Friday next move that the Order for the Second Reading of the Bill in question be discharged, with the intention of introducing another measure on the subject after Easter.

AGRICULTURAL STATISTICS (SCOTLAND)

QUESTION.

SIR ANDREW AGNEW said, he would beg to ask the President of the Board of Trade whether Her Majesty's Government intend to make any arrangement for the collection of Agricultural Statistics in Scotland during the present year?

MR. HENLEY said, that the system by which those statistics had heretofore been collected was half a voluntary one. It was paid for out of the public funds, but the expense was very moderate. That arrangement had, however, been, as the House was aware, put an end to; and as it was one to which all parties in Scotland had given their assent, any new scheme would probably be looked upon with some jealousy, if not with positive disfavour. Public expenditure ought undoubtedly to be submitted to an audit by the proper authorities, whether the money had passed through the hands of princes or of peasants. He had the subject under consideration, and if he could see his way to a satisfactory settlement he should be happy to adopt it.

THE CAPTURE OF THE *CAGLIARI.*

QUESTION.

MR. KINGLAKE said, he would beg to ask the Chancellor of the Exchequer whether Her Majesty's Government have received any information respecting the liberation of the engineer Watt by the Government of Naples, and also when the papers connected with the subject will be laid on the table?

THE CHANCELLOR OF THE EXCHEQUER: Sir, we received information two days ago that, in consequence of the representations of Mr. Lyons, the King of Naples had given orders that Watt should be immediately released without conditions; and he has been released, and, I believe, is now on his way to this country. Orders have also been given that the trial of Park should commence immediately. Parhaps the House will allow me to say that this morning we received a despatch, dated, I think, the 16th March, from Mr. Lyons, from which it appeared that he had repaired to Salerno, and that the trial of Park had commenced. Mr. Lyons spoke to Park in the Court, and he says that the proceedings were going on with great decorum and propriety, and with, he thought, a spirit of impartiality; that the arguments of the counsel for Park were listened to with great attention, and the reply of the Attorney General on a point of law was argumentative without any passion. After the proceedings terminated Mr. Lyons had an opportunity of being alone with Park for a considerable time. Park is well lodged in a room looking upon the sea. He is well clothed and well cared for in every respect. He is, to use his own expression, "in good heart," and animated by the feeling that he is not forgotten by his country. The instructions given to Mr. Lyons were that he should not leave Park while in this position. Mr. Lyons is sanguine that the result of the trial will be favourable to Park,—a feeling, I am glad to say, which our unfortunate countryman himself fully shares. The papers connected with the affair will be laid before Parliament as soon as possible; but, being very voluminous, their preparation requires time.

GOVERNMENT OF INDIA—THE ADJOURNMENT FOR EASTER.

THE CHANCELLOR OF THE EXCHEQUER: Mr. Speaker, I beg to give notice that, on Friday next, I will ask for leave to introduce a Bill to transfer the Government of India to Her Majesty; and, in case the debate on that Bill concludes on that evening, I shall then be prepared to move, if it be agreeable to the House, that we should adjourn until Monday, the 12th of April.

THE ORANGE SOCIETY IN DUBLIN.

EXPLANATION.

MR. BERNAL OSBORNE said that, with the indulgence of the House, he

wished to correct a statement which he had made on a former evening, and, he believed, to the disadvantage of the present Lord Chancellor of Ireland. He stated that that learned Gentleman had drawn up the rules and regulations of the Orange Society, and, having received a letter from the right hon. Gentleman, he was bound to say that he had fallen into an inaccuracy, and that the fact was that the rules and the regulations of the Orange Society were placed before him in his capacity as a barrister for his opinion as to their legality, and that he had never seen them previously. He (Mr. Osborne) was sincerely sorry for having fallen into such an error, and he expressed his apology to the right hon. and learned Gentleman.

CONSOLIDATED FUND (£10,000,000) BILL.

THIRD READING.

Order for Third Reading read.

Sir HENRY WILLOUGHBY said, he had, on a former occasion, asked the right hon. Gentleman the Chancellor of the Exchequer whether it was his intention to make any change in the form of Exchequer Bills by attaching coupons to them. He received a reply that the matter was under consideration. He now wished to call attention to another point — that of the Indian debentures. A great number of these debentures might probably be issued, and the inconvenience arising from holders being obliged to carry the security bodily with them when going to receive interest was very great. He hoped the right hon. Gentleman would consider this matter also.

Bill read 3°, and *passed.*

MUTINY BILL.

THIRD READING.

Order for Third Reading read.

Colonel SYKES said, there was one clause in the measure requiring licensed victuallers to entertain troops billeted upon them, which he thought was most objectionable, as injurious to the morals and discipline of the army, and he hoped that before the Mutiny Bill was introduced next year the Secretary for War would direct his attention to this subject.

Bill read 3° and *passed.*

OATHS BILL.—CONSIDERATION.

Order for the consideration of the Bill, as amended, read,

Mr. COGAN said, that in the absence of his hon. and learned Friend the Member for the county of Cork (Mr. Deasy) he had undertaken to move the Amendment of which that hon. Gentleman had given notice. The principle of that Amendment had been so ably explained in the House last Session by his hon. and learned Friend that it would be unnecessary for him to occupy their time at any length. The object of the Amendment was to provide one uniform oath which should be taken by all the Members of that House. If the present Bill had been merely intended to admit the Jews into that House, he would not have proposed such Amendment, but the measure opened up the whole question of Parliamentary oaths. Two courses were open to the noble Member for the City of London (Lord John Russell). He might have proposed a Bill with the object of simply admitting Jews; or he might have adopted the course which he pursued in 1854, and have proposed one uniform oath to be taken by all Members of that House; but the noble Lord had taken a third, and, as he (Mr. Cogan) conceived, a most objectionable course, and proposed to amend the Oaths of Abjuration and Supremacy; but while he wished to omit offensive passages from the Protestant oath he would retain them in the Roman Catholic oath, thus placing Roman Catholic Members of that House in a position of invidious inferiority. Against that invidious inferiority he (Mr. Cogan) now appealed from the noble Lord to the practice of the House. The passage abjuring the doctrine that princes excommunicated by the Pope may be deposed and murdered by their subjects was to be omitted from the Protestant oath, but was to be retained in the Roman Catholic oath; and the passage declaring that the oath was taken according to the plain and ordinary meaning of the words was to be removed from the Protestant oath, while it was retained in the Catholic form; and he certainly thought this proposition afforded strong grounds for complaint. He would not enter into a tedious discussion as to whether any compact had been entered into on this subject in 1829, for that question had been debated at great length last year. The short and simple answer he would give to the allegation of a compact was, that in 1854, the noble Lord (Lord John Russell) was one of those who supported the adoption of a uniform oath for all Members of that House; that the noble Lord lately at the head

of the Government (Viscount Palmerston) stated on the same occasion that he deemed it most desirable that one form of oath should be taken by all the Members, considering it an evil that any distinction should be established; that the right hon. Member for the University of Oxford (Mr. Gladstone) had declared his opinion that the oath should be the same for all; and that the right hon. Member for Carlisle (Sir James Graham) was one of those who brought in the Bill of 1854, and was therefore committed to the same principle. As to the objection that the present was not the proper time for bringing this subject forward, he might refer to the authority of the hon. Member for East Surrey (Mr. Drummond), that if this opportunity for establishing an uniformity in the oaths were allowed to slip by the Roman Catholic Members a similar opportunity might not again occur. The Amendment he had to propose was slightly different from that on the paper. He proposed in the preamble, in line three, after the word "law," to insert the words, "and instead of the oath now taken by Roman Catholics, under the 9 & 10 *Geo.* IV., c. 7," and the same words at line ten, after the word "respectively." In the oath he proposed to leave out the words, no "foreign Prince, Prelate, State, or Potentate hath or ought to have any power, authority, or jurisdiction, ecclesiastical or spiritual, within this realm." He also proposed to omit the entire of the last clause of the Oath of Supremacy. He preferred this mode of dealing with the oath to that adopted last year, of proposing to substitute the words "temporal or civil" for "ecclesiastical or spiritual." He was of opinion that the supremacy of the Crown did not rest upon the mere authority of an Act of Parliament, but rested upon the common law of the country, which was anterior to the Act of Parliament; and he believed the adoption of the Amendment would obviate the objection that the terms of the oath denied the exercise by the Pope of "ecclesiastical and spiritual" authority within this realm, while many persons who believed that such authority was exercised were unwilling to take the oath in its present form, although they were ready to declare that the Pope neither "hath nor ought to have" any "temporal or civil" power within the realm. The hon. and learned Member for Sheffield had last year said, very justly—

"If he (Mr. Roebuck) knew that the Pope exercised such dominion, and he was called upon to take an oath that he did not, was not he (Mr. Roebuck) swearing to a lie, knowing it to be a lie? He contended that it was the duty of the House to relieve its Members from lying in this manner."—[3 *Hansard*, cxlv. 1778.]

It was well known that a noble Lord had refused for many years to take his seat in "another place" because he could not conscientiously subscribe to the present oath. For his own part, he was of opinion that the Pope had such authority *de jure* as well as *de facto*, and he appealed to the House, not only on the part of the Roman Catholic, but of Protestant Members, to relieve them from an oath which many of them considered most objectionable.

Amendment proposed in page 1, line 3, after the word "law," to insert the words, "and instead of the oath now taken by Roman Catholics, under the 10 *Geo.* IV., c. 7."

MR. WALPOLE said, he hoped the House would not agree to this alteration, which was one entirely foreign from the purport of the Bill as proposed by the noble Lord. The oath administered to Roman Catholic Members was adopted after much deliberation. On subsequent occasions, when it was proposed to alter that oath, Sir Robert Peel uniformly opposed any alteration, on the ground that the oath, as it stood, was the result of a tacit compact betwen the two parties. Under these circumstances he trusted the House would not sanction any alteration in it; and he believed the noble Lord would find his Bill very materially damaged if he accepted such an Amendment as that now suggested.

LORD JOHN RUSSELL: I am not prepared to agree to the proposal of the hon. Member, but I cannot argue the question in the same way as the right hon. Gentleman, because I must fairly own that I should consider it a benefit if but one oath existed for Members of all persuasions. It is true, as was stated by the hon. Gentleman, that in 1854 I proposed this same alteration, and I found the consequence to be, that while I did not help the cause of the Roman Catholics, I very much injured the cause of the Jews. Many of those who voted for the admission of the Jews objected to the one Oath as proposed by Roman Catholics, and particularly to the leaving out those words with respect to spiritual or ecclesiastical jurisdiction; and accordingly that Bill was lost in this House

—an event which has not happened on any other occasion when I have had the honour to introduce a Bill for the relief of the Jews. I cannot say that I think hon. Members who desire to retain this part of the oath are not justified in doing so if they wish it, because it is the law that no foreign Prince or Potentate shall have any power, ecclesiastical or spiritual, within the realm. That is the sense of the Act I Elizabeth, passed for the purpose of repealing the Act of Mary, by which the Roman Catholic religion was restored in this country. I have before gone into the question of whether hon. Members can properly take this oath —whether they really can say that neither the Pope nor any other foreign Potentate has any power or jurisdiction within this realm. I am certainly of opinion that, as has been the case since the time when this oath was first imposed, Members of Parliament may very fairly and properly take it. The meaning of the oath is, that there is not by law any such authority and jurisdiction acknowledged in this country. That, indirectly, the Bishops of Rome may, by certain Acts of Parliament, have certain power here is quite true; but that power does not amount to the power contemplated by the oath; for we have just heard that Roman Catholic Members do take the oath "that no foreign Prince, Prelate, or Potentate hath, or ought to have, any ecclesiastical or spiritual authority within the realm." No doubt, too, when a foreign Prince—the Emperor of Russia, for instance—appoints an Ambassador to this country, and when that Ambassador has presented his credentials, he exercises certain power and authority which are by law acknowledged. But this does not amount to the exercise of real jurisdiction in this country on the part of the Emperor of Russia. I should certainly be glad to see one oath applicable to all Members of Parliament; but, although that would give me great pleasure, I do not think in the present temper, either of the country or of Parliament, I should, by adopting this Amendment, at all help the cause of the Roman Catholics, while I should very much embarrass the cause I have taken up —namely, that of the Jews. We must always recollect that, although Roman Catholics advance those objections to the oath which they are called upon to take, they are admitted both to Parliament and to office, and that therefore they are in the enjoyment of privileges from which the Jews are debarred. Upon principles of religious liberty, therefore, I think it not very reasonable on the part of Roman Catholics that, because they object to the oath which, on entering the House, they are called upon to take, they should attempt to shut the door in the face of the Jews. For the reasons I have stated I shall feel it my duty to object to the Amendment.

MR. COLLINS said that, whatever other alterations might be effected, he hoped the House would, by passing this Amendment, declare that in their judgment every Member should enter Parliament by one and the same declaration. It appeared to him a most unseemly spectacle that men who were citizens of a common country, subjects of the same Sovereign, and professing a common creed, should, by taking different oaths at the table of the House, be substantially called on to declare that no common bond of unity subsisted between them. It had been stated that this was not the time to bring forward a measure to secure that unity. What, when the noble Lord was seeking to abrogate three of the oaths which were taken by members of this House, was it not the time to consider the fourth oath? If this were not the time, then it would not be until the days of our children's children that the question would be settled. Moreover, this was not the first time that the Oath of Supremacy had been altered. The old oath had been abrogated in the reign of William the Third, when this oath was framed with the undoubted object of excluding a certain class of our fellow-subjects from this House. In 1829, however, it was declared that the opinions entertained by those persons should no longer be any bar to admission to Parliament. In its legal sense the oath was perhaps true. In its popular sense, however, the Bishop of Rome certainly exercised indirect power in this country. Suppose, for example, a Romish priest came over to the Church of England, he was entitled to claim institution without being again ordained, so that in such a case the Pope had a power in this country which neither the Sovereign nor either branch of the Legislature possessed. He thought it very desirable that these differences should be reconciled. There were some who said the oath had a good effect, as it forced the Roman Catholic Members to come in by a back door; but why should they be

put upon a different footing from that on which the other Members of the House stood? The first paragraph of the Roman Catholic oath was a protest against the doctrine that princes could be dethroned or put to death by their subjects. They had lately had a great deal of discussion upon the subject of assassination, and had denied that it found favour in England; but the inference from this oath was, that at least one section of the community approved of it. He had, however, read in English history that the last of our monarchs who had been murdered by his subjects was King Charles I., and he certainly was not aware that that event had been specially attributed to members of the Roman Catholic persuasion. He was, indeed, of opinion that Roman Catholics, in being compelled to make the declaration which the paragraph in question involved, were placed in a position somewhat parallel to that which Scotchmen would occupy supposing they were called upon to make some such declaration as that they should not use bad language, or steal the books of the House, while Englishmen and Irishmen were exempted from making any statement of that character. He should like to know what the representatives of Scotland would say under those circumstances? One of the next paragraphs in the oath taken by Roman Catholics bound them not to attempt to disturb the settlement of property in Ireland; that referred to the settlement of 1660, and even the most violent advocate of tenant right would not seek to disturb that. The most material paragraph was that which bound them to do nothing which would tend to injure the Church Establishment. Now, a measure for the total abolition of church rates — a measure affecting that Church Establishment—had been supported by Members of all religious denominations in that House, and he, for one, objected to the hands of any particular class in Parliament being tied in the consideration of that or similar questions. Moreover, many persons thought that the oath would not bear that interpretation, and it was therefore useless in this respect. He had therefore hoped the noble Lord the Member for the City of London, who was so fond of putting the coping-stone to all measures of religious liberty, would have relieved the Roman Catholics from the necessity of taking an oath different from that which was required in the case of other hon. Members, but in that hope, he regretted to say, he was disappointed. He trusted, however, the noble Lord, the Member for Tiverton, who, he had no doubt, was anxious to sweep away the last rag of intolerance, would upon that occasion support the Amendment before the House.

MR. MILNER GIBSON said, he had some short time ago been one of those who ventured to submit to the notice of Parliament a measure, the object of which was to repeal the Oath of Abjuration, and thereby to remove those obstacles which precluded members of the Jewish persuasion from taking their seats in that House. He had also proposed the repeal in question for the purpose of relieving Protestants from the necessity of making a declaration which he believed to be superfluous and absurd. Upon that occasion he had been invited to introduce a change into the Roman Catholic oath, but although his own opinion had at first been strongly in favour of taking that course, still he had upon consideration declined to do so in consequence of the apprehension which he entertained that it would interfere with the success of the measure which he had in hand. He entirely concurred with the hon. Gentleman who had that evening proposed the Amendment that every Member of that House ought upon his admission to it be called upon to take the same form of oath, and holding those sentiments he should deem it to be his duty to vote with the hon. Member if he should press his Motion to a division. He must, however, add the expression of his belief that if the hon. Gentleman were to do so he would be pursuing a most unfortunate course so far as the success of the Bill under discussion was concerned. The fact was it might endanger the whole measure. He would, therefore, put to the hon. Gentleman whether it would not be good policy not to attempt to do too much at present, and to refrain until some more favourable opportunity from endeavouring to place that coping-stone to the measure of the noble Lord the Member for London to which the hon. Gentleman who had just spoken had adverted. He would ask whether, after all, the Roman Catholic was not in a better position in reference to swearing than the Protestant Member of that House? He for one would prefer taking the Roman Catholic oath to subscribing to the three Oaths of Abjuration, Supremacy, and Allegiance which he was now required to take. The Roman Catholics had at all events been relieved from one very great absurdity

—the necessity of abjuring non-existent persons, while he was obliged to go to the table of the House, and, invoking the Deity, solemnly to abjure the descendants of James II., while he was perfectly aware that no descendants of that monarch survived. That certainly had been omitted from the Roman Catholic oath, and to that extent he thought the Roman Catholic had an advantage over the Protestant Christian; but let them not attempt to make the Bill now before them carry too much. It would be difficult enough to emancipate the Jews. Let them, then, for the present, postpone the consideration of the Roman Catholic oath, which he (Mr. M. Gibson) admitted did contain great absurdities. Let them confine themselves to simply passing the measure as it stood. He hoped the hon. Member for Kildare would content himself with having made a considerate and reasonable protest against the Roman Catholic oath, and not put the House to the necessity of dividing.

Mr. PALK said, that although the Bill had passed through Committee, he conceived it was within the province of any hon. Member to challenge as well the principle and the details of the measure. But every argument in favour of the emancipation of the Jews had been so often stated, and so ably answered on that —the Ministerial—side of the House, that it was almost superfluous to detain the House on those points. Indeed, he should not have addressed the House at all, were it not for the very peculiar position which the Bill now occupied, and the very peculiar reason which had been given by its noble proposer why it should pass into a law. The noble Lord had just told the House that he was particularly anxious to see one form of oath established for every Member of Parliament, and as a proof of his wish that that should be the case he had brought in a measure which would institute one oath for the Protestant, another for the Nonconformist, another for the Jew, and another for the Roman Catholic. But was it necessary that this question should be raised at all? Or, if raised, had the question progressed in any way whatever to induce them to imagine that the time of the House would be well spent in its discussion? First, was it really a fact that the Jew was excluded from a seat in the House of Commons? He had heard it stated by more than one hon. Member of some experience and authority in that House, that it was in the power and province of the House itself to declare Baron Rothschild duly elected, and by their own Resolution to free him from the difficulties presented by that portion of the oath which prevented him from taking his seat in the House. If that were the case, then he maintained that there was a vast constitutional question involved which was of much greater importance than the mere admission of Baron Rothschild to a seat in Parliament. He (Mr. Palk) thought that this House was bound to maintain all those rights and liberties which had grown up in ages long gone by, and which the great and the good had left to them for their inheritance. In "another place," so recently as to be within the recollection of all he then addressed, noble Lords took upon themselves to refuse to admit a Peer who had been created merely for life by the Crown to a participation in their privileges; and, moreover, they proved their perfect right to do so. So also, if this House had the right to admit those whom it considered to be duly elected, why did it fear to exercise that right? The noble Lord said that very possibly the House had the right, but that it was inexpedient to use it as, if it were exercised, it would immediately bring the House into collision with another branch of the Legislature. Well, but would they not be incurring the same risk by the vote which they were called upon to give that night? Last year the question was brought forward by the noble Viscount the then Premier, the leader of a strong party, and the head of a powerful Government. That noble Lord introduced it with all the accessories of power which his position gave him, and passed it by a large majority; and if the other branch of the Legislature could have been overawed by a declaration of the opinion on the part of this House, it would have been overawed by the position which the noble Lord then assumed. But what was the position of the noble Lord who now brought the measure before the House? Was he the leader of a large and powerful party? Was he the First Minister of the State? Was it likely that the other branch of the Legislature would yield to a private Member of this House that which they had refused to the great leader of a great party, and the head of the Government? What was to be the end of this measure? Were they to go on debating this question time after time, and year after year? Would not the result of the course now adopted be the same this year as the last? Was the

noble Lord really in earnest in passing this measure? If he were really in earnest, where was the proof that would induce them to believe him? The Bill he had brought in this year was very much the same Bill that he had been in the habit of bringing in every year. There was no alteration in it—no amendment—except, indeed, that the noble Lord had succeeded this year in offending his Roman Catholic allies. Was it not a mere waste of time to be going on discussing this matter year after year, without any result? Was it not better that they should proceed at once to decide the question whether the House had or had not the power, by its own vote, to seat Baron Rothschild? And if they decided that they had the power, was it not better that the House should seat the Baron without further reference to the other House, while they retained the words "on the true faith of a Christian"? He did not think it was likely that any vote of this House would overawe the House of Lords, any more than it had done on former occasions; and if it did not, he asked the noble Lord whether he was prepared to take that course which he had invariably evaded taking up all the years that it had been debated, and show that he was really earnest in the cause of which he had made so much political capital by proposing to seat Baron Rothschild by a vote of that House without any reference to the House of Lords?

Mr. J. D. FITZGERALD said, he rose to recal the House to the question that was immediately before it—the question whether this Bill ought not to be so amended as that it should be made applicable to the oath taken by Roman Catholics as well as to that taken by other Members of the House. He had listened with some curiosity to the statement of the views of the Government upon this question, which he confessed he thought the right hon. Gentleman the Secretary of State had treated almost with contempt. He had said a few words in a low tone of voice, not attempting to discuss the question, but telling us that there was something in the nature of a compact at the time of the passing of the Roman Catholic Emancipation Act which prevented the discussion of this question now. That argument had been frequently answered, but if he had thought the question of compact was to have been again pressed upon the House, he would have come prepared with those extracts from the debates on the Roman Catholic Emancipation Act which had more than once been pressed upon the attention of the House, and which established beyond a doubt that, whether there was settlement or security, neither Sir Robert Peel nor any one else ever thought of compact. He would, therefore, pass from that question and come to the argument of the noble Lord the Member for the City of London, who had rested his objection to the Amendment on the ground that there was a settlement. But first he would deal with another argument of the noble Lord, that the course proposed to be taken would injure the cause of the Jews, and would peril the passing of this Bill. If he thought that objection was well grounded, he would certainly advise his hon. Friend to abandon his Amendment, and seek first to carry the present Bill, and then call upon the Liberal party to rally round him and endeavour to place the Roman Catholics in that position with regard to oaths which they ought to occupy. But he did not believe the effect of this Amendment would be to damage the Bill or to prevent it from passing into a law. He was a supporter of the Emancipation of the Jews. He was ready then, and he would be ready at any future period, to put an end to this last relic of intolerance; but, if without injuring the Jew, he could remove a grievance of which the Roman Catholics justly complained, he felt bound to do so. The noble Lord said there was a settlement of this question in 1829. [Lord J. Russell: No; in the first year of Queen Elizabeth.] But surely the noble Lord did not mean to say that Roman Catholics ought never to be in a position to alter the oath, however offensive that oath might be felt to be. He must remind the House that when Roman Catholic Emancipation was before the House it had to deal with a state of public feeling which was aroused at the time to a state of great apprehension. It was believed then that the admission of the Roman Catholics would be destructive to the constitution of the country; and that there could not be securities enough taken to prevent them from doing mischief. But might he not now, after a period of nearly thirty years had elapsed, refer with confidence to the conduct of the Roman Catholic Members of that House as dissipating those unfounded misapprehensions? Above all, he would appeal to the noble Lord the Member for the City of London. The noble Lord had originated or taken a great part in carrying all the great Liberal mea-

sures of the last thirty years; and he would ask the noble Lord, during the whole of that time did he not always look for support to the Roman Catholics? Whether it was on the question of free trade, or on the advancement of civil and religious liberty—in no case had he ever found his standard deserted by a single Roman Catholic Member, except when, on one occasion, a gentleman, who was no longer a Member of this House, Mr. Moore, the late Member for Mayo, voted against the admission of Jews to Parliament. Was there, then, anything to prevent them seeking and obtaining a modification such as would render the Roman Catholic oath less distasteful to them? Were they to be told that every year Roman Catholics must come up to the table and swear this—

"I do declare that it is not an article of my faith, and that I do renounce, reject, and abjure the opinion that Princes excommunicated or deprived by the Pope may be deposed or murdered by their own subjects, or by any person whatsoever?"

Was there any one here who would say that that was the doctrine of the Roman Catholics? Was there a Roman Catholic who believed that the Pope either had now or ever had power or authority to sanction the crime of murder, or to depose any Sovereign either in this or in any other realm? And if not, why should they retain that declaration? Why should a Roman Catholic Gentleman be brought to the table to have his feelings excited and himself insulted by being called upon publicly to disavow that which in his heart he condemned? It might be said that if he did not believe the doctrine, the disavowal of it did him no injury. But was it not an insult to place him in such a position? There were other portions of the oath which he felt to be objectionable; but he would not further occupy the time of the House. His intention was to support the measure, and, if he could, carry the measure for the emancipation of the Jews. But if, in addition to that, he could, by means of the Amendment of his hon. Friend the Member for Kildare, at the same time relieve his Roman Catholic brethren from what he felt to be an insult, he felt bound to support it.

LORD JOHN RUSSELL explained, that he had never said the question of the Roman Catholic oath had been settled in 1829, and therefore it could not now be reconsidered. In his opinion, the subject might fairly be considered if brought forward as a separate question. What he had alluded to was the settlement of the right to the Imperial Crown of these realms at the commencement of the reign of Queen Elizabeth, and he said that it might be a fair remark to make that the oath should be in conformity with that settlement.

MR. HORSMAN said, it was difficult for those Liberal Members who had been in favour of admitting Roman Catholic Members to the House not to sympathise with what had fallen from the hon. and learned Gentleman (Mr. FitzGerald); but he contended that the Protestant Members were placed in a difficult position as well as the Roman Catholics, by the forms of the oaths they were called on to take. They were at present called upon to subscribe three oaths, by the first of which they swore allegiance to the Queen, and to protect her person; by the second they swore allegiance to the line of the Protestant succession; and by the third they abjured the rights of foreign potentates. Now, with respect to this third oath, the point had been raised, and raised in a manner which he thought the Protestant Members would do well to consider how far it was necessary or desirable for them to abjure the spiritual jurisdiction of the Pope. Let it be observed that they swore that no foreign Prince, Potentate, or Prelate, had any spiritual jurisdiction in this country. Now, could they really swear to those words, in their plain common-sense meaning, that no foreign Prelate exercised any spiritual jurisdiction in Ireland? Why, who was the greatest living authority with regard to the power of the Pope in this country? Undoubtedly it was the hon. Member for North Warwickshire (Mr. Spooner). He had studied the subject with an amount of zeal and research which, if a vacancy were to occur in the presidency of Maynooth College to-morrow, and if the vacancy were to be filled up by competitive examination, would enable the hon. Gentleman to outstrip the whole college of the Propaganda. Well, he came down to that House year after year with a Motion, which he enforced with much evidence and authority, that the spiritual power of the Pope in Ireland was so great that it endangered the authority of the Crown. The authority upon which his hon. Friend chiefly relied, was the statement of some leading Members of the

Roman Catholic Church, who, on being examined before the Royal Commission, said that they not only had always acknowledged the spiritual authority of the Pope, but that they always intended to do so. Well, his hon. Friend not only made this Motion, but he carried a large portion of the House into the lobby with him in support of it; and yet when a dissolution took place, and the hon. Gentleman was re-elected, he came to the table and swore —much, he (Mr. Horsman) should think to the astonishment of the Roman Catholic Members—that the Pope had no spiritual jurisdiction whatever; and then he went back to his seat and renewed his Motion, that the power of the Pope was so great and so dangerous as to call for the interference of this House. Of course they all knew the ground on which the hon. Gentleman defended this apparent inconsistency. His defence was, that the Pope had no power which would be recognised in a court of law)—[*Loud cries of* hear! hear!] That might come well enough from the mouths of some hon. Gentlemen; but the hon. Gentleman was in the habit of lecturing Roman Catholic Members, because they did not, according to him, adhere to the *ipsissima verba* of the oath, but inserted words of their own. That, he thought, was just what the hon. Gentleman did in this case. But now let them look at the new oath that was proposed. They were to be called upon to say, that the Pope had no power, directly or indirectly; and they were reminded that those words were in the oath for maintaining the supremacy of the Crown in the days of Queen Elizabeth. But the facts were very different in the days of Queen Elizabeth to what they were now. At that time the oath might be taken consistently with morality and truth, because at that time the Pope really had no power. Was it not notorious to them all that now the Pope appointed bishops in Ireland and governed that Church? Was he not appealed to on all questions of discipline? And even acts of Imperial policy had been opposed and thwarted by the mandates of the Pope, publicly and ostentatiously proclaimed? Then, though it might in a certain sense be true that the Pope exercised no direct power, could they say that he exercised none indirectly? He confessed it appeared to him that it would be difficult for any hon. Member, without a large amount of mental reservation, to swear that. [Lord J. RUSSELL: *Mr. Horsman*

I propose to omit these words.] Still that did not affect the objections he had urged against the other parts of the oath. It was no answer to him to be told that many good and pious men had from time immemorial taken these oaths. It was notorious, that till within the last few years, oaths had been multiplied with so much levity, that persons on their admission to office came to regard them as possessed of scarcely any more religious meaning than the payment of the fees. But a great change had come over the country; many things which before were held to be trivial, were now looked upon as sacred; and in particular an oath, which used to be looked upon as little more than an idle form, was now elevated into a solemnity in which the heart and the conscience were both called to bear a part. He had, therefore, great doubt about the enactment of this form of oath, which was at variance with admitted facts; for it appeared to him that if they did so, they would be lending themselves in the eyes of the whole nation, to the sanction of a lax morality. But in the case of the Roman Catholics the case was still harder. They were called upon to subscribe an oath, which, as used for a test, was needless and offensive, and which was imposed at the time by the stronger upon the weaker party. At the same time he felt the force of the argument of the noble Lord, that these two questions ought not to be mixed up together; that if they did so, instead of aiding one they would be injuring both, and therefore he would recommend that the question should be raised on a future occasion.

VISCOUNT PALMERSTON: I very much concur in what has fallen from my noble Friend the Member for the city of London. Undoubtedly it would be desirable that only one oath should be taken by all hon. Members, if such an oath could be framed which would be sufficient for the purpose; and, although I do not agree with my right hon. Friend who has just sat down, that there is anything in the Roman Catholic oath which is untruthful, or which at least cannot be conscientiously taken, I agree with him in thinking it must be very repugnant to the feelings of Roman Catholics to disavow doctrines which, at this day, no man entertains. But, although I agree in thinking it would be very desirable if some alteration were made, I cannot help thinking we had better dispose of the matter in hand with-

out complicating it with another matter which is not the specific object of the Bill. There is no doubt that the passing of a Bill, to enable Jews to sit in Parliament, is a matter which will encounter great difficulty. Our experience shows that that is so; but I do not think the best way of surmounting one difficulty is to create unnecessarily another. It is clear to me, if we are to attempt the two things at once by agreeing to this Amendment, without at all improving the position of the Catholics, we should add to the difficulty with which the Bill, as it now stands, has already to contend. I therefore earnestly concur in the recommendation that the hon. Gentleman who made this Motion should be content with the protest he has made against the part of the Roman Catholic oath which he thinks objectionable, and should not embarrass the immediate object of the measure by the discussion of any other matter.

MR. WIGRAM said, he rose to protest against this Amendment being considered merely as a question of time. The present condition of the oaths taken by Members of Parliament was this—that the Protestant was required to abjure the temporal and spiritual power of the Pope, while the Roman Catholic, under the Emancipation Act, was allowed to substitute an oath abjuring the temporal power only. But if the alteration now proposed were carried out, the effect would be that the Roman Catholic would avoid declaring what he was now required to declare, that the Pope had no temporal power. He thought, therefore, that the matter was one of the greatest importance; and, if the present Amendment were carried, it would meet with the disapprobation of the whole country. Why, only three or four years ago a whole Session was occupied in the discussion of this very principle, whether the Pope could exercise temporal power in these realms, which he had attempted to do by the nomination of bishops with territorial titles. That discussion took place at the instance of the noble Lord the Member for London himself. As to the latter argument of the right hon. Member for Stroud (Mr. Horsman), it admitted of a very easy answer. In the first place, the noble Lord the Member for London had given notice that he intended to move the omission of the words "directly or indirectly." With regard to the spiritual jurisdiction of the Pope, he must say, for one, that he never could take that part of the oath, if it were to be interpreted so as to pledge himself to the belief that the Pope actually exercised no jurisdiction in this realm. The answer to that objection always was, that lawfully he had no power. That was the sense in which he had always taken the oath, and in which he believed it had always been accepted. But he would not have the slightest objection to insert the words "lawfully" or "by law" in that part of the oath; for he believed, without meaning any offence to Roman Catholics, that every interference of the Pope, or of any other Potentate, with either the temporal or spiritual jurisdiction of this country, was opposed to the constitution of the country, and he hoped that principle would long be maintained by the public feeling of the country.

MR. STEUART was understood to say, that if the words "lawfully" or "by law" were added to the oath, he would agree. He thought, however, that another word, the word "right," might be suggested; and, if he were allowed by the forms of the House, he would propose the insertion of the words, "hath no right to claim or exercise any power, &c." For his own part, however, he did not make any reservation when he took the oath. He did not regard the language of the oath as an assertion of fact, but as an expression of opinion.

MR. FORTESCUE said, he did not complain of the noble Lord the Member for the city of London, as he was not surprised that the noble Lord felt disinclined to embarrass the question by the introduction of a fresh difficulty. But he objected to the Bill on the ground that the position of other Members of the House was changed. The effect of this Bill would be to re-enact the former Protestant oath, which he, as a Protestant, had great objection to take, while the Roman Catholic would be placed in a more invidious position than he was before. He would, therefore, vote for the Amendment of his hon. Friend, while, at the same time, he wished to state that he had no wish to endanger the cause of the Jews.

MR. HASSARD should feel it his duty to protest against the Bill altogether, unless it were passed with the Amendment proposed by the hon. Member for Kildare (Mr. Cogan). At the same time, he could not but complain of the oath now required to be taken by Protestants, while the ecclesiastical power of the Pope was to be seen every day in Ireland, so that it was of no use to deny it. That power was recognised

even in Acts of Parliament, as it was no uncommon thing for an Act of Parliament to provide that Roman Catholic bishops—who, as everybody knew, were appointed by the Pope—should be trustees of charities.

MR. COGAN explained that he had been misunderstood by the noble Lord the Member for the city of London. The noble Lord had said that it would be ungracious on the part of the Roman Catholics, after they had themselves been admitted into the House, to slam the door in the face of the Jews. He (Mr. Cogan) had not used a single expression which could induce the House to believe that, if this Amendment was rejected, he should oppose the further progress of the Bill. He did not intend to convey any such impression, and probably the error had arisen from the indistinctness with which he spoke.

Question put, "That those words be there inserted."

The House *divided:* Ayes 66; Noes 345: Majority 279.

Mr. COGAN stated, in answer to a question by Lord J. RUSSELL, that, after the expression of opinion by the House, he would withdraw his Amendment which stood on the paper for the omission of Clause 7.

Mr. STEUART then moved to insert in page 2, line 8, after the word "Potentate," the word "rightfully." The Amendment would therefore run thus,—"No foreign Prince, State, or Potentate hath rightfully, or ought to have, any power or jurisdiction in these realms."

Amendment proposed, in page 2, line 8, after the word "Potentate," to insert the word "rightfully."

Question proposed, "That the word 'rightfully' be there inserted."

LORD JOHN RUSSELL said, that he thought that the word "lawfully" might be intelligible, because it would refer to the state of the law here; but "rightfully" was a vague word, which every one might construe according to his own ideas.

MR. GLADSTONE said, he always listened with great respect and attention to whatever fell from the noble Lord, and especially on a Bill of this description. He understood him to say—indeed it was admitted almost on all hands—that it was desirable something should be done with regard to these words. At any rate, that was admitted hy his hon. and learned Friend the Member for the University of Cambridge (Mr. Wigram) who strenuously held by what he conceived to be the substance of this part of the oath. The question, then, would be, which of the words was the best in the opinion of the House—the word "rightfully," as proposed by Mr. Steuart, or the word "lawfully," which his hon. and learned Friend the Member for the University of Cambridge intended to propose. His noble Friend (Lord J. Russell) seemed to prefer the word "lawfully," because it meant that the Pope "hath not, or ought to have," any jurisdiction by law within these realms. Now, he (Mr. Gladstone) did not believe that the noble Lord's construction of the oath would hold. He might be wrong, but this was a question partly of history and partly of the private impressions of individuals. He would, however, recall to the recollection of the House, that the object of the Oath of Abjuration, when originally introduced in the reign of Queen Elizabeth, was to exclude the Roman Catholics, and it was retained at the Revolution in 1688 for the same purpose, and for that purpose alone. But there might be Roman Catholics who were conscientiously of opinion that the Pope "neither hath or ought to have," any legal or coercive jurisdiction whatever in this realm. Take, for instance, one large body of Roman Catholics. The whole Roman Catholics of the United States, as a body, they were constantly told, objected as strongly and jealously as they did to the possession of legal power or jurisdiction by the Pope. Such, he thought, was also the language held by the late Mr. O'Connell. If he recollected rightly, the language of Mr. O'Connell in that House was also to the effect, that the union of Church and State was a very great evil, and that spiritual power ought not to be backed by legal or temporal authority. But if his noble Friend's construction of the oath were correct, there was nothing in the world to have prevented Mr. O'Connell taking the Oath of Supremacy at that date; there was nothing in the oath touching the conscience of a Roman Catholic, if he were of opinion that legal jurisdiction ought not to be given to the Pope, and that he ought only to have spiritual authority. [AN HON. MEMBER: What do you understand by the word "rightfully"?] He understood it to mean properly or justly; but what he wished the House to bear in mind was this—that if there were these difficulties in the construction of an oath which were held to be of great constitutional importance, that of itself was a clear proof that the matter required the attention of the

House; for it was not a subject which ought to be left to A, B, and C to construe for themselves. There ought to be a legislative construction put upon an oath which purported to aim at a great constitutional object, and which different gentlemen construed in different modes for themselves. There was another matter which, although it affected the interest of a very small body of persons, he confessed appeared to him to require the early attention of Parliament. He alluded to the case of the Moravians, than whom he believed no body of religionists in this country enjoyed more universal respect from all classes of the community. It was the misfortune of the Moravians that they were governed by a foreign jurisdiction. There was what was termed a "consistor;" which held its meetings at Hernhut, in Germany, and exercised a supreme and ultimate authority over all proceedings of the Moravian body; so that supposing a Moravian minister was dismissed by the immediate authority of the congregation to which he belonged in England, that sentence was remitted to the consistory at Hernhut, and if they were of opinion that the minister ought to be restored he was restored by the laws of the community, and he held his place in defiance of his congregation. Recently a case regarding this oath as it affected Moravians, had been drawn up and submitted to an eminent civilian, Dr. Twiss, for his opinion, and, speaking from memory, he believed the opinion of that learned gentleman was that no Moravian could properly or correctly take the Oath of Supremacy, and that, as it stood, it operated as a bar to the possession, by a Moravian, of any office in the taking of which that oath was a condition. They were certainly in a great difficulty—because the hon. Member who proposed the word "rightfully" gave it one meaning, while his noble Friend (Lord J. Russell) gave to the word "lawfully," which he seemed disposed to accept, another meaning. He (Mr. Gladstone) confessed he greatly preferred the meaning which he supposed was to be attached to the word "rightfully," as proposed by the mover of the Amendment; but he did strongly feel that it was hardly consistent with the respect in which they held the very nature of an oath, and the fair claims of individuals, to allow the matter to rest without bringing it to some authoritative solution. It was not a matter for private discussion or opinion, but one upon which the views of Parliament ought to be clearly and unmistakably expressed. For his own part, he hoped the House would be disposed to accept the Amendment of his hon. Friend.

MR. ROEBUCK said, he quite agreed with the right hon. Member for Oxford University (Mr. Gladstone) that this was not a question to be settled by private opinion, but one upon which there ought to be some legal and authoritative decision. How was it proposed, however, to solve the difficulty? Why, by using a word of the widest and most ambiguous interpretation—"rightfully." What was the meaning of that word? If the words "legally"—"by the law of the land" were adopted, everybody could understand them. He would assert that, by the law of the land at the present moment, the Pope of Rome had spiritual jurisdiction in this country. By the second clause of an Act of the 7th and 8th of Victoria, passed in 1844, entitled, "An Act for the more effectual Application of Charitable Donations and Bequests in Ireland," certain Commissioners were appointed for the administration of charitable trusts; and who were they? On referring to their first Report he found that, at a meeting of the Commissioners of Charitable Donations and Trusts, held on the 9th of January, 1845, there were present his Grace the Lord Archbishop of Dublin, his Grace the Lord Archbishop W. Croly, and his Grace the Lord Archbishop Daniel Murray. Now, how did the two last become Lord Archbishops? By the authority of the Pope of Rome. Who would tell him, then, that the Pope of Rome had not spiritual jurisdiction in this country? How could spiritual jurisdiction be more directly allowed than by the appointment of a Lord Archbishop, under the authority of an Act of Parliament? He thought the best way of dealing with the question would be to leave out these words altogether. The right hon. Gentleman said that the point was one of great importance. The words, it was said, were originally employed to exclude Roman Catholics, but Roman Catholics were no longer excluded! To whom, then, did the oath apply? To Protestants. Now, he would ask whether any men taking this oath were likely to become better, or more fit to perform their duties as Members of Parliament? The oath pressed upon conscience. Indeed it was untrue, and could only be taken by a gloss. He (Mr. Roebuck) had taken the oath by a gloss, as he intended to take it. Such phrases were like nettles in a man's path;

he trampled them under foot, and they should not stand in his (Mr. Roebuck's) way. The statement was untrue, and ought not to be retained in the oath. He called upon the House, then, to get rid of these words, and the difficulty would be removed. If it were declared that by the law of the land the Pope had no power or jurisdiction, spiritual or ecclesiastical, within this realm, that would be understood—it would mean that the Pope had no power which he could enforce by law; but if it were said that the Pope possessed no such power "rightfully," an appeal to moral and religious belief was involved. In his (Mr. Roebuck's) moral belief the Pope had a right to jurisdiction in this country. The fact of a man being a Roman Catholic did not deprive him of the right of being a Member of Parliament or a Commissioner under a Charitable Bequests Act, and he (Mr. Roebuck) maintained that the Pope had, and rightfully, a spiritual jurisdiction in this realm. If, however, it were said that the Pope had a jurisdiction which he could enforce by law, he (Mr. Roebuck) would deny the assertion, and he thought that, instead of inserting the word "rightfully" in the Bill, the words "by law" should be substituted.

SIR RICHARD BETHELL observed, that there was great misconception in this matter, and it mainly arose from not referring to the original statute by which the oath was introduced; and the House would there find the words "spiritual and ecclesiastical" not used in the same import. The word "spiritual" referred entirely to jurisdiction—to the authority to be exercised in courts of justice. Previously to the Reformation all temporal and civil authority was exercised in the name of the Sovereign, but spiritual and ecclesiastical authority was exercised in the name of the Pope. In the 1st of Elizabeth, however, a statute was passed, entitled, "An Act to restore to the Crown the ancient Jurisdiction over the State Ecclesiastical and Spiritual, and Abolishing all Foreign Powers repugnant to the same;" and if the House would permit him to read the old oath, which was altered at the time of the Reformation, he thought they would see that there was no ground for difficulty or misapprehension. It was declared that from and after the passing of that statute all jurisdiction in the realm should be considered to be derived from the old fountain of jurisdiction, namely, the Sovereign, and all that was intended by the supremacy of the Crown was that no power or jurisdiction should be exercised by any tribunal or court of justice which was not derived from the Sovereign, and ultimately controlled by the Sovereign. The oath was in these terms:—

"I, A B, do utterly testify and declare in my conscience, that the Queen's Highness is the only supreme governor of this realm, and of all other Her Highness's dominions and countries, as well in all spiritual or ecclesiastical things or causes as temporal."

There was the division of the two subjects—a distinction between temporal causes and spiritual and ecclesiastical causes, and in both the authority of the Crown was declared pre-eminent. The oath then proceeded—

"And that no foreign Prince, Person, Prelate, State, or Potentate, hath, or ought to have, any jurisdiction, power, superiority, pre-eminence, or authority, ecclesiastical or spiritual, within this realm; and therefore I do utterly renounce and forsake all foreign jurisdictions, powers, superiorities, and authorities, and do promise that henceforth I shall bear faith and true allegiance to the Queen's Highness, her heirs and lawful successors, and to my power shall assist and defend all jurisdictions, pre-eminences, privileges, and authorities, granted or belonging to the Queen's Highness, her heirs and successors, or united and annexed to the Imperial Crown of this realm."

All that was sworn to, therefore, by those who took the Oath of Supremacy, was simply that whatever jurisdiction or authority was exercised in the country was considered to be derived wholly and exclusively from the Crown, and the word "spiritual" was not to be construed with reference to any power over men's consciences, but merely with reference to the jurisdiction of courts ecclesiastical and spiritual. He had been surprised to hear the observations of his hon. and learned Friend the Member for Sheffield (Mr. Roebuck), because whatever powers were possessed by the Commissioners to whom he alluded were conferred by the authority of an Act of Parliament, and therefore the case formed no exception to the general rule. He (Sir R. Bethell) conceived, therefore, that there could be no difficulty with regard to this oath, which affirmed that all jurisdiction and authority in spiritual or ecclesiastical as well as in temporal causes was derived from the Crown; and he thought it would be a mere superfluity to introduce either the word "lawfully" or "rightfully," as the language of the oath was already sufficiently explicit.

MR. BERESFORD HOPE said, that if anything could show the undesirableness of the course which had been recently

taken by the House, it was the spectacle they had just witnessed of hon. Gentlemen learned in the law—Gentlemen whose knowledge of it was shown by the silk gowns which they wore—thus flatly contradicting each other upon the meaning of the oath in question. If anything ought to be plain and patent, it should be the declaration required to be made by Members on entering the House, and yet he found those learned authorities giving totally different interpretations of those few lines which had been repeated thousands and thousands of times at the table. He thought nothing would more plainly indicate the immorality and undesirability of retaining such an oath, an oath wholly unsuited to present times and feelings. The morality of oaths and the dignity of the House would be alike consulted by sweeping away the ambiguous terms to be found in the oath on the table. If the Jews were to be emancipated, and he thought they ought to be emancipated, yet let it be done as an element of the general question of religious liberty, and in a way which should once for all settle that question in a manner satisfactory to reasonable and moderate men, and not in a fragmentary way, which must soon produce fresh struggles. He had heard the timid suggestion made that the adoption of one single oath might imperil the cause of Jewish emancipation. But had the Amendment which had been just rejected been, instead, adopted by a majority, how long would that cause have been postponed! Before long the whole question must have been raised and the matter settled on a sure basis. The best course would have been to have carried the Amendment which had just been rejected; but as the second best course, some word of explanation ought to be inserted. When he saw the hon. and learned Member for Sheffield (Mr. Roebuck) rise, he hoped he meant to propose the word which he had heard him utter in an audible whisper across the House, "legally." "Legally" would be a better word than either "rightfully" or "lawfully." "Rightfully" might be paired with "wrongfully," and "lawfully" with "unlawfully"—while no injurious colour would be attached to the word "legally."

MR. WHITESIDE said he fully concurred with the hon. and learned Gentlemen (Sir R. Bethell) in thinking that the words of the oath were perfectly intelligible and should remain as they were. They furnished a sufficient illustration of the principle which they asserted, that no foreign Power had jurisdiction, ecclesiastical or spiritual, within this realm. He would give an example. A Roman Catholic miller in the north of Ireland once brought an action against a priest for having slandered him in his church and damaged him in his business by forbidding others to deal with him. The priest defended himself on the ground that he had no malice against the miller, but had merely asserted the authority exercised by him in virtue of his ecclesiastical commission, and that he had done no more than he had a right to do. This, however, was held to be no defence, inasmuch as the Pope held no jurisdiction in this country by which he could give power to the priest; and the miller recovered damages. The Act as it stood was, therefore, a protection to those who might be injured by the assertion of an authority which really had no existence. No one was bound to deny that a man claimed unlawful authority. What was necessary to be denied was that a foreign potentate had any authority. He really had none; and they might all say, with a safe conscience, that he ought to have none.

MR. WIGRAM said, he believed that no doubt could exist as to the true meaning of the words in the oath.

MR. STEUART said, that as the general feeling of the House seemed to be opposed to his Amendment, he would not press it to a division.

Amendment by leave *withdrawn*.

LORD JOHN RUSSELL moved the omission of the words "directly or indirectly" from page 2, line 10, of the Bill.

MR. WALPOLE said, he saw no objection to the adoption of that Amendment.

Clause, as amended, *agreed to*.

Amendment *agreed to*.

MR. NEWDEGATE rose to move the omission of the fifth clause, under which Jews would be entitled to sit in the House. The hon. Gentleman said—I can assure the House that I am fully sensible of my own inability worthily to discharge upon this occasion, a duty which would have devolved on the present Lord Chancellor, had he continued to be a member of this branch of the Legislature, I am painfully aware that the House will now feel the loss of his close reasoning and warm eloquence; but I am also persuaded that this Amendment, by whomsoever it may be brought forward, is entitled to the most respectful attention. I must

beg to observe, that it is from no over-confidence in my own powers, and from no belief on my part that I am either a better Christian or a better man than other Members of the House, that I take this part; but I entertain a strong conviction upon this grave subject, and am profoundly persuaded that it is not only highly impolitic, but that it is absolutely wrong that this country, which for a thousand years has been governed through the intervention of a Christian Parliament; which has recognised as the basis of its law the great doctrines of Christianity; which has secured to itself Christian legislation by securing to itself a Christian Legislature, and which has under that system enjoyed God's manifold and prolonged blessings, should cast away the recognition of God as we know Him, as he has declared himself through our blessed Mediator, in his attribute of the governor of nations and of the universe, and to this result, as is fully admitted by its leading advocates, tends the clause, which I oppose. I have undertaken this task, not because I feel myself good enough for its adequate performance, but because I am not bad enough for its neglect. When I remember the men with whom I have been associated in this great cause, but who are no longer Members of this House — such men as the late Sir R. Inglis, the late Mr. Goulburn, the late Mr. Law, Mr. Stafford, the Vice-Chancellor Stuart, the Lord Justice Turner, Lord Stanhope, Lord Shaftesbury, the Duke of Marlborough, the present Lord Chancellor for Ireland, the present Lord Chancellor for England — I cannot regard with any other feeling than one of deep contempt, the imputation which is sometimes thrown out against the opponents of the proposal now under the consideration of the House, that they are actuated in the course they are pursuing by a spirit of narrow sectarian bigotry and persecuting intolerance. I would appeal to any one who posseses the slightest acquaintance with the public conduct of the distinguished men whom I have named, far more to those who enjoyed the advantage of being known to them in private life, whether the mere mention of such an array of learning, of experience, of christian feeling, and of active benevolence, is not sufficient to refute so contemptible an accusation. Let it be remembered, too, that this Bill, though professedly general, is really introduced for the purpose of obtaining a seat for Baron Lionel Nathan de Rothschild, a person who already enjoys the manifold advantages of an influential position in this country, and it must at once be seen that we have here no policy of violent persecution to reverse. The contest in this case lies ostensibly between three parties. We have, in the first place, a wealthy Jew, who by means of a large foreign influence has obtained a great command over the constituency of the City of London; we have next a number of persons who are carried so far by their love of civil and religious liberty, as they call it, that they are ready to discard from the constitution of the legislature that religion which forms the very basis of all our freedom; and we have, in the third place, that earnest and most estimable portion of the people of this country who have for the last eleven years opposed, and to this day, as is proved by their petitions, conscientiously oppose this measure. I wish to guard myself against the supposition that in opposing this clause as it now stands, I desire to do more than to provide that no Jew should be a member of the legislature. If the House should consent to strike out the clause I should not oppose the introduction of some other provision which would continue to the Jews the power they now possess of filling in this country purely ministerial offices. This Bill differs from any measure which has been introduced for the same object since 1851, in that it would expressly place the profession of Judaism on a par with the profession of Christianity as a qualification for admission into this House. I know that some hon. Friends of mine consider this an advantage—I cannot share their opinion. I do not think that any benefit can be gained by binding the Jew to his religion on the occasion of his entrance within these walls. I do not believe that a Jew is likely to be a better man or a better Member of this House because he is a strict adherent of the Talmud. The effect of this clause would be to bind the Jewish member to a religion the tenets of which I think I can show are of an immoral tendency, are anti-national, and anti-social. It is said by the advocates of this change, that the Jew accepts the Old Testament, and that he ought easily to amalgamate with the Christian, who only differs from him by accepting in addition to the Old Testament the inspired writings of

the Evangelists and Apostles. This is a complete mistake. The Jewish religion, it is true, purports to be based on the Old Testament, but it is in reality embodied in the Talmud, and the Talmud is a compilation of those traditions which our Divine Redeemer declared, when he was on earth, had rendered the law of the Old Testament of none effect. It is a compilation of traditions which, to use a phrase adopted by the Prussian Parliament, are "the invention of men who had not the fear of God before their eyes." The Talmud is an embodiment of those traditions which so blinded the Jews, that, under their influence, they condemned their own true king, our blessed Redeemer, to the cross. We are now asked, to bind the Jews to those wretched doctrines which for centuries have kept them a separate people from the rest of mankind, as a qualification for admission to this House. There are but few people who seem thoroughly to understand what Judaism is, and what effect it produces on the mind and condition of its votaries. The question was put the other day in the following form:—"Is there anything in the mental character of the Jew which ought to exclude him from the House of Commons? We can understand that religious differences may be used as a ground of exclusion in the case of people whose religious belief unfits them for the society of their fellow men, and we should on that account wish to see Mormons excluded from seats in Parliament; but how can a Christian extend to the Jew that principle? A Jew does not believe all that a Christian believes, but all that he believes is believed by the Christian, and there is nothing, therefore, in his faith which ought to subject him to civil disabilities." I readily admit that the view of the subject for which the inquirer evidently contends is fairly put in that passage. But I cannot forget that, according to Saint Paul, the Jews are struck with a mental blindness, which, after their rejection of their own true King, incapacitates them from understanding the prophecies of the Old Testament itself. I cannot, as a Christian, reject such evidence; I cannot conceal from myself the present truth of Saint Paul's declaration. For I concur in the opinion of Paley, that the condition of the Jews at this day is a standing miracle; we have the highest ancient as well as modern authority for the assertion, that by the operations of their religion on their minds the Jews are kept a separate and an anti-social race. The noble Lord the Member for London has made himself the special champion of this Jewish cause, and has thereby excited the regret of many of his own best friends. The noble Lord does not, I am sure, consider the present Earl Grey a hostile observer of his public career. I doubt whether the Earl Grey concurs with the noble Lord in his views upon this question; but the noble Earl published the other day a most able work on Parliamentary reform — a work which every Member of this House would do well to study, and which shows that its author has not wasted the time which has elapsed since he was in office; and in that book while writing of the effect of large constituencies on the character of statesmen, Lord Grey declares his belief that the representation of the City of London has been a disadvantage to the noble Lord; and he compares that disadvantage with the advantage which Sir R. Peel enjoyed as the representative of Tamworth, which has a much smaller constituency. I believe that many friends of the noble Lord consider that his connection with the City of London has been and is a misfortune both to himself and to his country, by binding him to unnatural pertinacity in this matter of the Jews. The noble Lord, in addressing his constituents last year, admitted that his efforts to enable Jews to sit in Parliament, and thus to destroy its Christian character, had not been attended with the success which had crowned his previous labours in the cause of civil and religious liberty. The expression he used was remarkable: he said that his labours in this matter of the Jews, had not been attended with equal favour. Nor am I surprised, for upon the Jewish question he is opposed to the strong conscientious convictions of the most intelligent portion of his fellow countrymen. I have already said that the Jewish religion exercises a powerful effect over the mental condition of the Jewish people; and I shall bring forward some proofs of the truth of that statement. In the year 1848 the question of the position of the Jews was debated in the city of Hamburgh, where a much more accurate knowledge of the real tenets of the Jewish religion prevails than in this country. On the 9th February of that year the Syndicus Shroder brought forward a Motion in the Senate of Hamburgh, for granting to the Jews civil and electoral rights; but that proposal, after a

long debate, was negatived by twenty-one votes against six. A document, in which the religious, moral, and political objections against the emancipation of the Jews were clearly set forth, was then printed by order of the Senate, and was incorporated with the public records of that city; and the following are some extracts from that remarkable paper :—

"In passing through all the epochs of the history of Europe, marked by the rise, propagation, and development of Christianity, we look in vain for some favourable results as regards the Jews, accruing from the various changes in the formation of society, and the progress of the sciences and civilisation. In the course of events, we see the Jews in various opposite characters and positions; we see them as Roman citizens, Roman slaves, agents of Christian princes, bankers, hawkers, rabbins, preachers, and spies; but in each and every capacity they have remained, and are still the same people, who have not at heart the teachings of experience, nor the grand and sublime interests by which public welfare is promoted. They have, directly and indirectly, brought about agitations and revolutions, and have again in their turn felt the shaft of revolution directed against themselves. They have been driven from countries, and again returned thither. They have become martyrs for their religion, and again converts from it. They have plundered their neighbours, and again been plundered by them. They have, in some individual instances, shown themselves liberal and charitable, while in most cases they have caused the ruin and misery of their fellow-creatures by the most cunning and wicked devices; but, throughout the many centuries they have lived amongst Gentiles and Christians, contempt and repugnance followed them in all ages and in all countries. The cause of this phenomenon lies in the character of Judaism itself, which affords to its votaries no point of centralisation based on morality. Religion ought not only to be elevated above all legislation, but to serve as a basis for laws. But it is different with Judaism. The most simple and general rules of humanity are made to turn upon laws both obscure and equivocal, and this is plainly reflected in the moral actions of the Jews, in which the character of isolation and private motives are predominant."

I brought on a former occasion under the notice of the House a work called *The Old Paths*, by Dr. M'Caul, a learned and estimable clergyman, who has for many years been engaged in zealous and charitable labours for the conversion of the Jews. In that book I find the following passage, showing the real nature of Judaism. I must beg the Committee to bear in mind, that when Jewish writers or writers on Judaism use the expression "the Oral Law" they mean the traditions of the Pharisees and of the Rabbins, which are embodied in the Talmud :—

"That Judaism is identical with the religion of the oral law was proved in the first number, by an appeal to the highest possible authority—the Prayer Book of the Synagogue, which is not only formed in obedience to the directions of the oral law, but declares expressly that the Talmud is of Divine authority. So long, therefore, as that Prayer Book is the ritual of the Synagogue, the worshippers there must be considered as Talmudists—believers in all the absurdities, and advocates of all the intolerance of that mass of tradition. That this is no misrepresentation and no unfounded conclusion of our own appears from the latest book published in this country by a member of the Jewish persuasion. JoshuaVan Oven, Esq., has, in his *Introduction to the Principles of the Jewish Faith*, a chapter, headed Judaism, which begins thus:—'The Jewish religion, or Judaism, is founded solely on the law of Moses, so called from it having been brought down by him from Mount Sinai. With the particulars of these laws he had been inspired by the Almighty during the forty days he remained on the mount after receiving the Ten Commandments; these he afterwards embodied in the sacred volume known and accepted as the written law, and called the Pentateuch, or the Five Books of Moses, contained in the volume we term the Bible. We also from the same source receive, as sacred and authentic, a large number of traditions not committed to writing, but transmitted by word of mouth down to later times, without which many enactments in the Holy Bible could not have been understood and acted upon; these, termed traditional and oral laws, were collected and formed into a volume called the *Mishna*, by Rabbi Jehudah Hakodesh, A.M. 4150. In addition to this, we are guided by the explications of the later schools of pious and learned rabbis, constituting what is now known by the name of the Talmud or Gemara.'"

Dr. M'Caul gives the following account of the morality inculcated in the Talmud :—

"The oral law loosens the moral obligations. It teaches men how to evade the Divine commandments, as was shown in Nos. 11, 14, and 15. It allows dispensation from oaths, as proved in Nos. 56 and 57. It allows men to retain what they know does not belong to them, if it only belongs to a Gentile (p. 18), or to an unlearned Jew, as appears from No. 59. It sanctions the murder of the unlearned. It is a persecuting and intolerant system. It gives every rabbi the power of excommunicating the Jews (No. 31); and it commands the conversion of all the Gentile nations by the sword (No. 6). It forbids the exercise of the commonest feelings of humanity to those whom it calls idolaters. It will not permit a drowning idolater to be helped, nor a perishing idolater to be rescued, nor an idolatrous woman in travail to be delivered."

That passage may appear to afford too severe a view of the immoral and anti-social nature of the Talmudic religion, but the statements which it contains are confirmed by the elder Disraeli, in his work entitled *The Genius of Judaism*, a work from which I have derived as much if not more instruction in reference to this question than from any other I have ever read, and which breathes throughout a love for the Jewish nation. In that book the learned author describes the tyrannical and deadening effect of Judaism upon the minds of its votaries :—

"Such was the triumph of those 'whited sepulchres,' the Pharisees, enemies of reform and of Christ, they built a labyrinth from whose dark intricacies there was no issue; they hammered out a network of iron from age to age, from whence no captive could extricate himself. As their religion decayed, and their superstitions multiplied, the human passions had a wider stage opened whereon to perform their part. The pride of domination kindled in the breasts of the 'dictators' who held the fate of an enslaved people in their hands. Pale with vigils, but paramount in power, the rabbins sat exalted in their chairs, while their disciples were 'rolled in the dust of their feet,' as they pompously described the sovereignty of their divinity schools. There, at least, the prostration of the body could not be as great as that of the understanding."

I was not satisfied while inquiring into this subject when I procured the document which I quoted from Hamburg, without endeavouring to ascertain upon what facts the immoral and anti-social nature of Judaism was asserted. I was furnished with such evidence, and I will cite one modern case out of many, illustrative of the pernicious tendency of the Jewish religion: I refer to the proceedings at a trial which took place at Kowno, a Polish town in the government of Wilna, more than two-thirds of the inhabitants of which are Jews, as reported in the *States Gazette* published at Riga, March 19, 1846. It appears that the premises of a Jew merchant of the name of Fabian, son of a rabbi, had been forcibly entered by the police, and that they found there five large packages containing seventy-five pieces of fine cloth, which were contraband. But another Jew, a carrier, came forward and perjured himself by stating that he had brought the cloth for another Jew, and on his account from a place within the frontier. The crime of perjury was subsequently discovered. What was this perjured Jew's defence? The excuse was this, that he had been instructed by the rabbi that he had the power to dispense with the oath of a Jew before a Christian Court, if by so doing the perjury was for the benefit of the Jews, and that this Rabbi had absolved him. This rabbi was himself called before the court, and after much prevarication admitted that these were the doctrines of the Jewish religion, and that he had dispensed with the oath of this Jew. Now these, I contend, are anti-social doctrines and that a religion which countenances them should not be admitted as a qualification for admission to this House. I now come to the second point of my subject. I have stated that this religion is anti-national, and in this view of the matter I am aided by the Jews themselves, for I hold in my hand a most able pamphlet, circulated within the last year, and written by a Jew. It is a work entitled *Jewish Emancipation*, in which the writer states that many of the Jews consider that they fulfil the Word of God and their own destiny by remaining a separate people; that they altogether deprecate the attempt to introduce Baron Rothschild, or any other Jew, into the Parliament of this country; that he makes this attempt without their sanction; and he begs it to be understood that if the House sanctions the proposal for the admission of Jews into Parliament, they do it not at his instance, or at the instance of a large part of the Jewish community. The writer, David John Anderson, in his pamphlet says,—

"What do the people of Israel require when they clamour for Jewish emancipation? They already possess it in freedom to speak and act, to enjoy the rights, liberties, and immunities of the land in which they live, in being capable of holding any office in the executive, though not in the legislative government of the country, because Jews are essentially, and will ever remain strangers among the nations with whom they are sojourning. This is the vital principle of Jewish nationality. The indissoluble link that for centuries upon centuries has bound them together, the bond of brotherhood that has left them still Jews, preserving in almost its original form that religion, grand in its simplicity, and even now bearing the stamp of cloud-covered Sinai. Believe me, it is a mistaken notion to imagine a Jew is exalted by a seat in the British Parliament; let him take any office he pleases in the executive government, he is but administering laws already made, but as soon as he forgets the true destiny of Judaism, which in itself is internationality, and amalgamates himself with that people from whom, by the laws of his faith, he is bound to hold himself aloof, he meets but the merited contempt of all right-minded Israelites, and the cold toleration of those who deny the truth of his religion."

Well, Sir, Mr. Anderson goes on to protest against the attempts made by his co-religionists to amalgamate themselves with the Legislature of this country. And he further goes on to say that in their very prayers they give evidence that their hopes are not connected with this country, but "that they look from year to year" (such is their speciality of expression) to their restoration to the land of their fathers. Mr. David Anderson writes of the prayer which the Jews pronounce year by year at the feast of the Passover as follows:—

"The following is translated from the Hebrew service for the two first nights of Passover. It

admirably illustrates the point in question, as well as the proverbial hospitality of the Jews one to another:—Lo! this is the bread of affliction which our ancestors ate in the land of Egypt; let all those who are hungry enter and eat thereof, and all who are necessitous come and celebrate the Passover. At present we celebrate it here; next year we hope to celebrate it in the land of Israel. This year we are servants here, but next year we hope to be freemen in the land of Israel.'"

How then, Sir, is it that, when over and over again the fact has been cited in this House that the Jews are aliens—not aliens by the accident of birth, but aliens by the nature of their religion and social economy—what is the reason that this fact has been boldly contradicted? I bring you the evidence of a Jew of high character, who tells you that though you may induce a Jew to sit among you in the Legislature of England, if he be a Jew by religion—and by this Bill you will stamp him doubly so—he must in reality be an alien at heart. I would not state such a fact as this lightly, or without corroboration, but it does not rest on the dictum of the writer of the work I have quoted, who, although a learned and an able man, is not invested with authority by his people; but I hold here a sermon—[*Cries of* "Oh, oh!" *and a laugh*]. Hon. Members may be pleased to treat this matter lightly, but it was a grave and an important question they were entering on, and one calculated, if not properly legislated on, to violate the deepest and most devotional feelings of the people of this country, and I beg hon. Members to remember that I am only doing my duty when I lay before them reliable information. In further confirmation of what I wish to elucidate, I will read an extract from a sermon on the Jewish faith, delivered in the Great Synagogue, Duke's Place, Sabbath 24, Shevat 5608 (Jan. 29, 1848), by the Rev. N. Adler, Phil. Doc., chief rabbi of the united congregations of the British empire, published by Effingham Wilson, Royal Exchange. After emphatically asserting the authority of the oral law, the learned rabbi thus addressed his congregation:—

"And there is not only a futurity for the individual, but also for the people at large. The same God who bore us on eagles' wings above all impediments, and destined us to be (here follows Hebrew text) a kingdom of priests and a holy nation, a pattern and standard for mankind; the same God, who in consequence of our sins has fulfilled every word of his threat, scattered us among the nations, and left us few in number; the same God who sifted the house of Israel in a sieve; the same God will surely fulfil the other part of his revelation, that he will have compassion on us, return and gather us from all the nations, and will bring us into the land which our forefathers possessed."

I think that I have now proved conclusively that the doctrines of their religion, as accepted by the Jews, constitute them aliens in this country, as well as aliens elsewhere; I hope hon. Members will excuse me for having adduced this evidence in support of my assertion that the Jewish religion is anti-national. It happened that during the revolution in 1848, in Austria, sundry Jews were among the rebels. God knows that, if they were struggling for freedom, they have my cordial wish for their success; but when placed upon their trial, these Jews declared that their religion freed them from all oaths of allegiance, since they were not either Austrians or Hungarians, but Jews, whose country was Palestine. We have been told that the first Jesuits were Jews; we have it so in *Coningsby*—[*a laugh*]. That is indeed a work of fiction. But when I assert that Jews had been officers of the Inquisition in Spain, I assert it on the authority of the rabbi of the synagogue in Birmingham. And I assert, on the authority of the elder D'Israeli, that a close affinity exists between the doctrine, the manner of reasoning, the right of absolution, the dictatorial power claimed, and the universal power aimed at, alike by the rabbis and the Jesuits. He terms such fautors of the Pope as the Jesuits the mere mimics of the rabbins. He says that the Jesuits derived their system, derived their anti-social doctrines, derived their subversive tendency, from the rabbins. Not that the Jews have not at different times been persecuted by the Roman Catholics—I will not exclude that fact; but they sometimes have a common object, and at all times there is a great similarity of feeling and conventionality between the Jesuits and the Jews. We have seen it, and we see it now, in the perpetual attacks that are made on the Christian constitution, on the Protestant Christian constitution of this country. What is the proposal in the clause? That you should enthrone Judaism—the oldest and the most inveterate opponent of Christianity—in the British Parliament, which has hitherto been exclusively Christian by its constitution. And by whom is this organic change supported? I have been ten years watching this question in this House, and let me ask when and on what occasion have

you seen a Roman Catholic Member stand up for the maintenance of the Christian character of Parliament? I have mixed with Roman Catholics in private, I have urged them on the ground of our common Christianity to resist such proposals as the present, and I have met with every courteous kind of response, and I have hoped that they would have joined me, as a Protestant Christian, in upholding the profession of our common Christianity—but what has it come to? When they returned to the House they shook their heads as they passed me, and voted for the destruction of the Christian character of Parliament. There was one Roman Catholic Member, however, the late Mr. Raphael, Member for St. Albans, who acted otherwise; he was by descent a Jew, but had become a Roman Catholic; and I remember in 1849 the virulence with which he was assailed by Mr. Keogh, because he dared to say in this House that he had not become a Christian to vote against the maintenance of Christianity, as a qualification for admission to this House. I had several conversations with that gentleman, and he told me he had suffered much persecution from the Jews when he left them. He stated that his own people had repudiated him; but that he grieved to find that his new instructors, the Roman Catholic priests, were inclined to persecute him because he would not vote away the Christian character of the English Parliament. Now, Sir, I say these facts point to the conclusion that those who wish to break down the Constitution of this our Protestant State—that Constitution which is the palladium of our prosperity and freedom, and of the freedom of Europe against the assaults of despotism, now excited by Rome under the dictation of the Jesuits—I say, Sir, that our great assailants see in this proposal to seat Judaism in Parliament, a means to accomplish the end of the bitterest enemies of England. *Fast est ab hoste doceri.* It is right that those who believe, as I believe, that the freedom of England grew out of the Reformation of her religion—that her independence is sustained by the purity of her Christianity, and will fall with the national abandonment of its dictates—should oppose this measure. Sir, this is no chimerical danger. I know there are many hon. Gentlemen who value the connection that subsists between Church and State. Have they not observed that those who would break down the connection—that those who would separate the State from all recognition of Christianity, and from all obligations derived from its connection—are most anxious to introduce the Jews into Parliament? Another fallacy often relied on is that the admission of Jews to Parliament will induce them to accept the Christian faith. I have cited the opinions of Jews who declare their own religion against the proposal before the House. I now state the opinion of one who was a Jew by religion, and who is now labouring most sedulously to bring his people to Christianity. In a pamphlet, entitled, "A Protest on the Jews' Disabilities Bill, by a Believing Jew," the author writes:—

"We must not conceal the fact that among the multifarious enemies of the Lord Jesus Christ, foremost in rank and most determined in purpose, stands the Jew. His inveterate enmity to the Cross is as old as Christianity, and wide as the world.

"The Jew is the declared enemy of Christ. A formal declaration of war against Jesus of Nazareth characterises the Judaism of eighteen hundred years' standing. It is part and parcel of the Jewish creed to regard Jesus as an impostor, and to hold Him accursed."

It is a curious fact that Dr. Owen, Cromwell's Chaplain, and Dean of Christ Church, Oxford, when consulted by the Protector, as to the admission of Jews, not into the British Parliament, but merely to reside in England, discovered in the Judaic documents, which he consulted, a distinct and emphatic curse against Christ. Dr. Owen informed Cromwell of this fact, and I believe it had considerable weight with that great but faulty man, in deciding him to reject the application of the Jews for permission to reside and trade in this country. The Protest of a Believing Jew continues:—

"The Jew despises the Christian dogma. His views and feelings regarding Christianity may be summed up in two words—supreme contempt.

* * * * *

"I would hope that the men who are disposed to favour this unhappy measure sin through ignorance. Indeed, such appears to be the case. An utter want of acquaintance of the real state of my nation is discernible in all the shallow arguments for emancipation. It is covertly insinuated by the promoters of the Bill that this step might bring the Jews over to Christianity. I pity the men who can so deceive themselves. Let me assure such persons that this is a gross deception. I can confidently assert that the very reverse is to be apprehended. The inconsistency of our Christian legislature will disgust the Jew; it will provoke his ridicule, and compel him to despise the cowards who, whilst calling themselves Christians, dare not name the name of Christ in presence of the more conscientious Jew.

* * * * *

"But when I see that this newly-begotten friendship threatens to prove more injurious to Israel than former enmity—when I see that it is attempted to emancipate the Jew temporally, at

his cost spiritually—when the hand, stretched forth to strike off the chain from his body fastens it about his soul—I marvel, and ask my liberal Christian brother, 'Is this thy kindness to thy friend?

"Eighteen hundred years' exile marks the great sin of my nation—the sin of rejecting Christ. And shall Great Britain be foremost in defying the living God, by saying to the Jew, 'Our differences are not worth talking about: it is true you Jews blaspheme Jesus Christ, and consider us Christians idolaters; but you and we can legislate together without discovering to each other our respective dogmas.'

"Kindness, forsooth! I confess that I would rather see a revival of the Crusades than this hollow friendship, which casts such fearful stumbling blocks in the way of the Jew from coming to Christ. The Crusader hunted the Jew's body—the new system persecutes his soul; the old system made my people bigots—the new will, I fear, make them infidels. * * *

"Men and brethren, we have a duty to perform to this peculiar nation, yet, 'beloved for their fathers' sake,' and we owe a paramount duty to the Saviour of man; and now by a hearty protest against this unhappy Bill, let us show real love to the Jew and supreme love to Jesus Christ."

Now, this was the opinion of a converted Jew. I have heard the question put, what will be the effect on the forms of the House of the introduction of the Jews? It has been said, "Oh, we shall retain our prayers, it will make no difference; one or two Jews will be Members of the House, but it will make no difference;" but he wished to show the House how this alleged no difference might be magnified and aggravated. It happened that in 1851 the Corporation of Amsterdam admitted two Jews to be members of the assembly. Previously to that time the proceedings of the assembly began with prayer; and I have a letter from Amsterdam, ascertained to be authentic, in which it is shown that very soon after the introduction of these two Jewish members among the thirty-seven other colleagues, the practice of opening their deliberations with prayer through our blessed Redeemer and in his name was unfortunately abandoned. Now, I do not think that many Members would be inclined to maintain that it is desirable, in view of the feelings entertained towards this House by the country, that we should abandon that admirable form of prayers which our chaplain reads daily. The *Jewish Intelligencer* of January, 1852, gives a narrative of the case of the admission of two Jews into the Corporation of Amsterdam, and the name of Christ was soon excluded from the prayers of the Corporation. A committee was appointed to draw up a new form of prayers, and, to the no small astonishment, not only of the respectable members of the Corporation, but of the true Christians of the country, the name of Jesus Christ was left out. Some members made an urgent remonstrance, but they were out-voted. It may be said that this is a very trifling instance, but I will show you that it is the beginning of the infidel system of Holland. I will show you how this vicious principle spread. This happened in 1852, and I have here a letter from the Protestant Alliance, dated October, 1857, the authenticity of which I have also ascertained, and I am at liberty to say that the Rev. M. H. Vine, the clerical secretary, went himself to Holland, and this is his account of the state of things there, showing the cause of the decline of freedom in Europe;—

"The secretary has visited Brussels, Cologne, Hamburgh, Berlin, Hanover, Amsterdam, and Rotterdam. Judging from what appears at most of these places, the state and prospects of Protestantism on the Continent must be regarded as very unsatisfactory. At Cologne the efforts of the King of Prussia to obtain a site for the erection of a Protestant church have long been successfully resisted. In the kingdom of Hanover religious intolerance and persecution prevail to a considerable extent. In Holland a law has just been enacted by which the Bible is banished from the Government schools in order to please the Roman Catholics, and the name of Jesus is excluded from all prayers used by the children, in order to satisfy the Jews."

Now, you may say the town of Amsterdam is a very unimportant place, and that Holland is a very small country; but I show you, by the example I have cited, how in a neighbouring and a Protestant country this principle of infidelity has spread, and how just are the apprehensions of the public—of thinking men—of those who are not led away by party cries or political necessities, when they approach this House year after year, instructing us to resist this measure, and praying this House to reject this vicious proposal, as it did in 1854—who seek, if possible, to convince the noble Lord the Member for the City of London that, by adhering to this measure, he is himself playing the part of a persecutor in thus ignoring and violating the best feelings of his unoffending countrymen. This same proposition was made to the Parliament of Prussia in 1850; for in that year certain Jews had presented a petition to the Prussian Parliament, in which they had set forth their grievances, and demanded admission to the civic dignities and municipal functions of the State. In answer to that petition, the Prussian Parliament resolved,

on the 17th of June last, by a majority of 67 against 33, that the citizen Jews in Prussia be admitted to the municipal posts of the realm, provided that such of the Jewish candidates on whom the election falls take an oath of abjuration in the following words :—

"I, M.N., hereby declare on my solemn oath, and without any mental reservation whatever, that I do not believe in my conscience that the dogmas and doctrines contained in the Talmud and other Jewish books of received authority which allow unfair dealings and actions towards a Christian and Christian community, be of Divine authority and origin ; and, on the contrary, I do herewith condemn all such doctrines by which the public and private safety of the Christian society may be endangered as wicked inventions of men who had not the fear of God in their heart. So help me God."

This is taken from the Prussian States *Gazette*, published at Berlin. Now many people hope that the Jews are changing or relaxing their undue submission to the Rabbins, their unhappy adhesion to the delusive traditions, which form their religion. Did any Jew come forward and accept that renunciation ? Not one. Universally they adhered to their traditions, which I have characterized as anti-social, anti-national, and immoral. The Jews rejected this test, and they remained excluded from the Prussian Parliament. I feel that, in dealing with this subject, I am struggling for a great principle, and that it is my duty to justify myself. It may be thought that I have investigated this matter in a spirit of unnecessary severity, or that I am contending with unnecessary zeal. I rely for my justification on the authority of the Evangelist—an authority which all must respect. He wrote :—

"Believe not every spirit, but try the spirits, whether they are of God ; because many false prophets are gone out into the world. Hereby know ye the spirit of God. Every spirit that confesses that Jesus Christ is come in the flesh, is of God ; and every spirit that confesses not that Jesus Christ is come in the flesh, is not of God; and this is that spirit of Antichrist, whereof ye have heard that it should come, and even now already is it in the world."

I cannot except the measure now proposed from that condemnation. I cannot think that this measure is consistent with the Christian profession of this House, or of the country at large. It is a proposal to exalt the religion which condemned the Author of our faith and salvation to the death of a malefactor ; by placing Judaism on a par with Christianity as a qualification for this House. I cannot in my conscience think that this measure is consistent with the prayers offered by this House, or with its Christian profession and attributes, which I believe it to be the duty both of the nation at large and of individuals to maintain. I cannot hope that, as the consequence of the passing of this measure, the future of this country will continue to glide on with the prosperity that has characterized the past. I believe that those who claim such a measure as this in the name of liberty sin against the very source and fountain of freedom, that fountain of freedom being the Christian religion. Of that blessed faith and pure morality Judaism is the earliest, the oldest antagonist and reviler. You cannot reconcile these opposite creeds. If you are Christians, you must believe those who have told you in the Gospel that the Jews while under the law were under bondage, and that they still remain so. If man would be free, he must be free as God will have him free, he must be free in Christ, he must be free by accepting the law which God implants in the heart of each for his own guidance. If we would preserve our national freedom, we must still maintain the principle, avowal, and obligation, that our statutes shall be based on Christianity, that law which alone fits man for the enjoyment of such freedom, as I hope will ever characterise the legislature, the laws, and the constitution of this country.

MR. SPOONER seconded the Motion.

Amendment proposed to leave out cl. 5.

MR. GILPIN said, however hopeless it might appear to expect the conversion of the hon. Member for Warwickshire (Mr. Newdegate), still, after the remarkable conversions upon this question which had been witnessed lately, he did not quite despair of seeing the hon. Gentleman an adherent to the cause of liberality and true Christianity. In support of his hopes, he might instance the right hon. Baronet the Member for Droitwich (Sir J. Pakington), who had recently been converted on that subject, and several other Members of the Treasury bench had also changed their views upon this question. The hon. Gentleman might condemn these changes as showing the progress of error ; but he (Mr. Gilpin) considered them as illustrations of the progress of truth. If, too, he was not misinformed, this Bill, should it reach "another place," would find some so called low church bishops, whose appointment conferred something like an odour of sanctity upon the late Administration, who would be prepared to support it. The hon. Member for North Warwickshire did not

truly represent the religious opinion of the people of England, nor did he fairly illustrate the Christian religion by the statements he had made. The disability under which conscientious Jews at present laboured was simply a penalty for their conscientiousness and sincerity. When the hon. Member alluded to Jews who had been convicted of great crimes against morality and religion, it was strange that he did not perceive that it was because Jews of the present day were conscientious that they were excluded from Parliament; for, if adopting the elastic definition sometimes given of the word "Christian," they were to take the oath with the words "on the true faith of a Christian," they would be admitted, and the hon. Member would have no power to prevent their admission. A Jew need not be a Christian; but if he *said* that he was one, the forms of the House would be complied with, and the scruples of the hon. Member for Warwickshire would be satisfied. If the hon. Gentleman had lived 1,800 years back, he would have admitted the unrepentant thief, and have excluded the good Samaritan. He (Mr. Gilpin) had learnt a different lesson—"to judge men by their fruits,"—and if he found liberality, generosity, readiness to relieve the oppressed and to aid the cause of freedom, he said that could not be an evil tree which bore such good fruits. He had been for eight or nine years connected with the Common Council of the City of London, and in that capacity had been in official communication with aldermen and magistrates of the Jewish faith. One of that persuasion had recently been elected chief magistrate by the almost unanimous voice of the citizens of London, and although, as that fact proved, these gentlemen had considerable influence in the corporation, he had never found any danger result therefrom to the Christian character of that body or any attempt made to subvert it. If the hon. Gentleman's arguments were worth anything they would exclude the Jew from the judgment seat, nay, even from the witness-box. He hoped that these repeated discussions would bring the House to a consideration of the real efficacy or inefficacy of all these oaths. He believed the time would very shortly come when the history of all these debates on the form of oaths would be read with a smile. In truth, there was no form of oath which could bind an honourable man more strongly than a simple declaration, and the form of oath which could bind a dishonourable man was not yet devised nor could it be devised. The hon. Member had referred to the length of time which this country had enjoyed God's blessing, but the Jews also might refer to a period, certainly not shorter during which they had as a nation enjoyed that blessing. The hon. Gentleman had prophesied too, that if this measure were passed that blessing would depart from us; but the prophecy was old and stale. Not a single onward step in the path of civil and religious freedom had ever been brought forward without calling forth similar lugubrious prophecies from its opponents. Year by year, however, the country had gone on, and those prophecies remained unfulfilled. There was no higher law than that which enjoined us to do unto others as we would that others should do unto us, and to grant equal liberty to men of all religious professions, as long as their conduct as citizens was irreproachable, was in complete accordance with that teaching.

Mr. DRUMMOND said, that he agreed with the hon. Gentleman who had just sat down, in thinking that this matter must be gone into more deeply than had hitherto been thought necessary, and perhaps before he sat down he might startle many hon. Gentlemen by the suggestion which he should offer for its settlement. Before proceeding further, however, he wished to say that he had heard with exceeding disgust the repeated insinuations which had been made against the noble Lord the Member for London (Lord J. Russell) with respect to his conduct in bringing forward this measure. The accusation that the noble Lord expected to gain political capital by bringing this question forward was undeserved and insulting. With regard to the Bill itself every person present, he had no doubt, felt a strong repugnance to this whole class of questions; but nevertheless, in the present condition of public opinion, they were forced upon Parliament. This question was purely a religious one: it had nothing whatever to do with politics. It was introduced in Committee in accordance with the rule of the House on matters relating to religion; the terms used were "Christian" and "Jew," and these did not mean geographical distinctions, but distinctions of religion. So far as the political part of the question was concerned, the opponents of the measure had not a leg to stand on. Unless the opposition was founded on religious grounds, they really could have no valid objections to the measure. In considering these re-

ligious objections, it must not be forgotten that there was in this country an union of Church and State. Hon. Gentlemen who did not share in these objections had a very summary way of disposing of them, entirely satisfactory to themselves. Each man called his neighbour bigot; very intelligent gentlemen in the Lower House described the House of Lords as a set of bigots, but the bigots of all bigots were said to be the Bishops. But let the Liberal Gentlemen who talked in this way step up into the House of Peers, and see what they would do if they were Peers. ["Hear, hear."] The hon. Gentleman who cheered, if he were a Bishop — and his appointment would, perhaps, be as good as many which had been made lately—would no doubt hold exactly the same opinions on this point as the other Bishops. Let him observe what it was that the Bishops, and every other Member of the Legislature who was a member of the Church of England were bound to. No doubt it was an *argumentum ad hominem*, and addressed to the members of the Church of England, but it would not be denied on that ground. In the liturgy of the Church of England there was a form of catechism to enable parents to instruct their children in the doctrines of Christianity. In that catechism there occurred this passage:—

"My good child, know this, that thou art not able to do these things of thyself, nor to walk in the commandments of God, and to serve Him, without His special grace."

The child was here told expressly that without the Holy Spirit it was impossible for him to do that which he was taught it was his duty to do. The same thing was repeated in the Church Service the whole year round. In the collect for Christmas Day the Church prayed,—

"That we may be daily renewed by thy Holy Spirit."

On the fifth Sunday after Easter,—

"That by Thy Holy Inspiration we may think those things that be good, and by Thy merciful guiding may perform the same."

And on the Nineteenth Sunday after Trinity,—

"O God, forasmuch as without Thee we are not able to please Thee, mercifully grant that Thy Holy Spirit may in all things direct and rule our hearts."

And yet gentlemen of the Church of England, who prayed thus at church, came down to the House of Commons, and argued that the Holy Spirit was of no use whatever. He would not ask whether there was any religion in this, but was there any honesty in it? Matters could not go on in this way. Here was a case where the Church of England stood directly in the way of a change which was thought—and he did not deny it—to be politically right. If ever there was an instance of *incompatibilité des mœurs*, justifying a separation, this was it. The first thing which the noble Lord the Member for London ought to do was, to go into the new Court of Divorce, and get a dissolution of the marriage of Church and State. He did not see how it was possible to get out of the difficulty in any other way. It was no fault of the present generation—the thing had been going on for years, and at last we had arrived at a state of affairs which was most discreditable. The evil must be got rid of somehow or other, and he saw no other way of getting rid of it than by separating Church from State.

MR. BYNG said, the hon. Gentleman the Member for North Warwickshire (Mr. Newdegate), with a consistency which was honourable to him, had on this as on all other occasions on which he had addressed the House on the question of the admission of Jews to Parliament, rested his objections to their admission on religious grounds. He would assure the hon. Gentleman that he (Mr. Byng) did not even yield to him in his respect and veneration for the Christian religion; but he had read that religion in another way, and he believed that toleration and a spirit of charity formed its very essence and life-blood. This subject, however, had been discussed so repeatedly in Parliament that he was almost ashamed to approach it, since all the arguments bearing upon it had long become threadbare: but he might be permitted briefly to glance at the question in its legal, political, and religious aspects. Looking first, then, to its legal bearing, he could not help thinking that, in looking over all the oaths from the reign of Queen Elizabeth down to the end of that of George III., it was never intended by the Legislature that Jews should be excluded from Parliament. He believed those oaths aimed at a very different object; and he was confirmed in that view by the judgment delivered by the late Baron Alderson in 1852 in the case of "Miller *v.* Salomons." It would be in the recollection of the House, that on that occasion that distinguished Judge, differing from Baron Martin, ruled that Mr. Alderman Salomons had not complied with all the forms

requisite to enable him to take his seat, but he added :—

"I do most seriously regret that I am obliged, as a mere expounder of the law, to come to this conclusion, for I do not believe that the case of the Jews was at all thought of by the Legislature when they framed these provisions. I think that it would be more worthy of this country to exclude the Jews from these privileges (if they are to be excluded at all) by some direct enactment, and not merely by the casual operation of a clause intended apparently in its object and origin to apply to a very different class of the subjects of England."

All that he (Mr. Byng) had read on the subject of these oaths, confirmed him in the impression that they were never intended to exclude the Jews from Parliament; and if it should appear by the decision of the other House that they were to be excluded, he thought it would be much better that some hon. Member should come down to the House and ask leave to introduce a Bill for the express purpose of excluding them. Then, with regard to the political aspect of the question; the hon. Gentleman the Member for West Surrey (Mr. Drummond) said, it was not a political question at all. If it was not a political question what became of the great subject of civil and religious liberty with which it was so intimately connected? There certainly had been no agitation out of doors on the subject, but he (Mr. Byng) held that the claim of the Jews rested on far higher ground—namely, its own intrinsic justice, without reference to their comparatively small numbers in relation to the rest of the community. As to the religious view of the question, he would ask what was the meaning of an oath? According to the definition of Dr. Johnson it was, "an affirmation, negation, or promise, corroborated by the attestation of the Divine Being." The Jew had no objection to take an oath, and if a Jew were elected to sit in that House he would come to the table and say he agreed with every part of the oath—that the Queen was the lawful Sovereign of this realm, that he would assist in maintaining her undoubted right to the Throne, and protect her to the utmost of his power against all traitorous conspiracies, but that he could not consent to use the words "on the true faith of a Christian," inasmuch as they would not be binding on his conscience. Therefore, though the House would practically admit an infidel or an atheist, they would exclude the Jew, notwithstanding he said, on presenting himself at the table, that he was ready to agree to every word in the oath except the words "on the true faith of a Christian," and thus they kept him out of the House because he was too conscientious to subscribe to words which he did not consider to be binding. They would admit a Gibbon or Voltaire, but they would not admit a conscientious Jew. This question of the admission of the Jews to Parliament had been more or less before Parliament and the public mind for some years, and he sincerely hoped that this would be the last occasion on which the House would have to listen to a debate on the subject. He was certain of the fate of the measure in that House, where repeated majorities had from time to time affirmed the principle that the Jews were entitled to be admitted to every privilege to which any other free citizen or subject in this country might aspire; but he confessed he viewed with much doubt the prospects of success in "another place." He hoped, however, that that august assembly would remember the words which were once spoken by a wise King and a great statesman—"We can never be of opinion that violence is suited to the maintenance of true religion. Moderation and charity are the qualities which that religion enjoins, which neighbouring Churches expect from you, and which we heartily recommend to your notice." He hoped that the other House of Parliament would agree to admit the Jews in a legitimate way. There was another mode, which he should regret to see proposed, but from adopting which he would not shrink if necessary; but he hoped not to be forced to that alternative. He trusted that even at the eleventh hour the other branch of the Legislature would unite in doing away with what had been eloquently described by the noble Lord the Member for Tiverton as the last rag and shred of intolerance. He should for these reasons support the clause.

LORD ROBERT CECIL said, he should not have risen, but he wished to offer his views upon the subject, because he had not heard any hon. Gentleman on that side of the House give exactly the reason why he was anxious to vote against the Bill. He did not concur with his hon. Friend below him (Mr. Newdegate) in thinking they had any ground to exclude the Jew because his sympathies were alien to the nation. There was no doubt that the Jew looked forward to restoration to his native land at some period, but that period was a very distant one. It was no ground *a priori* for thinking that such a prospect would affect his loyalty as a British subject, and, what was very much more to the purpose, there were

no facts in history which led them to believe his loyalty was affected by it. With reference to the Jesuits, to whom his hon. Friend had compared the Jews, there were certainly in past times ample grounds for impugning the loyalty of that order; but there was no record in history of a Jew in one country having conspired with a Jew in another country to overturn the Government under which either was living. He did not, therefore, object to the Jew on the ground that he was an alien; but he did take the objection, which had been alluded to by the hon. Member for West Surrey, (Mr. Drummond) of the complicated relations which Church and State bore to each other. The admission of the Jew was claimed upon the ground of religious liberty. It was said by the advocates for their admission, that no person ought to be excluded from any office or emolument because of his religious opinions. Of course, that was confined to offices which were in their nature purely secular. They would not wish a Jew to be a bishop. Then came a point on which the supporters and the opponents of the measure, as a body, diverged from each other. The noble Lord the Member for Tiverton had more than once said that this was eminently a secular assembly, that it had to deal with only secular subjects, and that secular qualifications alone should be regarded in those who sought admission to its walls. That was a question of fact which a short inspection of the votes would suffice to settle. Every Member of the House must be conscious that the questions which excited most interest were questions of a religious nature. He was present during a very brilliant and perhaps not very successful attack on the existing Government by the hon. Member for Dover, (Mr. B. Osborne) and he asked the Government to declare their policy on several questions which he went through in detail: were all those questions purely political? Not so, unless they called such questions as church rates and the endowment of Maynooth purely political questions. A very exciting dissolution took place last year, upon a subject undoubtedly of secular policy; but it was a matter of notoriety that the noble Lord obtained an enormous majority at the general election, principally because he was supposed to entertain opinions favourable to a certain religious party. He might go on indefinitely pointing out a number of religious questions which were constantly entertained by the House. The greatest excitement which within his short experience of Parliament, he remembered to have prevailed was when an hon. Member brought forward a Motion for opening the British Museum and other public buildings on Sunday; and a distinguished Liberal newspaper once complained that out of 50 divisions before Easter 26 were upon secular and 24 upon religious subjects. With those facts before them, it was absolutely impossible to lay down the proposition that the House of Commons was an assembly merely for the transaction of secular business. If they wished this really to be the case, let them do what the hon. Member for West Surrey recommended if they thought it expedient—namely, separate the Church from the State; let them abrogate all interference in religious matters; let the present nominators to clerical appointments be no longer the nominators; let them no longer discuss questions of marriage, or interfere in enforcing the setting apart one day of the week as a day of rest throughout the land; and they might then claim to be what they were not now—an assembly merely for the transaction of secular business. He supposed that it followed as a matter of course that religious business entered into their consideration, and it would therefore be absurd to admit a person who by his very profession, and in proportion to the sincerity of that profession, was pledged to take a view hostile to their whole body and to all their institutions. An hon. Gentleman had laid considerable stress on the fact that by the present form of oath, they excluded the sincere Jew and admitted the insincere Jew. But it was only the sincere Jew that he was afraid of. It was the sincere Jew who was pledged to legislate against Christianity. The insincere Jew would only legislate according to his interest, and in order to make political capital, like any other Member. But the sincere Jew was a peculiar animal. Peculiar views animated him for the subversion of all, in a religious sense, which they were there to uphold. That was the main reason why he opposed the Bill. He thought there had been a good deal of misconstruction and undeserved ridicule cast upon the argument that if they passed the Bill they would de-Christianize the House. It was said that the House would be no more and no less Christian when Baron Rothschild had taken his seat than it was before. Literally speaking that was perfectly true, but there were two species of results—the actual legal result, and the impression produced upon

the country. By the former result he admitted there would be no change in the character of the House. But the other result was quite as important, and he said that if they passed such a measure they would produce an impression in the opinion of the country derogatory of their value of Christianity. They would give to the people the impression, whether rightly or wrongly, that they set a great value on respectability as they required a property qualification of £300 a year, but no value on Christianity. The effect of that apparent indifference would be two-fold. The large majority, who were not particularly earnest in matters of religion, would care less about Christianity, and the minority, who were earnest in religion, would care less about Parliament, than they did at present. He regarded those as very great and serious evils. They had seen the effects of the disparagement of Christianity on the other side of the Channel sufficiently to make it a warning to them, and the disparagement of the House in the opinion of the country was one of the greatest calamities which could befall this nation.

Mr. KNATCHBULL - HUGESSEN said, he was anxious to take the first opportunity to clear himself of an imputation of misstating facts which had been thrown upon him by the hon. Member for Finsbury (Mr. Duncombe). On the occasion of the last debate the hon. Member for Finsbury made an attack upon the noble Lord the Member for the city of London as to the manner in which he had conducted himself with regard to this question, and he took the liberty of remarking that the hon. Member's own opinion had sometimes been mistaken, because the hon. Member had come down to this House and moved for a Committee of inquiry upon the ground that Baron Rothschild, having accepted a loan-contract with the Government, had vacated his seat. He was certainly wrong in his recollection, and he felt, therefore, that he owed an apology to the hon. Member, but he trusted the House would give him credit for not having unjustifiably made an erroneous statement. It appeared that on June 25, 1855, the hon. Member for Finsbury asked the then Attorney-General (Sir A. Cockburn) whether Baron Rothschild's seat was not vacated by his loan contract, and, not obtaining a satisfactory answer, he came down the next day and moved a new writ. The Attorney General then moved the appointment of a Committee, and the hon. Member for Finsbury consented to the Committee, although in a speech of some length he expressed a strong conviction that Baron Rothschild had vacated his seat and that the Committee must recommend that a new writ should be moved for. In the main-point he was correct, and he hoped he had cleared himself from seeming to make anything like a false statement. He would add a few words on what was likely to be the effect of the adoption of this measure on the Christianity of the country. Although he would not yield to any one in the House in his attachment to the Christian religion, he felt more perhaps on religious than on political grounds the necessity for passing the measure proposed for their adoption. The hon. Member for North Warwickshire, with all that moving solemnity which had such an effect upon the House, said that they were going to unchristianise the country. He did not object to that opinion being entertained, but he did object to the hon. Member's wishing to deprive those who were not Christians of their due influence. He remembered the Attorney-General for Ireland (Mr. Whiteside) making a speech in which he made an appeal to the House to reject the claims of the Jews in the names of the blessed apostles, prophets, and martyrs of Christianity; but it struck him (Mr. Hugessen) that those martyrs would have been greatly astonished if it had been foretold to them that the religion of the poor, the meek, and the persecuted of mankind would ever, in future ages, be exhibited before man's eyes as a religion which required for its protection that men should be deprived of their political rights.

Mr. NEWDEGATE rose but was met with cries of "Order."

Mr. SPEAKER asked if the hon. Member rose to order?

Mr. NEWDEGATE said he rose to explain.

Mr. SPEAKER ruled that the hon. Member was not entitled to address the House.

Mr. KNATCHBULL-HUGESSEN regretted if he had given offence to the hon. Member for North Warwickshire. What he was about to say was, that to allege that the Christian religion required any such restrictions as those to which he had alluded was to utter a libel upon it. These humiliating restrictions were opposed to the principles and spirit of their common Christianity, and it was worthless if it required such support. He believed

it was supported by a power in comparison with which the power of princes or of Parliaments was as nothing. And when the hon. Gentleman taunted them with the course which they were taking on this question, it only showed that it was very possible for a man to come forward, and, on the strength of the profession of the Christian faith, to deny that charity which had been pronounced on the authority of the apostle as the greatest of the Christian virtues.

Mr. T. DUNCOMBE said, the question before the House on Wednesday was one of religious liberty, and not of a Government contract. On that occasion he had found fault with the noble Lord (Lord J. Russell) for his roundabout way of dealing with the question. The hon. Gentleman (Mr. Knatchbull-Hugessen) then rose and said he was surprised at his (Mr. Duncombe's) inconsisteney — an expression which would lead the House to imagine that he had been guilty of inconsistency. The hon. Member said it was only two years since, in the year 1855, that he (Mr. Duncombe) stated that the Baron Rothschild was ineligible to sit in Parliament on account of his contract for the public loan. There seemed to be a confusion of ideas in the mind of the hon. Gentleman between the religious question and the Government contract. He did not seem to understand that a man might be pronounced ineligible on account of entering into a contract, and yet how it could be maintained that the same man was eligible for a seat in that House that was not ineligible on account of his religious opinions. That was what he argued ; and the hon. Gentleman might be willing to be informed that a number of his (Mr. Duncombe's) constituents professed the same religion as Baron Rothschild, many of whom came to him at that time and asked if it were true that they were about to lose Baron Rothschild from Parliament in consequence of his connection with the loan. He (Mr. Duncombe) looked into the question, and told them he found it looked suspicious under the Contractors' Act. They then begged him to put the question in the House. He did put the question to the Attorney General, whether Baron Rothschild had vacated his seat ; and added that, if it were so, he (Mr. Duncombe) would move for a new writ, but that he should avoid doing anything injurious to Baron Rothschild. In reply to his interrogation, whether Baron Rothschild's seat would be vacated by his having contracted for the loan, the Attorney General (the present Lord Chief Justice of the Common Pleas) said that the question was one for the House to answer, and not for the Attorney General; but that if the question should come before the House in a practical shape, it would be his duty, considering the office which he filled, to state his opinion ; and he added, that if his hon. Friend — alluding to himself — wished for his opinion on the subject, he knew there was a certain mode in which it could be obtained. He (Mr. Duncombe) was then told that the proper way to raise the question was by moving for a new writ, and therefore to bring the question to an issue. He gave notice that he should move for a new writ on the following day, merely as a matter of form, and he did move accordingly. A Committee was then moved for by the Attorney General, and the Government nominated the members, some of them being members of the Opposition. Baron Rothschild appeared before that Committee by counsel ; and the members were bound to judge from the evidence which came before them, whether he had forfeited his seat or not. It certainly appeared to the Committee, from that evidence, that Baron Rothschild did not come within the meaning of the Act of Parliament, and he (Mr. Duncombe) therefore voted accordingly ; and he maintained now, as he maintained the other day, that his vote was directly the reverse of that which the hon. Gentleman (Mr. Knatchbull-Hugessen) represented it to be.

Mr. FORTESCUE said, that as it was not possible to settle the whole question of the oaths, he should have very much preferred if the clause, which the hon. Member for Warwickshire proposed to strike out, had constituted the whole of the Bill. He certainly would have been better satisfied if the noble Lord had simply provided that, when a Jew came to take the oaths at the table, he might be allowed to omit the words " upon the true faith of a Christian," and be permitted to take that oath in the way most binding on his conscience, as he was in the habit of doing in every Court of Justice in the realm. He knew it had been decided in the most solemn way and by the highest legal authorities that these words were of the substance of the oath, but it seemed to him to be an opinion of a purely legal nature, and one which ought not to have much weight with the House. He must protest against the doctrine that men were to be considered

immoral because they professed a particular religion; and therefore he repudiated the charge of immorality which had that night been brought against the Jews. Indeed that sort of constructive immorality had been alleged against many sects at different times. There never was a question which was so genuine a test of the professions in favour of religious liberty, of which so much was heard in the present day, as the present, because it applied to a small and feeble section of the community, not to a powerful body like the Roman Catholics. He, therefore, felt humiliated at the refusal which had been given year after year to this measure in "another place," but trusted that it would not be repeated on the present occasion. Indeed he felt sanguine that it would not, and that the Bill would be sent up by such a majority, including many converts to the cause among hon. Gentlemen on the benches opposite, that it would also find new converts in "another place," and ultimately become law. He thought, however, that the noble Lord (Lord J. Russell) acted wisely and consistently in not holding out a threat to the other House of Parliament. If the other House of Parliament rejected this Bill, then it would be for them to consider what was due to the dignity and rights of the House of Commons in deciding on the admission of its own Members.

MR. WALPOLE: Before the debate comes to a conclusion, I have to request the indulgence of the House while I state very shortly the reasons which induce me still to adhere to my former opinions on this important question, and also why I cannot become one of the converts anticipated by the hon. Gentleman opposite. I agree with the hon. Member for Surrey (Mr. Drummond) that subjects of this description are brought more frequently under the notice of Parliament than formerly was the case, and that when they do come they are very painful for us to discuss. I can assure the House that I feel it, not only extremely painful, but extremely wearisome to travel over ground so often trodden before, and the only excuse I have to offer for venturing to say a few words is that I am anxious to state as precisely as I can the reasons which induce me to adhere to the opinions I have formerly expressed on this subject. I have said it is extremely painful to discuss a question like this, for to my mind nothing can occasion greater regret than to appear, even for a moment, as an antagonist or opponent of the most remarkable people in the world—a people with whom we are associated and linked by past history, by prophetic promises, and by all the ties which bind us together in those eternal relations that must ever subsist between God and man. With such feelings I am sure the House will give me credit for saying that it is with no ordinary pain I appear as the opponent of such a people; and I must add that I cannot join in condemning them on the ground of their social or immoral conduct. On the contrary, if I were called on to give an opinion with reference to that people, I should say that their obedience to the laws of every land in which they are located—the peculiar care they take of their own poor, so remarkable that in the history of this country there is but one instance of a Jew receiving parochial relief—their industrial habits — their extensive benevolence, and their large charities, not confined, as I know from personal observation, to their own people, but extended to those from whom they differ, and that, too, with a most liberal hand, these are considerations that would strongly induce me, if this question were now to be determined as one of feeling and not of principle, to give the present measure my willing support. There are two other points which I wish to exclude from the consideration of this question, in order that I may address myself to the sole ground on which I, for one, oppose the admission of the Jews to seats in Parliament, and I do this with the more readiness because if I am wrong the noble Lord the Member for London, since he has not as yet addressed us to-night, will be able to refute any errors in the argument to which I shall give utterance. I wish not only to exclude all reference to the personal characters of the Jews from this discussion, but to repudiate the notion which has been frequently adverted to, namely, that we are trying to keep them out of Parliament merely because there are certain accidental words in the oath which is required to be taken at our table. My belief is, that the exclusion of the Jew is not owing to those words, but that he is excluded in consequence of an inability inherent in himself which prevents him from amalgamating with the habits and institutions of a Christian country. At the time these words were inserted in the Oath, there were no Jews in the land, consequently they could not be inserted for the purpose of excluding them; but remem-

ber that the very insertion of them takes for granted that none but Christians were meant to be admitted. To my mind the argument drawn from the insertion of these words is therefore stronger than it would be if they were found in an Act of Parliament, because it shows that the Jew is not excluded by any positive enactment, but that his exclusion arises from that which was always taken for an indisputable fact—namely, that he could not by possibility take his seat in a Christian legislature. Another point to which I shall allude is one which, though not mentioned to-night, has been urged with considerable force by the hon. and learned Member for Sheffield (Mr. Roebuck) and other hon. Gentlemen, and it is one by which not a few hon. Members have been very strongly influenced, I mean the argument that there is nothing in the declaration of the oath which, in point of fact, can make people Christians. The hon. and learned Member for Sheffield has also said that there is no use in this declaration, because it did not prevent men like Gibbon or Bolingbroke from taking their seats. Now, what I wish the House to bear in mind is that we insert this declaration, not to make people Christians, but to get that profession of the Christian faith which the Legislature thinks it is right every man ought to profess before he can be permitted to legislate in this country. The words may be unnecessary and useless in so far as they do not exclude an infidel from Parliament, but allow me to say that there are many things which are useless and unnecessary in that sense which are not useless and are not unnecessary when applied to purposes over which they have an influence. For example, everybody will admit that the best laws cannot eradicate crime, or the best manners extirpate vice; but would any one say that you are to have no laws and no good manners because you cannot accomplish all that you wish? If they do stop the grosser manifestations of crime and vice, if they do check the influence which vice and crime may have over the people, if they do prevent the spread of the one or the other, then I say that both the laws and the manners which are so established in the country are, instead of being useless, of very great value. So it is with these declarations. They are the homage which you are bound to pay to Christianity at the table of the House; and that homage being paid, they amount to this, that they deter the bad and encourage the good, and down to this moment they have warned both of the only principles upon which they are entitled to legislate here. There is another topic which I wish to exclude from this discussion; it is one which was adverted to by the hon. Gentleman opposite (Mr. C. Fortescue). Towards the conclusion of his speech he called attention to the fact that when the Roman Catholics were admitted to Parliament there were in the country large numbers of that persuasion, and that it was in consequence of their numbers that emancipation, as it is called, was conceded; and he thus drew from that argument the inference, "What you grant to the many will you refuse to the few, because they are few?" ["Hear, hear," *from the Opposition benches.*] I see from that cheer that you think that argument is of great weight. Now, to my mind, it makes no difference whether the Jews are few or whether they are many, if you will only prove to me that the thing is just. If you do not prove that, then I say that the question of numbers is an element which ought not to be left out of consideration. According to every wise principle of legislation, you must have regard to the voices of the many, — you must satisfy the many, even if you displease the few. And if in this case you are, as I believe you are, satisfying the many out of doors, although you are dissatisfying the few, I say that their being numerically small is, upon grounds of expediency, a reason which would weigh against the admission of the Jews instead of in its favour. Now, Sir, having separated these points from the discussion, the noble Lord will allow me to address myself to the question more at large. The noble Lord has often challenged us to grapple with him upon the question of right—for that is how he puts it—the question of the right which every person has to be admitted to all the privileges which this country can offer. If I were to be asked to state the matter fairly on both sides I should put it thus. I should say that the promoters and supporters of this Bill argue that as a matter of right every person is *prima facie* entitled to claim the privilege, if elected, of sitting in Parliament. That that being his right and his privilege if he is elected, no religious opinions ought to exclude him. That, on the contrary, if these opinions are to exclude him, it is a species of intolerance and persecution; and that to apply the case to Baron Rothschild it is a positive wrong to

the constituency which has elected him, and to Baron Rothschild who has been so elected, that the one is now deprived of its representative and the other of his seat. I think I have stated the arguments in favour of the measure, as fairly as I could. Now, let me state the argument on the other side. That argument, I think, amounts to this, that in all these matters there is no such thing as a positive right; that legislation, and the right and power of legislation, or rather the privilege of legislation, is a trust and responsibility imposed upon those who are clothed with that power; that this trust and responsibility being so imposed upon them, it is in the power of any country to lay down beforehand such qualifications as it may deem necessary for the proper discharge of this trust; that this is so in every country upon the face of the earth; that in our own country we have many such qualifications—we have age, we have sex, we have property, we have profession, we have religion. You exclude all the young because they are inexperienced; you exclude all women in order that they may attend to their domestic duties; you exclude those who do not possess a certain fortune because it is supposed that they are not independent; you exclude the clergy because you wish to confine them to their pastoral duties, and to remove them from secular affairs; you exclude aliens, even though you have naturalised them, for two reasons which are given in the statute of Anne, partly because they owe allegiance to another, and partly because—although I have not read the statute for six or eight years I believe these are its words,—partly because their notions of law, of liberty, and of religion are different from your own. Well, then, these persons being excluded, you add to them all those who are not Christians,—and why? Because all the laws of your country are founded upon Christianity; because in altering those laws or in framing new ones every one who has a voice in legislation ought to be actuated by the Christian religion. Now, Sir, I have stated the argument as fairly as I could on both sides and what does it come to? It evidently turns upon this point, and this point only, is there or is there not in the Jew that right to be admitted to Parliament which the noble Lord and those who support him claim? If there be such a right I think the noble Lord will agree with me that it must be either a right in the constituency which returns him or in the person returned, or it must partake of both those characters. First, I ask, is the right in the constituency which returns the Jew? I have always understood that according to our constitution, and I believe according to all others, rights of this kind are and must be measured by their correlative duties. What, then, according to the present state of the law, are the duties of the constituency? You complain of the city of London being deprived of its Member. What are the duties of the city of London? To elect those whom the law declares to be eligible. If the electors of the city of London or of any other place elect a person whom the law declares to be ineligible, then, if they lose their representative, the fault is with them, and not with us; they have no one to blame but themselves. This must be obvious to any one who considers that if they had returned a clergyman, a minor, a bankrupt, or an alien, he could not have taken his seat in this House. Would the city of London be wronged by the inability of such a person to take his seat? No. What you would say, and you would say truly, would be, "Until we alter the law it must be obeyed and attended to. General laws are laid down for the general good, and no particular place can supersede them at its pleasure." Then I arrive at this conclusion, from which I think I shall not be displaced, that the absolute right contended for is not in the constituency. Next comes the question, is there such a right in the person returned? Now, upon what does that right turn? I believe that the noble Lord will tell me that it turns upon this, that it is contrary to the principles of civil and religious liberty that the Jew should not be entitled to take his seat. What is civil liberty? The noble Lord has given a definition of it in his own book, a book which, I will say in parenthesis, I have read often and often. I read it before I left Eton, and have, I believe, derived a great deal of constitutional knowledge from it. Civil liberty, according to the noble Lord, if I rightly recollect the definition in his book, is the liberty of doing everything which is not prohibited by the laws of the land, comprehending in that definition the fullest enjoyment of person and property. Now, if that be civil liberty, and I do not think you can improve the definition, will the noble Lord allow me to ask, is Baron Rothschild deprived of that civil liberty? Has he not the fullest enjoyment of his person and his property? You cannot, therefore, put this demand on the ground of civil li-

berty. I want to get rid of mere words and phrases. I want to get at the thing itself, and then to see whether the principle upon which Baron Rothschild is excluded is or is not just. If you cannot establish the right on the ground of civil liberty, has it any foundation in religious liberty? Religious liberty I take to be this,—the fullest and freest power of exercising your religious opinions according to the rites and in the way which is most agreeable to your own conscience, provided that the observance of those rites does not interfere with the consciences of others, or endanger the public peace. I know that the noble Lord will tell me that I have given too narrow a definition of religious liberty. I do not think I have; I believe that is the real definition. Probably the noble Lord will go to a great authority in "another place," an authority whom I revere almost more than any other man living—I mean Lord Lyndhurst—and he will tell me that according to him religious liberty is something more extensive than this—and that it means the right to enjoy all the privileges of the country unless there is some paramount cause to the contrary. ["Hear, hear!"] You cheer that, but you must remember that Lord Lyndhurst is a great logician as well as a great constitutional lawyer, and he inserted these words unless there is some paramount cause to the contrary, because any other definition would fall short of the mark. Now, seeing that you are and have been a Christian Legislature, living under a Christian Queen, I want to know—to use the words of Lord Lyndhurst—whether that is not a paramount cause. And if it be a paramount cause, how can you say that the law should be admitted? Looking, therefore, at the question from either point of view—discussing it either upon grounds of civil liberty, or upon grounds of religious liberty taken in its most extensive sense, I challenge the noble Lord to enter the lists against a very inferior antagonist, and I do not think he will unhorse me in attempting to show that Baron Rothschild has a right to take his seat within the walls of this House. The only question, then, which can remain has reference to the expediency of the measure proposed by the noble Lord. That will depend on a very few considerations. You may say, on the one hand, that it is expedient to gratify a most respectable class of men, who are faithful to their Queen, and obedient to the law; but I ask you, on the other, are you not bound to consider and set against that, the alarm and shock you will give to the religious feelings of a large portion of the people? Putting the question in a different light you may say, with some degree of truth, that it is expedient to respect the scruples of the Jew and not compel him to make a profession of Christianity; but again, I ask you, is it not also expedient to respect the religious scruples of your fellow Christians? Will they not think, if you alter the law by the exclusion of the words, "On the true faith of a Christian," that you are making Christianity retreat before you in order to satisfy an objection entertained by those who may without disrespect be called the greatest opponents which Christianity can have? You may say that it is expedient to draw a distinction between public and private life; but is it not also expedient, I ask in return, that you, admitting the principle as a general rule—admitting that in all your conduct as private citizens you ought to uphold but one standard, and that a Christian one—when you come into public assemblies, when your conduct and actions are to influence not merely yourselves and your own limited domestic circle, but the more extended circle comprising in its compass those three kingdoms, should still abide by the same principle, and still uphold the same standard? Having endeavoured to condense my argument into as small a compass as possible, I shall only in conclusion express the hope that this is the last time I may ever have the pain—for to me it is a pain—of speaking upon the subject. [*Cheers from the Opposition.*] These cheers respond to a sentiment uttered by me in one sense and taken by you in another. I believe myself that it will be a fatal step for you to admit the Jews. My reasons for that belief are before you; but I may be allowed to add, that if you do admit the Jew, you should not admit him in the way proposed by the hon. Member for Finsbury. You should not break through the walls of the constitution, but you should open the gates and allow him to enter. I am against that admission, but as long as I have the honour of a seat in this House I will say boldly that much as I am opposed to the Jews upon principle, not upon feeling, much as I desire to prevent their admission within these walls, nothing on earth can ever induce me to consent to one House of Parliament setting itself above the other, and proceeding by Resolution to do that which requires the sanction of the united Legislature. The cheers which came from the other side of

the House have led me to make that observation. I had said that I hoped I should not have the pain of speaking upon this subject again, but, as I trust I shall not be called upon to do so, I may be permitted to make one further remark, which will better illustrate my meaning than any argument I could use. When first the noble Lord the Member for London brought forward a Bill of this kind, I had been in Parliament only about eight months. I took some part in the discussion, and after it was over I was requested to see a Jew of very great eminence, a man of considerable ability, and one for whom I entertained much respect. I said, of course, that I had no objection to see him. I did see him, and he pointed out for one hour the reasons which he thought ought to influence me in changing the opinion I had formed. Those reasons were urged as ably as any I have heard advanced in this House; but there were two points to which all his arguments tended. One was a desire to convince me, that his ancestors were not in the Holy Land when the crucifixion took place; and the other was a greater desire to persuade me, that if he were in my position he would not do towards me what I was doing towards him. As to the first point, of course I said, as anybody would have said, that I was perfectly willing to believe his statement, knowing as I did that the Jews were scattered over the earth at the time of the crucifixion. With regard to the second, what I said to him was, "I am very glad you have made that remark, for it will enable me to point out to you in the clearest, plainest, and most distinct manner the reasons which operate on my mind, in advocating your exclusion from a Christian Parliament. Let us put ourselves back 3,000 years." I think you will see the illustration is applicable. "Let us go back 3,000 years, and suppose we are both living in Palestine. It is the time of the Judges. You are a descendant of Abraham, a believer in the true Jehovah. I am a heathen, and not a believer in the true Jehovah. If I were chosen to be one of your Judges, would you admit me?" His answer was, as the answer of any honest Jew would be, "No." Now, that is the best illustration I could give of the reasons which influence my mind in not admitting Jews to a Christian assembly; when those Jews who are true to their faith would not, and as I think should not admit me to theirs. These, Sir, are the arguments which induce me to vote against the present measure, and I think the noble Lord the Member for London will find it difficult to displace me from my position, particularly when he remembers that the principle, upon which I stand, has been maintained from time immemorial in England. From time immemorial Christianity has always been an essential part of our institutions, our Monarchs have bound themselves by their Coronation Oath to maintain the true profession of the gospel, the Judges of the land have declared Christianity to be part and parcel of our law in the sense, as Lord Hardwicke expressed it, that "the constitution and the government of the country depended thereupon;" and, let me add, Parliament has recognized the same principle by requiring its proceedings to be commenced with prayer in the name of Him after whom we are called. Therefore, however much I may think of the Jews personally, however much I may respect the antiquity of their race, however much I may regard their historical associations and their prophetic promises—however firmly I may think and believe that those associations and those promises belong to us as well as to them — however sincerely I may esteem their moral qualities, their patient endurance, and their extensive charities, still when you ask me whether I am prepared to change the whole principle and policy of our constitution, there is but one answer which I can make, and that answer is, that as the Jews would adhere to their own nationality, so I would have this House and this country adhere to theirs; and I make that declaration, not hastily, not rashly, not unadvisedly, but in the very words of that oath which you wish to alter, "heartily, willingly, and truly, upon the true faith of a Christian."

MR. MAGUIRE: As the first Catholic Member who has risen to speak on the Amendment and the clause now before the House, I beg to claim its indulgence while I say a few words with respect to the question at issue. The Catholic Members, so far from being opposed to the emancipation of the Jews, are amongst the most ardent supporters of that just and necessary measure; and I can assert, without hesitation, that the noble Lord the Member for the city of London, in his attempt to carry that measure has the hearty sympathies of the vast majority of the Irish people. The right hon. Gentleman (Mr. Walpole) who has just sat down indulged in a very boastful assertion—namely, that the noble Lord the Member for London would find it very

difficult to upset the position which he had taken. The right hon. Gentleman, while admitting that Lord Lyndhurst was a good logician, has shown himself to be nothing more than an ingenious special pleader; and he would find when the noble Lord rose to answer him, that, to use a popular form of expression, that he had not left himself a leg to stand on. One of the strong points made by the right hon. Gentleman was his denial of the right of the citizens of London to return Baron Rothschild. Now I must say that was a perfectly untenable proposition. There is no express law whatever to prevent the citizens of London, or any other constituency, from electing a Jew; nor is there any law which forbids a Jew to take his seat in this House. A Jew may be elected by a constituency, a Jew may enter this House and approach that table, and a Jew may sit in this place provided he would consent to take an oath repugnant to his conscience. The case was quite different with an alien or a minor; for upon the fact of a candidate being an alien or a minor being made known to the returning officer, he would not sanction his return; and if returned, his election would be null and void. But is there a returning officer in the United Kingdom who would refuse to return the election of a Jew? I therefore deny the proposition of the right hon. Gentleman that the citizens of London had no right to return Baron Rothschild as their representative; and I venture to say the Attorney General for Ireland, who sits by his side, would not endorse his opinion on that point with the weight of his authority. The right hon. Gentleman told the House of a conversation which he had with a Jew, whom he asked to go back 3,000 years. Now, the right hon. Gentleman had some right, perhaps, to make that proposition to the Jew, for he has himself gone back at least 500 years—to the time when the rank spirit of intolerance pervaded all classes in this country—when the Jew was persecuted and despised—and when, if he did not give up his money to some pious Christian of that day, he was obliged to surrender his teeth. Yes, however mild and plausible the speech of the right hon. Gentleman, it was really in the same spirit as the violent and unchristian speech of the mover of the Amendment; it breathed the spirit of the persecution of 500 years since. You cannot, it is true, pull out the teeth of the Jews, nor torture them, nor submit them to stripes, nor put them in prison; but what you can do you do—you seek to deprive them of those civil rights and privileges to which by their citizenship they are entitled. The right hon. Gentleman alluded to the prayers offered up in this House. I have always listened to those prayers with the utmost reverence; for though they are not Catholic prayers, they are based on the common Christianity which I revere. Yes, but do these prayers inculcate intolerance, exclusiveness, or punishment for conscience sake? Nothing of the kind—they breathe the spirit of harmony, concord, and good feeling amongst all classes of men, for the promotion of the peace and happiness of the community. The right hon. Gentleman says that the form of taking a Christian oath in this assembly is something like a homage paid to Christianity. It is so, I suppose, upon the same principle that hypocrisy is the homage which vice pays to virtue. An infidel may come to that table and take the Christian oath though he does not believe in God or Christianity, or in a future state of reward or punishment; but the conscientious Jew, who believes in God and in an after state, is not to be allowed to take an oath which would be binding upon him; and this is done on the pretence of upholding the Christianity of the country! I cannot agree with the hon. Member for North Warwickshire (Mr. Newdegate) that all the Christianity is at his side of the House, and that all the irreligion is on this; on the contrary, I am led to believe, by his speech, that he does not rightly comprehend the true spirit of the Christianity which he professes. The right hon. Gentleman the Home Secretary talked of the Christian mind of this country being shocked by this measure. But what is the Christian mind of this country? Was not the same Christian mind shocked by the admission of Catholics to Parliament and by the admission of Dissenters to the enjoyment of social and civil rights? The Protestant mind of this country, which is always so ready to be alarmed at what is right or just, raises to my mind the idea of a fussy old lady listening to a white cravated gentleman in Exeter Hall, and who imagines that the Queen, the constitution, and the country are about being destroyed because she is not allowed the right of persecuting everybody who does not agree with her. The right hon. Gentleman, in the ablest manner, made out a case why, on civil grounds, the Jew was entitled to equal privileges with the rest of his fellow-citizens. He was willing to allow that the Jew was a model, not certainly of a Chris-

tian, but a man. He represented him to be industrious, obedient to the laws, kind, humane, and charitable—not charitable according to the charity of the Member for North Warwickshire, but charitable in that comprehensive spirit which knows no difference between the Gentile and the Jew. The right hon. Gentleman admitted the Jew to be the very opposite of that which the mover of the Amendment described him; and yet the right hon. Gentleman will consent to grant to him the privileges to which his faithful discharge of the various duties of citizenship entitles him. To my mind, the spirit of our religion does not sanction the persecution of any man for conscience sake. If I understand rightly the great obligation of the Christian faith, it is that we love God for his own sake, and our neighbours as ourself. Now, who is our neighbour? Hon. Gentlemen may remember that when some pharisaical lawyer of Jerusalem—and we have pharisaical lawyers, too, in this House, who find it very convenient to climb by the ladder of religious profession to the highest positions of the land—when the pharisaical lawyer of Jerusalem asked, "Who is my neighbour," he was answered by that immortal parable, which has been the guide of Christians since that day—the beautiful parable of the Good Samaritan. The proud Levite, the Member for North Warwickshire of the day, was he who passed the wounded traveller as he lay by the road side; while it was the Samaritan who stopped on his journey, poured balm and oil into his wounds, took him to his inn, and comforted him. This example ought to teach us to know no difference between Gentile and Jew. Every argument once urged against the Jew was one time urged against the Catholic; and in the case of the Catholic, every awful prophesy of ruin and destruction has been falsified by the fact. Just as you were told that if the Catholics were once admitted, this House would become a Popish assembly, to the overthrow of every time-honoured interest and institution of Protestantism; so we are now assured that if we admit Baron Rothschild and Alderman Salomons, we should unchristianize this assembly. But on this point I think we may set our minds at rest; and, for my part, I certainly have no fear—for so long as North Warwickshire returns its present representatives, with their fifty-horse power of Christianity, which I call intolerance, so long would I back it and them alone to be more than equal to all the power of all the Judaism of the country put together. The hon. Member for North Warwickshire has made one of his awful prophecies this night—that the blessing of God would desert this House if it admitted the Jews. Now, I do believe that the blessing of God does rest upon this assembly, because it proceeds with its great work in a Christian spirit, and because, year after year, it is undoing one link after another of the intolerance and tyranny of the past. But if this House is to retrograde, as the hon. Member would have it, and if it is now to act in the spirit not of 3,000 years ago, but even 500 years ago, that blessing which we call down upon our deliberations, would really depart from this assembly. I have one word to say as to the Catholic Members, and their relation to this Bill. It is not the fault of Catholic Members if at any time they seem to stand between the Jews and their rights; but it is the fault of those who mix up other questions with the simple one of emancipating the Jews. The Catholic Members always wished that the noble Lord would bring in a simple Jew Bill; but this course not having been adopted, and other matters having been, as in the present instance, mixed up in it, Catholics felt it their duty to enter their protest against the continued imposition on them of an oath which, to say the least, is hurtful to their pride. Did they not take this course, it might be said to them at a future time, when the Catholic oath became the subject of consideration—"Why did not you make a stir in the matter when the question of the Protestant Oath and the Jewish Oath was before the House?" It is unjust to Catholics to say that they are not friendly to the Jews; for there is not a Catholic Member who does not cordially go with the noble Lord in his present attempt, and who is not ready to go further with that noble Lord if this last appeal to the justice of Parliament is not successful. And, for my part, I cannot say that the noble Lord has exhibited any want of sincerity in this question; on the contrary, he is entitled to the thanks of this House and the country for the perseverance and energy which he has exhibited—and the advanced position in which the Bill is placed at this early period of the Session is another proof of that sincerity, and that energy. I assert, Sir, the Jews are justly entitled to their freedom on every rational ground. There are amongst them very many who, as citizens, are models of intelligence, industry,

and charity. And, if it is said, as it has been said, that there are degraded Jews, I answer it is because the spirit of ancient persecution is still upon them—it is because the consciousness of their past slavery still abides in their breasts; for you invariably find that a people who are degraded by the laws under which they live feel degraded in their own esteem. The Catholic of the present day is a very different being from the Catholic of the time before the passing of the Emancipation Act. The feeling of rancour and bitterness which then filled his heart, as he chafed against his bondage, and hated those who oppressed him, has given way to a feeling of Christian charity, and fraternal sympathy with all classes, because the Catholic now feels himself to be on a footing of complete and perfect equality with his Protestant fellow-countrymen. Raise the Jew to this level of equality, and you will find the cloud of degradation removed from his brow, the mean expression of slavery removed from his features; for he will then look full in the face of his fellow-countrymen, as their equal in position, because their equal in liberty. Sir, I give my cordial assent to the clause of the noble Lord, and my as cordial dissent to the Amendment of the hon. Gentleman.

MR. ROEBUCK said, he begged pardon of the House for intruding himself at that late hour, but there were one or two observations he wished to make before a division took place. In the first place, he had to congratulate the House upon the marked distinction between the opinions of the right hon. Gentleman the Home Secretary and those of the hon. Member for North Warwickshire. The latter based his opposition to this Bill upon a certain view of the religious character of the Jew; while the former gave us a description of the Jew of a totally different nature. The right hon. Gentleman said he knew the Jews as a body to be good citizens, good fathers, and good men, and were he to consult his own feelings, he would admit them at once. Therein he had shown himself very different from the hon. Member for North Warwickshire, who had painted them as false, faithless, unsocial, and unfit for society. He did not exaggerate the language of the hon. Member. Accepting the representation of their character given by the right hon. Gentleman, what were the reasons he had adduced for excluding them? The right hon. Gentleman did him the honour to quote a former argument of his, which was founded on the utter inefficiency of oaths intended to exclude men from that House. The only men whom they excluded were conscientious men. Men who cared not for the oaths, men to whom oaths were as nothing in the way of barriers, they could not exclude. This was proved by the case of two most celebrated men—Gibbon and Bolingbroke—both of whom sat as Members of Parliament, and could not be excluded. What was the right hon. Gentleman's answer to this? "True," he said, "you cannot exclude the man who has no religion; but you can exclude the man who has a religion, and obeys it." But for what object was an oath administered at that table? It was to bring men into that House who were fit to legislate for the country. Then who was the more fit, the man who had no religion, and cared not for his oath, or the man who had a religion, and obeyed it? So much for the efficacy of the oath. Clearing the ground of certain obstructions which stood in his way, the right hon. Gentleman then proceeded to what he termed the real ground of his opposition to the Bill, and asked on what ground of "right" the Jew could claim to be admitted? He quite agreed with the right hon. Gentleman that the word "right" ought not to be used on such occasions, and he challenged him to put his finger on any language of his bearing a contrary sense. He had never asserted that the Jew had any right but that which was conferred by law; he knew of no right but that which was the creature of law; and the moment the law took it away, a man had no right. "But," said the right hon. Gentleman, "though the Jew is a good man, a good father, and a good citizen, I wish to exclude him." And why? "Because he does not believe as I believe." [MR. WALPOLE: As the country believes.] But did the Quaker believe as the country believed? Did the Roman Catholic or the Presbyterian believe as the country believed? They could not for a moment say there was any universal belief in this country. They all believed something alike. Well, did not the Jew believe a great deal that they believed? and did not they believe a great deal that the Jew believed? There was, indeed, a point at which they diverged from him; but so, also, there was a point at which they diverged from the Quaker, from the Roman Catholic, and from the Presbyterian. The question, then, was entirely one of expediency—not of religion. The question was, whether by admitting the

Jew they would do anything to injure the legislation of this country? He was prepared to maintain that they would not. The right hon. Gentleman had talked of "the Christian character" of the House, but what did that mean? No law and no oath that they could possibly frame would insure that the men who entered that House should be Christians. All that they could accomplish was, to make them call themselves Christians. How, then, could they prevent any mischief to their legislation by shutting out the Jew, when they could not shut out the man who was neither Jew nor Christian? The whole principle of exclusion was based on the strange mistake which men made when they said, "We are the depositaries of the truth." It might be thought that any human being, who knew how difficult it was to attain unto the truth, would have learnt humility and diffidence, and would shrink from dogmatizing, and from declaring, "I am the sole depositary of the truth." Surely, as their experience of life increased, they must all feel that it might be they had been in error all along, and their neighbours in the right; and that while they could easily judge whether a man was a good citizen, and possessed all the qualities required in a legislator, it was, on the other hand, quite beyond them to say whether or not he had attained unto the truth. He would therefore warn the right hon. Gentleman not to take this assumption as his guide; and so he must say as to the argument drawn from the morality of the Jews. Who were the men whom they excluded? They were a people from whom we had derived that Decalogue which was taught in all Christian religions; and all our great principles of morality were at this very time made to rest upon the Old Testament as well as the New. Should we turn round, then, upon the Jews, and tell them they, who at one time were the sole depositaries of all truth, were now unfit to be our associates in making laws? He laid it down as a general rule, that every man who had obtained the suffrage of a constituency was entitled to be a Member of that House, unless some good reason could be shown to the contrary. The right hon. Gentleman had said, that they excluded infants because of their insufficient knowledge. They also excluded women, one hardly knew why, though he fancied he could see a reason; and aliens were excluded because they were aliens; but the Jew was excluded because he was not a Christian. Yes, but he wanted to know what ground that was. Did they really believe that if two or three, or any other probable number of Jews, entered that House, there would be anything done by that assembly on that account which they as Christian men would object to, and done moreover in consequence of their entry? No. "But," said the right hon. Gentleman, "when a man being a Jew, presents himself to the electors of this country, he knows that by law he is excluded." Now, were he a Jew himself they should not exclude him. He had often said to Jews, "Why don't you take this course:—Go up to that table, go over the oath, say the last words 'upon the true faith of a Christian,' and state, 'These words have no effect upon me, but as your law compels me to take them, I do take them.' ["Oh," *and a laugh.*] There were some sublimated gentlemen on the opposite side who seemed to object to such a mode of proceeding. He (Mr. Roebuck) would like to know how many Gentlemen had taken their seats in that House who had not been Christians; and if the Jew was candid enough to declare "I am a Jew, but I am ready to repeat the words of your oath," did he do anything that he ought to be ashamed of? Ought not the shame rather to rest with those who had compelled him to do so? He did not hide any thing from them; he said openly, I am a Jew. Some ten or twelve years ago he (Mr. Roebuck) had advised the adoption of such a course, and he believed, if that advice had been acted upon, little more would have been heard on the subject. Parliament would then have been compelled to alter the law and do justice to the Jews. He was convinced that the right hon. Gentleman was right in his opinion that the present occasion was the last on which they would have a discussion of this nature. Day by day he (Mr. Roebuck) had seen the great principles of religious toleration gaining ground. They had swept on, like the tide, in an unchecked course, and from the moment when he first took part in politics to the present time the stream had not turned. He trusted soon to see this last rag of religious intolerance torn away from the British constitution, and that we should at length be—as we ought to be—a truly tolerant people.

SIR RICHARD BETHELL: Unquestionably I have never heard a speech to which I have listened with greater pleasure than the speech of the right hon. Gentleman the Secretary for the Home De-

partment; and I congratulate the House upon it. His candour and frankness rose superior to all official reserve. He told us that which we hail with the greatest pleasure. His words were eminently *bona verba;* they were prophetic of what we have long desired, when he said that we shall now see the termination of a most unprofitable discussion upon this subject. The right hon. Gentleman spoke with the same feeling which prompted the noble Earl at the head of the Government, when in the month of April 1830—if I am correctly informed—he gave his vote for a measure similar to that now before the House, and with the same spirit which influences many of the most distinguished Members of the opposite bench. He told us that this would be the last time we should come to a determination upon this painful discussion. I hail that declaration with satisfaction, for I am convinced that those hon. Members who surrounded him will not falsify his prediction. I regarded the right hon. Gentleman's speech with pleasure on another ground, because there was an elaborate recapitulation of the arguments used against this measure, which wthough the best the subject was capable of affording, yet requires very little time and very little care to answer. My right hon. Friend states that he gives up entirely the argument against the Jews as founded upon the language of the oath itself, because he admits, with that candour which always characterises him, that the Jew was not within the purview of the statute nor in the contemplation of the Legislature when the oath in question was devised. Well, if that be so, so far as the oath is concerned, the Jew is excluded from his birthright from a fraudulent use of the words of the statute. I do not mince the matter at all, and I beg that my expressions may be noted. He that perverts the law to a purpose not intended by the law, commits a fraud against the law, and a greater amount of moral iniquity in the application of the law cannot be imagined than to take a statute or a clause intended for a particular purpose, and apply it in the face of all conviction and of the real animus of the Legislature to an object for which, admittedly, it was never meant by those with whom the law originated, and which they would at once have repudiated had they regarded such application possible. I have the authority of the Judges for saying that the oath, as framed, was never originally intended to be applied to the exclusion of the Jews. Upon what then does the right hon. Gentleman rest his arguments. I will take the words of the right hon. Gentleman himself, in order that the House may fully understand. The right hon. Gentleman said that the exclusion of the Jews was not the consequence of the oath, but the result of an inherent inability on the part of the Jew to amalgamate himself with the institutions of the country. To amalgamate himself with the institutions of the country! I ask the right hon. Gentleman if there is a single office or position of social employment or duty to which the Jew is not admissible? What then does he mean by the inability of the Jew to amalgamate himself with the institutions of the country? The right hon. Gentleman has paid an eloquent and deserved tribute to the great social and moral qualities of that people. He might have gone further, and remarked upon the manner in which they discharged the municipal and civil offices of the state, for which they had been as much distinguished as for moral and social virtues. The right hon. Gentleman went on to discuss the principles of civil and religious liberty. He had forgotten, however, to mention one particular kind of civil liberty—that is, political liberty. It is idle to talk of civil and religious liberty, if you deny the individual his right to participate in the political institutions of the country. The right of enjoying political as well as civil and religious liberty is, I contend, the birthright of the Jews. I do not agree with the hon. Member for Sheffield (Mr. Roebuck) in denying that the Jew possesses this right to political liberty, inasmuch as the law is the only foundation of right. I consider that this is simply a question of right to which the law should be made conformable. I call upon any man to put his finger upon a law or a principle that deprives the Jew of this right, except this miserable fag-end of an oath which has been perverted to a use for which it was never intended. If the right hon. Gentleman is disposed to rely upon this new-fangled doctrine—namely, the inability of the Jew to amalgamate himself with the institutions of the country, let him do that which is now contended for, and impose an oath which is in conformity with truth and reason, and the intention of the Legislature. I will make him a present of every other ground of exclusion which he may find in any part of our law. The right hon. Gentleman committed another serious error. He spoke of the Jew

not being excluded from civil and religious liberty, but he also spoke of the right of the Legislature to impose conditions and restrictions, for the purpose of upholding the common character of our institutions. That right I admit, but I also tell him that such restrictions must be imposed upon all parties alike. The genius of our Constitution is that of justice and equality; let him, then, impose such conditions as will affect Protestants and all other classes alike, but let him not make an exception to the principles of our Constitution by imposing a disqualification upon the Jews alone. We can understand that principle of our legislation which imposes a disqualification upon clergymen entering this House. A Jew is, *ipso facto*, eligible to enter the House if elected by a constituency; but if you say that he cannot take his seat and discharge his functions as the representative of such a constituency by the accidental circumstance of certain words being contained in the oath, you will be led to an anomaly which shows that there must be something erroneous in such an application of the general argument. Repeated applications having been made for the removal of this anomaly during the last ten years, and the courts of justice, although satisfied it never was intended that the statutes should be applied as it had been applied, being unable to emancipate themselves from such an interpretation of the law, I give this pledge to the House, and I hope and trust I shall find numerous persons in it who will support me in its maintenance if this Bill be again rejected—I will take the course which, in a Committee in August last, was about to be taken by a distinguished Member of this House. I allude to no less an individual than the right hon. Gentleman the Member for Droitwich, now the First Lord of the Admiralty, who in that Committee proposed an Amendment, though, from unfortunate circumstances, that Amendment was not put to the Committee; but he gave this notice, namely, to move the following Resolution—

"That in the opinion of this Committee the words of section 8th of 5th and 6th of William IV., chap. 62, include the House of Commons as one of the bodies thereby empowered 'to make orders authorizing and directing the substitution of a declaration in lieu of any oath now required to be taken.' But the Committee apprehend that considerable difficulty and embarrassment might possibly arise from any order made by the House of Commons for substituting a declaration in lieu of the Oath of Abjuration now required to be taken by Members, and they are, therefore, not prepared to recommend to the House of Commons to act under the powers given by the said Statute unless it should ultimately appear to be the only constitutional course by which some great public object could be effected."

Having read these words, I now submit to the right hon. Baronet who holds so distinguished a place in the Councils of his Sovereign, whether he feels satisfied that the great public object which we have now in view, and which has been brought before the House from time to time during the last ten or twelve years can be accomplished by the constitutional course which we have hitherto been following. I repeat I will give the House the opportunity of adopting the alternative suggested by the right hon. Baronet unless the noble Lord the Member for London, who is unquestionably the leader in this matter, adopt it as his own. But if the noble Lord should decline to take that course I shall certainly adopt the language of the right hon. Gentleman the First Lord of the Admiralty, and move a Resolution declaring that this course is not only empowered but is now justified and called upon to make this order, because it is the only constitutional House by which this great public—this great, just, and highly incumbent—measure on our part can be accomplished.

Mr. WIGRAM said, that the proposition of the right hon. Baronet in the Committee of last year did not bear the meaning which the hon. and learned Gentleman attempted to put upon it. The first question then considered was, whether the House of Commons was eligible to consider the question as far as it regarded its own constitution. The right hon. Baronet the First Lord of the Admiralty was of opinion that it was so, and concurred in the Resolution then read. Another question the hon. and learned Gentleman said was raised—namely, whether it was competent for the House of Commons in conformity with the Act of Parliament, to omit the words, "on the true faith of a Christian?" Now, that question never came directly or otherwise before the consideration of the Committee, and his right hon. Friend the First Lord of the Admiralty never intended to solve it in the manner mentioned by the hon. and learned Gentleman. In reply to the challenge of the hon. and learned Gentleman, who had defied any lawyer to controvert his position, that they were wresting the language of the Act from its proper intention, and in short were committing a fraud upon the

statute by availing themselves of its provisions to exclude the Jews; he was desirous of making a few observations. First, he would assert that a more fallacious argument was never urged than the oft-repeated and stale argument that the words were not intended to exclude the Jews, It was quite true that the words "on the true faith of a Christian" were introduced into the Act of James I. with no intention of excluding the Jews, because no Jews were then settled in this country. But that was not the question. After the Revolution the words were introduced in 1 *Will.* III.; again in an Act of George I., again in an Act of George II., and, lastly, in the Act 6 *Geo.* III. The fair question, therefore, was not with what view the words were introduced into the Act of James I., but with what view they were retained in the subsequent statutes and especially in the Act of George III. Now, they were retained in that Act with the full knowledge that their operation would exclude the Jew. On several occasions the question had been raised as to the effect of those words, and on more than one occasion Parliament had exempted Jews from the operation of those words in particular cases. The question again came before Parliament in 1763, in what was known as the Jew Bill, and Parliament then retained the words designedly, and with the full knowledge that their operation would exclude the Jews. Nothing, therefore, could be more fallacious than to say that the Jews were excluded from sitting in Parliament by accident. His right hon. Colleague had so ably argued the other questions raised by the Bill, that he would not trouble the House by going over them.

LORD JOHN RUSSELL: In asking the attention of the House for a short time at the close of this long debate I am very glad that there are some parts of the arguments urged on the other side to which I need not advert. The argument of the hon. and learned Gentleman (Mr. Wigram) with respect to the origin of the Act has been repeatedly discussed in this House. I maintain the opinion which was expressed by Baron Alderson in the judgment he gave upon this subject, but I think it quite unnecessary to go into that part of the question. I am happy likewise to be relieved from the necessity of taking any notice of the speech of the hon. Member for North Warwickshire, or of going into the painful questions which he raised, the charges of perjury which he advanced, the discussions respecting the Talmud, and those imputations on the moral character of the Jews which have been scattered to the winds by the right hon. Gentleman (Mr. Walpole). That right hon. Gentleman has fairly said with respect to the Jews that their character as a body, the high station which many of them hold, rendered it desirable, if there were not other reasons which induced him to oppose it, that those of them who may be elected should have seats in this House. The right hon. Gentleman has discussed the question respecting the admission of the Jews in a very fair manner, and I agree with a great part of what he stated. He says that the City of London has no right to elect a person disqualified by law from sitting, and that such person has no right to be admitted to this House while the law exists. Now, it is not true that the personal disqualification of Baron Rothschild deprives a constituency of the right to elect him; but I can quite admit that Baron Rothschild, unless the law permits him, has no right to come here and claim his seat. I think, however, that the City of London has a right to say, "Unless you show some fair reason for the exclusion of the Jews, you ought to take the person whom we have elected, and who has our confidence, and throw open the doors of this House to him." The right hon. Gentleman says that in certain cases we may make rules by which persons elected to this House shall not be admitted. I quite agree with that, but I say they must be reasonable rules, they must be equal rules, and such as will stand examination. So far, indeed, I differ from the hon. and learned Member for Sheffield (Mr. Roebuck) that I think it is the right of a British subject, unless you can show positive and absolute grounds for his exclusion, to be admitted to any privilege to which other classes of his fellow-subjects are entitled. The right hon. Gentleman says that certain persons are excluded from this House; and he instanced persons under the age of twenty-one years, and women, and others. Now, with regard to the first of these exclusions, every one will admit that there must be a certain age at which a limit must be drawn, for it cannot be expected that a boy of ten or twelve years of age is qualified to take a seat in this House. The right hon. Gentleman agrees also that women ought not to sit here, and has given a reason for their exclusion—whether it is the only reason I do not pretend to say, but upon general

grounds it is to be expected that the functions of this assembly should be discharged by men alone. When the right hon. Gentleman comes to the other ground of exclusion — namely, the want of a certain amount of property—I doubt whether that is a fair ground of exclusion. It is not the question we have to discuss to-night, but it is one of those grounds of exclusion which are not equal. A boy fifteen or sixteen years old may at least hope that in time he may become a Member of this House, while a poor man may feel that he is excluded by an arbitrary law. When the right hon. Gentleman, however, says that the Jews are rightly excluded from this House, and that that exclusion ought to be maintained, then I assert that the exclusion is an unequal exclusion. The Jew has property like his Christian neighbour; he carries on his business in a respectable manner, and he, equally with the Christian, pays all taxes which are imposed upon him by law; and he may justly ask, "Why am I, who discharge all the duties of a citizen, excluded from the enjoyment of a seat in Parliament simply on account of my religious belief?" Now, Sir, to that question the speech of the right hon. Gentleman affords a most unsatisfactory answer. The right hon. Gentleman had more to say in reply to that interrogatory than that all our laws are founded upon Christianity. Now, Sir, I find that in dealing with other subjects Christianity does not appear to be so common a bond of union. I think that the noble Lord the Member for Stamford, in speaking upon the subject of Education as founded upon the New Testament as well as the Old, told us that Christianity had so many shades, that there was the High Church party, there were the Roman Catholics, and there were grades going down almost to Deism, and that under these circumstances Christianity as a mark of distinction was almost an unmeaning phrase. Why, Sir, I remember when it used to be said that all our laws were founded upon Protestantism. Lord Eldon used to argue that point with great ingenuity. He used to say, that before the Revolution of 1688, dissensions and disturbances were rife; but that after that event, when the laws of the country were founded upon Protestantism a new era commenced, and he used to go on to say that you cannot admit Roman Catholics into Parliament without disturbing the harmonious action of the existing laws and of the constitution. Now that was an excellent argument at the time, but its fallacy has since been clearly shown, and the present argument against the admission of Jews to Parliament is founded on a basis precisely similar. Why, how does the argument stand? It was simply this—we are in the right and you are in the wrong, therefore you must be excluded. But observe the difference in the present day. You say to the Roman Catholics, "You are wrong, but you are strong, so we will admit you into Parliament," while to the Jew you say, "You are wrong, but you are also weak, so we will exclude you." That really is the reason why this exclusion of the Jews from Parliament is kept up. It is said, and has been said over and over again, that there is no practical inconvenience in excluding Jews from Parliament, as their whole number only amounts to about 40,000, and that therefore we may safely exclude them from Parliament. Now, I say that to exclude the Jew arises from the same spirit of religious intolerance which at one time upheld the exclusion of the Roman Catholic. It is the last remnant of religious intolerance, and I should wish it to be eradicated as a wrong basis of public policy, and as not tending to better our laws, or to provide better for our social and moral condition. In discussing this question, two considerations of quite a different character have been confounded together, namely, articles of faith and religious truth. Now with regard to the question of articles of faith, you may insist on them in an assembly of Roman Catholics, or the Established Church, in a society of Congregationists Baptists or other denominations; for, no doubt, in order to form an ecclesiastical community, you must require that the members of it agree to certain particular articles of faith; but when you come to a political assembly, what you want is not a particular agreement as to any articles of faith, but a basis of religious principle. Now such a basis as that is not to be obtained by oaths or tests, but by the general feeling of the community at large. As my hon. and learned Friend has stated, and stated truly, Gibbon or Bolingbroke would, without hesitation, have taken any religious test; but in the case of the Jews you have a basis of religious principle upon which you may safely rely, and which is calculated to inspire us with the opinion that they would form as good Members of Parliament as those whom you now admit. Why, your own morality is based upon books believed

in by the Jews, supplemented by those divine revelations of Christianity. If it could be said that these are people who steal, who commit murder, who bear false witness against their neighbours, then I could understand its being said these are persons unfit to be admitted to legislative powers, and therefore we must exclude them. But the contrary is the case, for the Jews have religious principles, and I maintain that as far as articles of faith go, there would be infinitely less chance of their raising discussions upon religious tenets, than there is of many doing so who belong to those different religious sects which have representatives in this House. An hon. Gentleman stated on a previous occasion as a reason for not admitting Jews into this House that we are in the habit of discussing many religious questions here, such as questions relating to church rate, and Maynooth, and the Church Establishment. Now, that is perfectly true; but those questions are not questions between Christians and Jews, but they are questions between one section of Christians and another section; and I do not think that you would find the Jews at all disposed to interfere with your ecclesiastical establishments. He is not by his nature and his religion a man that looks either to proselytism or to the destruction of the establishments of the country where he resides; but he is, on the contrary, a faithful subject of that country. Why, there was lately an instance in Jamaica, where Jews are admitted to the Council, in which, without the slightest opposition on the part of the Jews, money was voted for the Established Church and for other Christian establishments, and I do not think that any fear of admitting Jews to Parliament need be entertained upon any such ground as that. There was one expression which fell from the right hon. Gentleman the Secretary for the Home Department which I, like my hon. and learned Friend the Member for Aylesbury (Sir R. Bethell) was glad to hear. I was glad to hear him say, that he hoped that this was the last time that he should have to address the House upon this subject. I, Sir, trust also that it is the last time. I have seen of late years symptoms which lead me to hope that such may be the case. I noticed similar symptoms before the admission of Roman Catholics to this House; and when I observe men high in position in this House coming down and declaring their conversion to the opinion of those with whom they have hitherto disagreed upon this subject, it leads me to augur well for the future. I remember that in the last debate upon this subject, the right hon. Gentleman the First Lord of the Admiralty made a most able speech in favour of the admission of Jews to Parliament, and I believe now that, although we have not the advantage of having the Members of the present Government in this House unanimous upon the subject, as was the case with the late Government—[*Cries of* "No!"]—well, unanimous at least in this House—still that three Members of the present Government will to-night vote in favour of the admission of Jews, and I think it very possible that we are approaching a favourable termination of the question. I think that the right hon. Gentleman was entirely wrong in supposing that this is a question which is not cared about by the country generally. I believe that, on the contrary, the general feeling of the country is that the time has arrived when Jews ought to be admitted to this House, and even if that be not the case we should be setting a good example by passing a law of this nature. We all know under what disabilities the Dissenters and Roman Catholics at one time laboured. If you look back to former times you will find that there have been persecutions of the most violent character, that persons have been put to death on account of their religious opinions, but that is now discountenanced by persons of all religious denominations. At a later period Dissenters were prohibited from preaching in the market towns. Later than that, Roman Catholics were prohibited from being Members of Parliament, and from enjoying offices to which they were fairly entitled. Well, Sir, those disabilities have been gradually removed, and I trust that the hour is approaching when an end will be put to all distinction between persons holding different religious faiths as regards the exercise of all civil and political functions. My opinion is, that to do away with such distinctions, so far from being contrary to the spirit of Christianity, would be to bring us nearer to the development of the great objects of the Christian dispensation. The spirit of Christianity was intended to be a law of kindness to bind men together in one brotherhood, and not to separate them—not to make one party persecutors and the other victims, but to unite the whole community by feelings of charity and Christian love.

MR. WALPOLE said, he would take

occasion to state, that in expressing a hope that he should never again be called upon to deal with the question under discussion, he by no means intended to imply that he had any hesitation as to the course which he ought to pursue in its regard. He had simply desired to give utterance to a hope that he should be spared the disagreeable task of debating a question, in reference to which no new argument could be adduced, and which he had always regarded as involving considerations of a painful character.

LORD JOHN RUSSELL observed that he would only say, that if ever the subject came on again for discussion, he trusted he should have as able and candid a foe as the right hon. Gentleman had shown himself to be.

Question put, "That Clause 5 stand part of the Bill."

The House *divided* :—Ayes 297 ; Noes 144 : Majority 153.

List of the AYES.

Agnew, Sir A.
Alcock, T.
Antrobus, E.
Ayrton, A. S.
Bagwell, J.
Baines, rt. hon. M. T.
Ball, E.
Baring, A. H.
Baring, rt.hn. Sir F. T.
Baring, T.
Baring, T. G.
Barnard, T.
Baxter, W. E.
Beale, S.
Beaumont, W. B.
Berkeley, hon. H. F.
Bethell, Sir R.
Biggs, J.
Black, A.
Bonham-Carter, J.
Botfield, B.
Bouverie, rt. hon. E. P.
Bouverie, hon. P. P.
Brady, J.
Brand, hon. H.
Briscoe, J. I.
Brocklehurst, J.
Browne, Lord J. T.
Bruce, H. A.
Buckley, Gen.
Buller, J. W.
Bury, Visct.
Butler, C. S.
Butt, I.
Buxton, C.
Buxton, Sir E. N.
Byng, hon. G.
Caird, J.
Calcutt, F. M.
Campbell, R. J. R.
Cardwell, rt. hon. E.
Cavendish, hon. W.
Cayley, E. S.
Cholmeley, Sir J. M.
Clay, J.
Clifford, C. C.
Clinton, Lord R.
Clive, G.
Codrington, Gen.
Cogan, W. H. F.
Colebrooke, Sir T. E.
Collier, R. P.
Coningham, W.
Conyngham, Lord F.
Cowper, rt. hon. W. F.
Coote, Sir C. H.
Cotterell, Sir H. G.
Cowan, C.
Cox, W.
Craufurd, E. H. J.
Crawford, R. W.
Crook, J.
Crossley, F.
Cubitt, Mr. Ald.
Dalglish, R.
Davey, R.
Davie, Sir H. R. F.
Dent, J. D.
De Vere, S. E.
Dillwyn, L. L.
Disraeli, rt. hon. B.
Divett, E.
Dodson, J. G.
Duff, Major L. D. G.
Dunbar, Sir W.
Duncan, Visct.
Duncombe, T.
Dundas, F.
Dunkellin, Lord
Dunlop, A. M.
Ebrington, Viscount
Elcho, Lord
Ellice, E.
Elliot, hon. J. E.
Elphinstone, Sir J.
Esmonde, J.
Evans, T. W.
Ewart, W.
Ewart, J. C.
Ewing, H. E. C.
Fenwick, H.
Fergus, J.
Ferguson, Col.
Ferguson, Sir R.
Finlay, A. S.
FitzGerald, rt. hon. J. D.
Fitzwilliam, hon. C. W.
Foley, J. H.
Foley, H. J. W.
Foljambe, F. J. S.
Forster, C.
Foster, W. O.
Fortescue, hon. F. D.
Fortescue, C. S.
Fox, W. J.
Freestun, Col.
Garnett, W. J.
Gaskell, J. M.
Gavin, Major
Gibson, rt. hon. T. M.
Gifford, Earl of
Gilpin, C.
Glyn, G. C.
Glyn, G. G.
Goderich, Visct.
Graham, rt. hon. Sir J.
Greene, J.
Grenfell, C. P.
Grenfell, C. W.
Gray, Capt.
Grey, rt. hon. Sir G.
Grey, R. W.
Griffith, C. D.
Gurdon, B.
Gurney, J. H.
Gurney, S.
Hall, rt. hon. Sir B.
Hamilton, Capt.
Hanbury, R.
Handley, J.
Hankey, T.
Hanmer, Sir J.
Hardcastle, J. A.
Harris, J. D.
Hatchell, J.
Hay, Lord J.
Headlam, T. E.
Heneage, G. F.
Henniker, Lord
Herbert, rt. hon. S.
Hodgson, K. D.
Holland, E.
Hope, A. J. B. B.
Horsman, rt. hon. E.
Howard, hon. C. W. G.
Hudson, G.
Hutt, W.
Ingham, R.
Ingram, H.
Jermyn, Earl
Jervoise, Sir J. C.
Johnstone, Sir J.
Keating, Sir H. S.
Kelly, Sir F.
Ker, R.
Kershaw, J.
King, hon. P. J. L.
Kinglake, A. W.
Kinglake, J. A.
Kingscote, R. N. F.
Kinnaird, hon. A. F.
Kirk, W.
Knatchbull-Hugessen, E
Labouchere, rt. hon. H.
Langston, J. H.
Langton, H. G.
Laurie, J.
Lennox, Lord H. G.
Levinge, Sir R.
Lewis, rt. hon. Sir G. O.
Liddell, hon. H. G.
Locke, J.
Lowe, rt. hon. R.
Luce, T.
Macarthy, A.
Mackinnon, W. A.
Maguire, J. F.
Mangles, R. D.
Mangles, C. E.
Marjoribanks, D. C.
Marsh, M. H.
Marshall, W.
Martin, C. W.
Martin, P. W.
Martin, J.
Massey, W. N.
Matheson, A.
Matheson, Sir J.
Melgund, Visct.
Mellor, J.
Mills, T.
Milnes, R. M.
Mitchell, T. A.
Moffatt, G.
Monsell, rt. hon. W.
Morris, D.
Napier, Sir C.
Nicoll, D.
Norreys, Sir D. J.
Norris, J. T.
North, F.
O'Brien, P.
O'Connell, Capt. D.
O'Donaghoe, The
Ogilvy, Sir J.
Osborne, R.
Paget, C.
Paget, Lord A.
Paget, Lord C.
Pakington, rt. hn. Sir J.
Palmerston, Visct.
Pease, H.
Pechell, Sir G. B.
Perry, Sir T. E.
Philips, R. N.
Pilkington, J.
Pinney, Col.
Portman, hon. W. H. B.
Price, W. P.
Pryse, E. L.
Proby, hon. G. L.
Pugh, D.
Puller, C. W.
Ramsden, Sir J. W.
Ramsay, Sir A.
Rawlinson, Sir H. C.
Raynham, Visct.
Ricardo, O.
Rich, H.
Ridley, G.

Mr. Walpole

Robartes, T. J. A.
Roebuck, J. A.
Roupell, W.
Russell, Lord J.
Russell, H.
Russell, A.
Salisbury, E. G.
Schneider, H. W.
Scholefield, W.
Scrope, G. P.
Seymour, H. D.
Shafto, R. D.
Shelley, Sir J. V.
Sheridan, H. B.
Smith, J. B.
Smith, M. T.
Smith, rt. hon. R. V.
Smith, A.
Smith, Sir F.
Smyth, Col.
Somerville, rt.hn. Sir W.
Stapleton, J.
Steel, J.
Stuart, Lord J.
Stuart, Col.
Sullivan, M.
Sykes, Col. W. H.
Talbot, C. R. M.
Tancred, H. W.
Thompson, Gen.
Thornely, T.
Thornhill, W. P.
Tite, W.
Tollemache, hon. F. J.
Townsend, J.
Traill, G.
Trelawny, Sir J. S.
Trueman, C.
Turner, J. A.
Tynte, Col. K.
Vane, Lord H.
Verney, Sir H.
Villiers, rt. hon. C. P.
Vivian, H. H.
Waldron, L.
Weguelin, T. M.
Western, S.
Westhead, J. P. B.
Whatman, J.
Whitbread, S.
White, J.
Wickham, H. W.
Willcox, B. M'G.
Williams, M.
Williams, W.
Williams, Sir W. F.
Willyams, E. W. B.
Wilson, J.
Winnington, Sir T. E.
Wise, J. A.
Wood, rt. hon. Sir C.
Wood, W.
Woods, H.
Worsley, Lord
Wrightson, W. B.
Wyld, J.
Young, A. W.

TELLERS.

Hayter, Sir W. G.
Smith, J. A.

List of the NOES.

Adams, W. H.
Adderley, rt. hon. C. B.
Annesley, hon. H.
Archdall, Capt. M.
Baillie, H. J.
Barrow, W. H.
Bathurst, A. A.
Beach, W. W. B.
Bennet, P.
Bentinck, G. W. P.
Beresford, rt. hon. W.
Blackburn, P.
Boldero, Col.
Bramley-Moore, J.
Bramston, T. W.
Bridges, Sir B. W.
Burghley, Lord
Cairns, Sir H. M'C.
Carden, Sir R. W.
Cartwright, H.
Child, S.
Churchill, Lord A. S.
Clark, J. J.
Clive, hon. R. W.
Close, M. C.
Cobbett, J. M.
Cobbold, J. C.
Codrington, Sir W.
Cole, hon. H. A.
Collins, T.
Conolly, T.
Corry, rt. hon. H. L.
Curzon, Visct.
Dobbs, W. C.
Drummond, H.
Du Cane, C.
Duncombe, hon. A.
Duncombe, hon. Col.
Dundas, G.
Du Pre, C. G.
East, Sir J. B.
Edwards, H.
Egerton, Sir P. G.
Egerton, W. T.
Egerton, E. C.
Ellis, hon. L. A.
Elmley, Visct.
Estcourt, rt. hon. T. H.
Farnham, E. B.
Farquhar Sir M.
Fellowes, E.
Forde, Col.
Forester, rt. hon. Col.
Fraser, Sir W. A.
Gard, R. S.
Goddard, A. L.
Grogan, E.
Hamilton, G. A.
Hamilton, J. H.
Hardy, G.
Hayes, Sir E.
Henley, rt. hon. J. W.
Hill, Lord E.
Hill, hon. R. C.
Hodgson, W. N.
Holford, R. S.
Hotham, Lord
Hume, W. W. F.
Ingestre, Viscount
Inglis, J.
Johnstone, hon. H. B.
Jolliffe, Sir W. G. H
Jolliffe, H. H.
King, J. K.
Knatchbull, W. F.
Knight, F. W.
Knightley, R.
Knox, Col.
Langton, W. G.
Legh, G. C.
Lincoln, Earl of
Lockhart, A. E.
Long, W.
Lopes, Sir M.
Lovaine, Lord
Lygon, hon. F.
Mackie, J.
M'Clintock, J.
Mainwaring, T.
Manners, Lord J.
Maxwell, hon. Col.
Miller, T. J.
Miller, S. B.
Montgomery, Sir G.
Moody, C. A.
Mowbray, J. R.
Naas, Lord
Neeld, J.
Nisbet, R. P.
Noel, hon. G. J.
North, Col.
Ossulston, Lord
Packe, C. W.
Pakenham, Col.
Palk, L.
Palmer, R.
Peel, rt. hon. Gen.
Pevensey, Visct.
Repton, G. W. J.
Robertson, P. F.
Rolt, J.
Rust, J.
Sandon, Visct.
Sclater-Booth, G.
Scott, hon. F.
Shirley, E. P.
Somerset, Col.
Spooner, R.
Stanhope, J. B.
Stephenson, R.
Steuart, A.
Stewart, Sir M. R. S.
Sturt, H. G.
Sturt, N.
Taylor, Col.
Taylor, S. W.
Tempest, Lord A. V.
Tollemache, J.
Trefusis, hon. C. H. R.
Vance, J.
Vansittart, G. H.
Vansittart, W.
Verner, Sir W.
Waddington, H. S.
Walpole, rt. hon. S. H.
Walsh, Sir J.
Welby, W. E.
Whiteside, rt. hon. J.
Williams, Col.
Woodd, B. T.
Wyndham, Gen.
Wynn, Col.
Wynne, W. W. E.
Yorke, hon. E. T.

TELLERS.

Newdegate, C. N.
Wigram, L. T.

MR. WIGRAM proposed to leave out Clause 6.

LORD JOHN RUSSELL said, that the object of the 6th clause was to enable a Jew to be appointed to any municipal office or office in the gift of the Crown, by omitting from the declaration required to be taken previous to entering upon the same the words, "on the true faith of a Christian," as was done by an Act of Parliament passed in the 9th year of *George* IV. with respect to the office of Sheriff of London and Middlesex.

Question, "That Clause 6 stand part of the Bill," put, and *agreed to*.

Bill to be read 3° on *Monday*, April 12.

CONSULAR SERVICE.

COMMITTEE MOVED FOR.

MR. SEYMOUR FITZGERALD said, he rose to move for the appointment of a Select Committee to inquire into the Consular Service and Consular Appointments. The subject was of great importance, for it affected a large class of most important public servants. There were about 600 gentlemen employed in the Consular Ser-

vice, the amount of public money received by them being about £150,000 a year; in addition to which, they received fees amounting in the aggregate to nearly £30,000 a year. They performed not only most important commercial, but also political services, in every part of the world in which there was British commerce. Their office had for several years engaged the serious attention of Parliament, and he believed it was the intention of her Majesty's late Government to have proposed in the present Session an inquiry similar to that for which he now asked. A mass of most valuable evidence on this subject had been collected by the late Government, and the present Government deemed it their duty to propose at once the appointment of a Committee, in order that that evidence might be submitted to the House, for the purpose of being thoroughly sifted, and that every possible additional information on the subject might be laid before the Committee. The Government did not intend to lay before that Committee any plan of their own; their only object being to elicit, to the utmost of their power, the truth, by the appointment of a number of gentlemen from both sides of the House, without reference to party, to consider the whole subject, with the view of a measure being submitted to the House at the earliest moment possible. One of the most important questions to which the Committee would have to direct their attention was the system under which the consular service was now carried on. The House was well aware that that system was entirely different from that pursued by the Continental States, and especially by France. No particular training was at present required as a qualification for our consular service. He admitted that many of our consuls had performed most ably their commercial and political duties; but it could not be denied that in many instances our consuls had discharged their functions very unsatisfactorily. In some instances the duties of our consuls were commercial and political, and in others also of a judicial character. Akin to this was the question of promotion, and whether it might not be desirable to hold out to those who were engaged in the consular service a hope, if they satisfactorily discharged their duty in a subordinate capacity, that they should find their reward in promotion. Another important point for the Committee to inquire into was with respect to the present mode of payment.

Mr. Seymour FitzGerald

In some cases the amount of salary appeared to be comparatively small, but a large sum might be obtained, perhaps, in the shape of fees. One case had been pointed out, in which the salary was only £200 a year, while the fees amounted to upwards of £1,800. There were other instances, of an opposite character, in which the salary was very large and the fees were very small. It was important to inquire, therefore, whether a more uniform and settled system might not be adopted. Under the present plan, the imputation was often thrown out, that consuls, by a multiplication of forms, obtained a multiplication of fees. That imputation might not be true, but it was not one which ought to rest on so important a service. Another question was as to how far consular agents should be permitted to engage in trade. There were other points also, of great importance, which might well be inquired into by the Committee, but those which he had mentioned would suffice to show that the subject was an extensive one which they would be called upon to investigate. The present Government had lost no time in directing their attention to the matter. Their object was to obtain the best information, at the earliest possible moment; and, when that information should be obtained, it would be their wish to deal with the subject in the most liberal and comprehensive spirit. He moved that a Select Committee be appointed, to inquire into the Consular Service and Consular Appointments.

Viscount PALMERSTON said that the late Government had been almost pledged if they remained in office to deal with this subject in the present Session, and with that view a great number of returns affording information had been moved for. He would not state his opinion upon the various points to which the hon. and learned Member had just adverted; but there could be no doubt that they were of great importance. The consular service was of immense advantage to the country, and, in some cases, of absolute necessity; but a great deal of doubt had arisen in the public mind with respect to the details of the system. It was quite proper, therefore, that a sifting inquiry should take place, and that the Committee should consider on what terms the service should in future be carried on. He was glad that the hon. Member had thus early fulfilled the pledge which the late Government had given.

MR. WISE said he wished to express his thanks to the hon. and learned Gentleman the Under Secretary for Foreign Affairs for having so speedily taken up this question and brought it into a shape which would lead to its immediate consideration. He hoped the inquiry would be a real one, however, and that it would lead to justice being done both to the country and the consuls. Before the Committee no doubt there would be a full opportunity of looking into the whole question of patronage, promotion, and the future regulation of the service.

MR. ESMONDE complained that there was not a single Irish Member on either this Committee or on another which was to be moved that night.

MR. J. C. EWART said that, as the representative of an important commercial community, he also wished to convey his thanks to the hon. Member for having brought forward the subject. It called loudly for inquiry, and he was sure that the result of the Committee would be of great service to the country.

MR. WHITE said, that having travelled in various parts of the world, he could bear testimony to the absolute necessity that there was for an inquiry into the state of the consular service. Many years ago public attention had been directed to it by the present Chancellor of the Exchequer in a speech that was replete with information, but nothing had been done from that time to the present. Lord Carlisle stated in his *Diary in Greek Waters* that the ladies of the Levant accounted for the eccentricities of English consuls by the theory that as soon as a man was nominated a British consul he went mad. He would not go quite so far as that; but he was sure that he could state facts to the House of the doings of British consuls to which the House could scarcely give credence. Great credit was due to the Government for having evinced an early desire to grapple with the question.

Motion *agreed to.*

Select Committee *appointed* "to inquire into the Consular Service and Consular Appointments."

COLONISATION (INDIA).

NOMINATION OF COMMITTEE.

MR. W. EWART moved to nominate the Select Committee on Colonisation and Settlement in India.

MR. ESMONDE said, he must repeat his complaint that Irish Members were excluded from important Committees affecting the interests of the empire at large. It was not his intention to offer factious opposition, and therefore he would content himself with asking whether it was fair that Ireland should not be represented on such important Committees as that on the Consular Service and on East India Colonisation?

MR. P. O'BRIEN thought that greater attention ought to be given to the constitution of Committees. A noble Lord opposite had given notice of a Motion on the constitution of Committees on private Bills, and he hoped the attention of Parliament would be directed to the subject so as to apply a remedy.

THE CHANCELLOR OF THE EXCHEQUER said, he could assure the hon. Member that there had been no intentional exclusion of Irish Members. Whenever he struck a Committee he always endeavoured to avail himself of the services of Irish Members, not out of courtesy to them, but because they generally brought an amount of talent and zeal to bear upon the questions submitted to them which was of great public value. At the same time he thought a rigid adherence to a rule, that upon every Committee the three great divisions of the empire should be represented would prove very inconvenient. Occasions sometimes arose in which, from the special nature of the subject to be considered, it might be desirable to appoint English Members instead of Irish or Scotch Members. The object of forming a Committee was to get the best available talent, and, under those circumstances, the representatives of Ireland might be sure they would not be overlooked or excluded. In the present case the complaint of the hon. Gentleman was hardly well-founded, because upon one Committee there was the name of the noble Lord the Member for Tyrone (Lord C. Hamilton), although the appearance of the names for the Consular Committee was an inadvertence, it not being intended to move them at present. Upon the other Committee there was the name of the hon. and gallant Member for Dublin county (Colonel Taylor), so that it was not quite the case that Ireland was totally unrepresented.

After a few words of explanation from MR. ESMONDE,

MR. BAILLIE said, he had endeavoured to induce the hon. Member for Dublin to serve on the Indian Colonisation Committee, but that hon. Gentleman's engage-

ments could not permit him to accede to the request.

Mr. BRADY observed that, as there were complaints that Roman Catholic priests in India were not quite fairly treated, it was most improper that there should be no Irish Member upon the Committee.

Mr. W. EWART said, he had endeavoured to get a good working Committee, but if it should be possible to add the name of any Irish Member, an application should be made to the House upon a future occasion to permit such addition.

Motion *agreed to.*

Select Committee on Colonisation (India) *nominated* :—

Mr. William Ewart, Mr. Baillie, Mr. Campbell, Mr. Gregson, Mr. Kinnaird, Mr. Knight, Mr. Lowe, Mr. Lygon, Mr. Mangles, Sir Erskine Perry, Mr. Seymour, Mr. John Benjamin Smith, Mr. William Vansittart, Mr. Villiers, and Mr. Willoughby.

Power to send for persons, papers, and records; Five to be the quorum.

THE BILLETING SYSTEM.

COMMITTEE MOVED FOR.

General PEEL said, he wished to move for a Select Committee to inquire into the operation of the present system for the billeting of troops, and to report whether any, and, if any, what modifications and improvements might be made therein. It was not intended at present to propose any names; and if any Irish Member would volunteer to serve on the Committee, he would be glad to have the benefit of his assistance. He had proposed the appointment of the Committee on account of the numerous representations which he had received of the hardships arising from the present system of billeting. He should endeavour to select a fair Committee, who would fully consider the subject and do justice to all parties.

Mr. COWAN said, he was anxious to offer his cordial thanks to the gallant General for the courteous attention which he had paid to the representations of a deputation which had waited upon him, and he hoped the Committee would result in a mitigation at least of the evils of the existing system.

Motion *agreed to.*

Select Committee *appointed*,—

"To inquire into the operation of the present system for the Billeting of Troops, and to report whether any, and, if any, what modifications and improvements might be made therein."

House adjourned at One o'clock.

Mr. Baillie

HOUSE OF LORDS,

Tuesday, March 23, 1858.

Minutes.] Public Bills.—1ª Transfer of Real Estate.

2ª Transfer of Land; Tenants for Life, Trustees, &c.; Consolidated Fund (£10,000,000); Consolidated Fund (£500,000); General Board of Health (Skipton, &c.); Cambridge University Matriculation and Degrees; Mutiny.

3ª Bishops' Trusts Substitution; Militia Act Continuance.

ENLISTMENT OF AFRICANS FOR SERVICE IN INDIA.—OBSERVATIONS.

The Earl of ELLENBOROUGH: My Lords, I much regret I had left the House when my noble and learned Friend opposite (Lord Brougham) put a question last evening to my noble Friend the Under Secretary for War with respect to a plan which my noble and learned Friend supposed was about to be carried into execution for recruiting for the Indian service on the Western coast of Africa. I will explain to him exactly how the matter stands. It is quite true that a plan was entertained for enlisting on the Western coast of Africa a class of men called Kroomen, many of whom at present form, and for more than fifty years have formed, part of the crews of her Majesty's ships, and of all merchant vessels on that coast; and so little is this done in the dark that the pay of these Kroomen has been included in all the Naval Estimates published for a great number of years. There is therefore no deceit or concealment about the matter. I will tell my noble and learned Friend why I entertained this proposal. I wish to save the lives of English soldiers, and to increase the efficiency of the English army in India. I am also desirous of enabling the Indian Government to send the naval brigade to China, where its services are much wanted at present. My noble and learned Friend knows very well the position in which the Indian Army now stands. Formerly we had the assistance of a large force of Native soldiers, who did duty under exposure to the sun; while the European troops were kept under cover, ready to fight, indeed, whenever that was necessary, but subjected to none of the inconveniences and dangers of the climate which could possibly be avoided. During the last year, unfortunately, we have had reason to distrust the Native soldiers, who cannot now be relied upon in the same degree as before. One of the greatest dangers which pressed upon us arose from

the circumstance that the Native army was altogether uniform in its formation, and in case of mutiny was likely to act in a body. Hence it is desirable, if possible, so to compose the army in future as to destroy that uniformity, and to give less cohesion to its different parts, in order to render combination in mutiny more difficult. With these views I thought it most desirable to obtain the assistance of these Kroomen for service in India. Hitherto they have done good service in Her Majesty's ships, and I think that at the mouths of the Ganges and the Irrawaddy, they would now perform more useful service than they render at the mouths of rivers on the coast of Africa. I understand they are most excellent seamen indeed. They average five feet nine inches in height; they eat nothing but rice, which is particularly convenient in Bengal; they have very small pay; and at the end of their service they do not care to receive money, but are ready to accept payment in commodities, taking muskets, ammunition, and goods, and going away perfectly satisfied. They can be most useful in war, being dead shots, and they can hit at the extreme limit to which a musket will carry. I was therefore desirous of employing them, and, as they possess all these qualities, I believe they would turn out most useful as light troops in front of an army. But we wanted to employ them in the first instance on rivers by way of experiment, to see whether they were capable of performing that duty. Unfortunately, it was found that this could not be done without an alteration in the terms of the Mutiny Act. The moment I understood this I wrote to my hon. and gallant Friend at the head of the War Department, The third reading of the Mutiny Bill stood for Monday, and I requested that the necessary alteration should be made in it. It seems, however, that according to the usual practice no alteration except a technical one can be made on the third reading of a measure; and the plan could not therefore be carried out. As soon as I became aware of this fact I wrote to the Chairman of the Court of Directors on the subject.

LORD BROUGHAM, after observing upon the strange kind of non-intercourse that seemed to exist among the different Departments of the Government, said, he had put his question last night in his noble Friend's absence, because he understood that the gallant Officers who were to be employed on this service on the coast of Africa were to leave town that morning. [The Earl of ELLENBOROUGH: Just so; they were obliged to do so, because the mail goes to-night.] It was stated last night by the noble Lord the Under Secretary for War (Viscount Hardinge) that there was no foundation whatever for the rumour. Now, however, it appeared that such a plan had been thoroughly matured, and had since been abandoned, owing to an unforeseen difficulty. Although he did not doubt that some measures might be devised for obtaining the valuable services of well-trained and disciplined negroes in our Indian regiments, yet he could not but regard with the greatest suspicion any such operations if performed upon the coast of Africa, even with respect to Kroomen; because, unless it were intended to raise troops upon a considerable scale; as, for instance, four or five regiments, he did not see what effectual aid it would be to the Government of India; and if they did so intend, he knew that as Kroomen could not possibly be so raised, the inevitable consequences must be to run counter to the Resolution which had been agreed to unanimously by their Lordships upon the 17th of July last, in an Address to Her Majesty. That Address, which he had the honour of moving, prayed Her Majesty to use her best endeavours to prevent all operations upon the coast of Africa connected with the emigration of what were called "free negroes," and all operations which had a tendency directly or indirectly to promote the African slave-trade by encouraging the purchase—and liberation he would admit in this case—of negroes either captured in war or otherwise obtained. Now, he was perfectly convinced that, unless the greatest possible precaution were adopted, the plan suggested by the noble Earl would end in enlisting, not merely Kroomen, but in taking "free negroes" — which meant captives ransomed or slaves purchased, and only freed, or pretended to be made free, after being so obtained. He confessed that he was exceedingly gratified that, from whatever cause it might have arisen, the scheme of the noble Earl had been for the present delayed.

THE EARL OF DERBY: I must protest against the doctrine laid down by the noble and learned Lord, that because this country is determined to put an end to everything which should not only have the reality, but the appearance of sending out negroes from Africa, whose liberation might be effected by very doubtful measures, and thereby practically encourage the slave

trade, we are thereby precluded from availing ourselves of the military and naval services of men who for many years have been employed, without difficulty or objection, in our naval service. Although it is perfectly true that there is only a small portion of Africa where the people are in a state of freedom, yet there is no doubt that the Kroomen do form an exception to the general rule—that they are perfectly free, and perfectly able to dispose of their own services, perfectly aware of their value, and perfectly ready to enter our service, where they have constantly, regularly, and usefully served. I am quite sure that there is no cause for apprehension that in recruiting for them we are likely to lead to a renewal of the slave trade.

THE TRANSFER OF LAND BILL, AND TENANTS FOR LIFE, TRUSTEES, &c., BILL.

LORD CRANWORTH, in moving the second reading of the first of these Bills said, that it must be considered in some degree as the result of proceedings which had been commmenced in their Lordships' House so far back as 1846. Immediately after the abolition of the Corn Laws, a Select Committee was appointed to inquire into the burdens affecting landed property; and that Committee reported that the value of land was seriously decreased by the expense attendant upon its transfer, and they recommended the adoption of a system of registration of title as being essential to any attempt at simplifying the conveyance of real estate. In the year 1847 a Royal Commission was issued, directed to several persons of great eminence, among whom were the late Lord Langdale, the late Lord Beaumont, Mr. Bellenden Kerr, and other conveyancers, and a few solicitors; and that Commission, in its Report, in the year 1850, recommended the establishment of a system of general registration of deeds relating to the transfer of real property. The subject continued to occupy the attention of both Houses of Parliament; but no result had as yet been arrived at. In the year 1853, soon after he had the honour of receiving the Great Seal, he felt it to be his duty to bring in a Bill to give effect to the recommendation of that Commission, and after considerable discussion and opposition that Bill passed through their Lordships' House; but it was not equally fortunate in the House of Commons, by whom it was referred to a Select Committee, who recommended a new Commission to inquire into the possibility of establishing a system of registration of title as distinguished from the registration of deeds. That Commission was issued to Gentlemen of great eminence, including among their number the right hon. Gentleman the present Secretary of State for the Home Department, and the subject was considered with great attention, and in May last year the Commission issued a report which recommended an elaborate system of registration, having for its object to convert the whole system at present in use for the transfer of real estate into a system bearing a close analogy to that by which shares in public companies, such as railway shares, were transferred. He felt it to be his duty to consider that Report with the utmost attention, and he confessed that the result had been that he had come to the conclusion that such a course would not be safe or prudent, even if it were practicable, which he very much questioned. He then felt it to be his duty to endeavour to provide any substitute which might effect the object sought for by that Commission, and he therefore caused to be prepared the two Bills at present before their Lordships for a second reading, (the Transfer of Law Bill, and the Tenant for Life, Trustees, &c., Bill.) He felt considerable difficulty in making himself accurately understood, as he was not addressing an assemblage of lawyers; but he would endeavour, as shortly and in as popular a form as possible, to state what were the evils which existed, and how the Bill proposed to remedy them. The great evil which existed was the great expense which attended dealing with land either by way of sale or mortgage, and it would be a great benefit to the landholder if a cheap and expeditious mode could be devised for conveying real estate. At present, if a man wished to purchase an estate he was provided with an abstract of title, and that had to be laid before counsel, to advise upon the validity of the title, and if that were found good the conveyance was prepared. The whole process was very tedious and expensive. Under the present system of transfer the purchaser regarded the probable expense of the conveyance as part of the cost of the property. If the expense of investigating the title occurred once for all, the evil of the present system might be tolerable;" but the misfortune was that as soon as the purchaser who had obtained his costly conveyance wished to sell or mortgage the estate the proposed purchaser or mortgagee naturally enough said, "I must have the title looked to by my

lawyer," for no prudent purchaser or mortgagee would depend upon the assurance of any conveyancer who might have investigated the title on behalf of the vendor or mortgagor. And that costly process of investigating the title was repeated every time that the estate was sold or mortgaged. He proposed to remedy the evil by an enactment that would prevent the necessity of any further investigation of the title for at least a considerable number of years. He believed that the course he was about to propose was pursued in some of the countries of Europe on the sale of land. That course, which was a very natural one, was as follows:—When a person wished to sell his land he might say that the sale should be conducted not by himself or his agents, but through the instrumentality of a court of justice, which should investigate whether his title was good. If the title were found to be good, the Court gave a conveyance, which in point of validity was equal to what we knew under the name of a "Parliamentary" title. The very sanction given by the Court stamped the title to the land as good to all intents and purposes. No person could doubt the great advantage of that course. An objection might be raised that the interests of third parties not before the Court either as seller or purchaser, might be prejudiced by its adoption; but the chance of any prejudice to them was so infinitesimally small that he thought that for the sake of the great advantages of the proposed course there should be no fear of running the risk of prejudicing those interests. An outcry, he knew, might be made against his proposal to effect sales by the machinery of the Court of Chancery; but he did not propose that anything like a suit in Chancery should be commenced. All that he proposed was, that if a person wished to sell his estate he might (for this was not a cumpulsory, but merely an enabling Bill) present a short petition to the Court of Chancery, praying that his estate might be sold through the medium of the Court. The purchaser would pay his money into court, and the title would be investigated by the conveyancing counsel of the Court, just as was now done in the case of sales directed by the Court of Chancery. It might be said that the purchaser would be less alive in discovering objections to the title if he knew that the Court was about to give him an unimpeachable title; but that objection was rather technical than real. What reason was there to suppose that there would be less vigilance on the part of the counsel of the Court of Chancery than any other counsel? Sales of land had been effected by the Court for very many years, and perhaps not oftener than once in twenty years did any error occur on the part of those who had been directed by the Court to investigate the titles to estates sold under its sanction. But the plan that he proposed would increase rather than diminish the security against error in the investigation of titles; because he proposed that whenever a sale should take place under the Bill, notice of the sale should be inserted in the newspaper published in the locality of the property intended to be sold. That notice would warn all persons who had adverse claims to the vendor to bring their claims before the Court; which, if it should think proper, would have the power of ordering their costs to be paid by the vendor. The Lord Chancellor would be empowered by the Bill to frame, with the assistance of other Judges, rules to secure the rights of all parties; and among other rules, one, that the vendor and purchaser, and also their respective solicitors, should make affidavits stating that everything they knew about the title of the property had been disclosed, and that they had no reason to believe or suspect that any deficiency in the title had not been made known. And when to this course was added that prescribed by one of the Bills of his noble and learned Friend opposite (Lord St. Leonards) which would make it a misdemeanour to attempt to impose upon persons by concealing, upon the sale of property, anything that affected that property, he thought we should have greater security than we ever had against frauds upon the transfer of property. With the example of the Incumbered Estates Court in Ireland, it would be a reproach to this country if they longer suffered the law of real property to remain in its present state. Property to the amount of many millions had changed hands, and in no case had there been any complaint as to title. Some auctioneers had stated that the adoption of the plan of transfer proposed by this Bill would have the effect of increasing the value of estates to the extent of two years' rent thereof.

He would now proceed, with the permission of their Lordships, briefly to describe the provisions of the second measure which stood in his name—the Tenants for Life, Trustees, &c., Bill. Its main object was to get rid of a great deal of the prolixity with which many estates were at present

incumbered. It had often been attempted to accomplish this end by giving forms of conveyances; but the endeavour had always failed, from a variety of causes, into which he need not enter; but he thought it probable all similar attempts would fail, because it was impossible to provide forms which might in all cases be safely and properly acted upon. Under the present system there were introduced into all ordinary deeds a vast number of clauses relating to tenants for life, which he proposed to render unnecessary by making the powers which they were intended to confer incidents in law to the estate. Until two years ago, upon a marriage settlement, for example, a tenant for life had no power, independently of any special power that might be given to him, to lease, except for his own life. That power had since been materially extended, and in most well-drawn settled estates the tenant for life had powers to lease upon building leases. He merely proposed an extension of that principle; and, in place of introducing a multitude of clauses in every deed to confer those powers, to make them incidents to the estate of every tenant for life, unless the instrument which created the tenancy for life excluded them. He did not propose to make the power of sale incident to the estate of a tenant for life; but he thought if the settlement gave the power of sale or exchange, that all that mass of matter which was usually inserted for the purpose of conferring it might be omitted, and that the power might be considered as an incident of the estate. So, also, with respect to mortgages. Conveyancing deeds of that description were very complicated and prolix instruments, and contained a great number of powers which he proposed to make mere incidents of the estate of a mortgagee. The Bill included also a similar provision with respect to the mode in which the ordinary trust funds of a personal estate were to be invested. He purposely abstained from going into the minute details of the measure, because they would be readily ascertained from a perusal of the Bill itself; but if their Lordships did refer to the measure, he begged particularly that they would look over the appendixes, in which he had given specimens from the best conveyancing authorities; and the parts which might be omitted, if the Bill passed, he had had printed in italics.

Moved, That the Bill be now read 2ª.

LORD ST. LEONARDS regretted that his noble and learned Friend had not confined himself to proposing one Bill at a time, because it was difficult to discuss the merits of two distinct and independent measures at the same moment. He was sure, however, that they owed a debt of gratitude to any one who brought forward a well-considered plan for effecting an amendment in an important branch of the law, and they must all agree that the first measure, which was intended to facilitate the sale and transfer of land, was one which demanded their most serious consideration. The main object of that Bill was to establish a tribunal which should give a warranty of title as against all comers, and it appeared to be founded upon the measure which had established the Incumbered Estates Courts in Ireland. It must be remembered, however, that the circumstances of the two countries, which were supposed to call for these respective measures, were entirely different. In the case of Ireland, where estates were so desperately encumbered that it was impossible to effect a sale of them, the Act which instituted those courts was, no doubt, a very wise one; but whether we were to have these courts in England, where no such difficulties existed, and where the only object was to obtain a tribunal that should give a warranty of title, was a very different question. Estates were not so encumbered in England that it was impossible to make a sale of them, there was no such difficulty, but the difficulty with which they had to cope, and for which they had to provide a remedy, was the complication of title arising out of the rights which all men reserved over their property. The question was, could a tribunal be established to carry out the sale of land by giving a Parliamentary title, and what was to be the nature of that tribunal? His noble and learned Friend suggested the Court of Chancery, but if this extra amount of work were thrown on the Court of Chancery its energies would be paralyzed. The business now was quite as much as it could get through, and if it were called on to discharge any additional duties the machinery which had been established in 1852 with so much labour and expense would be destroyed. If the chief clerks were examined, they would, he believed, one and all declare that their present work was quite as much as they could do, and that it was perfectly impossible for them to undertake this duty without throwing the whole course of business into confusion. The equity Judges, too, he was sure, would tell

their Lordships that it was impossible to give more time to chamber business. Would the legal profession endure to see the whole conveyancing business of the country made the monopoly of half-a-dozen gentlemen? For the six barristers appointed as counsel of the Court would monopolize the whole business of the country. His noble and learned Friend was always for throwing new duties on the Court of Chancery, and it was with great difficulty that that Court had been saved last year from the divorce and matrimonial business. Clearly, however, the Court of Chancery would not do in this instance. Were their Lordships prepared, then, to establish an entirely new tribunal? If that were done it was not necessary to import into it all the expensive machinery of the Court of Chancery. If a judicial body is to decide upon the validity of men's titles so as to bind the whole world, there is no reason why they should establish an auction mart and become great estates agents: their certificate of title would answer all the purposes contemplated, and the owners of the estates could then manage their sales in their own way. His noble and learned Friend argued that these sales could be effected quite as efficiently by a court of justice as in the ordinary manner; but it was absurd to think that a public functionary, who had no interest either one way or another, would exercise the same caution and vigilance as the parties themselves. Titles would not be one-half so well sifted and examined by such a tribunal as they were now. In a recent discussion upon a Bill which he had introduced for facilitating the transfer of land, his noble and learned Friend (Lord Cranworth) put the case of a noble peer selling an estate which was in settlement, having three daughters and no son by his first wife, and subsequently, by a second marriage, having a son more than twenty years after the sale. Now, in all probability, the settlement which was forgotton he supposed did not provide for the sons of the second marriage, and if it did, was no doubt void against a purchaser, for as a settlement upon the second marriage it would be a voluntary one, and void by statute against a purchaser. But how could such a case happen. Noble lords of great estates do not forget settlements made upon their marriage, and although there was no son, there were daughters, for whom, no doubt, portions were provided through trustees, so that the settlement must have been brought to the noble Earl's recollection. Besides, on the second marriage, of course, the settlement on the first marriage would be called for, and then the supposed mistake would have been apparent. The second wife's friends would not have allowed the provision for her and her issue to remain upon an estate sold by her intended husband many years previously, and still in the possession of the purchaser. He could not see across the House whether his noble and learned Friend blushed, but no doubt he did when he attacked his (Lord St. Leonard's) mild Bill, and advocated his own sweeping measure. By his Bill persons born within twenty years, or any person entitled to sue for them, might protect their rights by application to the Court of Chancery; whereas, by this Bill, from the moment of the sale being authorized by the Court of Chancery the claim of such persons would be totally excluded, without any reservation of twenty years, or of any time whatever. The only object of the Bill which he had submitted to their Lordships was to facilitate the transfer of land, by saving expense, by removing obstacles in the way of titles, by enabling safe purchases to be made, and by such alterations of the law as would afford no reasonable ground of objection without any of the violent changes which this Bill would necessitate.

LORD CAMPBELL advised their Lordships to accede to the second reading upon the understanding that the Bill should be referred to a Select Committee. If the operation of the measure were a purely speculative question, he should entertain very great doubts on the subject; but they were proceeding on the safe ground of experience. There was, however, a great distinction between the powers of the Incumbered Estates Court and the powers sought by this measure. Incumbered property was compulsorily brought into the Incumbered Estates Court and forced to a sale, by which he feared, in a great many instances, injustice had been done. But his noble and learned Friend proposed to give a voluntary power to the owner in fee simple, who was about to sell an estate, to sell it through this medium, by which he would greatly benefit himself, and probably the purchaser. With great deference to the noble and learned Lord (Lord St. Leonards), almost all the objections which he had urged might be disposed of in a Select Committee. They might there decide whether any assistance would be required by the Court of Chancery, and if so, what

assistance should be given. The only objection to the principle of the Bill was the danger of doing wrong to third parties, because a Parliamentary title would exclude all who had not come in and made their claim. With regard to the Act establishing the Incumbered Estates Court in Ireland, it was first taken up by Sir Robert Peel, at the suggestion, very likely, of his noble and learned Friend (Lord St. Leonards), and was cordially adopted by the Government of which he had the honour to be a member. He had the credit of that measure, and he had encountered difficulties in passing it, particularly from the objection that there would be danger of persons being robbed of their estate. He argued that confidence might be reposed in the officers of the Court, and that justice would be done to all Her Majesty's subjects. Their Lordships gave weight to that argument and passed the Bill. What had been the result? Of estates to the amount of many millions sterling, disposed of under its operation, there was not a single instance of a mistake being made or any person being wronged.

THE EARL OF DONOUGHMORE was understood to intimate that there were such instances.

LORD WENSLEYDALE thought the Transfer of Land Bill likely to be beneficial, but confessed he had great doubts about the second Bill. The first Bill was a substitute for a register, but to a register, he believed, we must come at last, notwithstanding the strong opposition made by a numerous body of the profession. Common sense and reason would bring us to adopt a similar system to that which prevailed in Scotland. Whether such a Bill as that now before the House would encumber the Court of Chancery with more business than it could discharge he was not so competent to pronounce an opinion upon as his noble and learned Friend (Lord St. Leonards). His belief was, however, that the Judges of the Court of Chancery were not sufficient in number to transact all the conveyancing of the country. His chief objection, however, was that the Bill would afford the means of selling an estate behind a person's back. It was said that the Irish Incumbered Estates Act had succeeded, and he believed it had; but it was not true that no one had ever complained of his property having been sold behind his back. He believed such things had occurred. No doubt the Court of Chancery would make excellent rules for carrying the Bill into effect, and would provide the machinery for investigating titles; but the Bill did not seem to provide the means for getting all the objections to a title. The Court could only rely upon having two parties before it, the purchaser and the vendor, whose interests were both concerned in converting a bad title into a good one; and therefore, with all respect for the vigilance of the officers of the Court, they had not the same motives for inquiring into a title that a private practitioner had. He trusted that the Legislature would ultimately come to the more reasonable mode of transferring property by a public register.

LORD BROUGHAM said, that he was quite willing that these Bills should be read a second time, on the understanding that they should be referred to a Select Committee. If the operation of the measure were purely speculative, he should have had very great doubts about it; but they were proceeding on the safe ground of experience. It was true, that when the Irish Incumbered Estates Act was first proposed, he had great doubts about its working, and had opposed the measure in several of its stages. Nevertheless he was bound to admit that the experience of the Incumbered Estates Court had so far answered his objections, and had worked so successfully, that the fears he then entertained had proved unfounded. He therefore saw no ground for refusing to support a measure embodying the same principle. It was true that the measure of his noble and learned Friend did not go the entire length of the Irish Act—if it had, he must have opposed it—for that Act gave to an encumbrancer a compulsory power to bring an estate before the Court, and sell it, as it were, behind his back—as he was afraid had been sometimes done. What the Bill of his noble and learned Friend proposed to do was, to give merely a voluntary power to the owner of the estate himself of applying to the Court. As to the question how far the Court of Chancery was likely to be embarrassed, and its action paralyzed by an influx of business in consequence of this Bill, he confessed he really entertained no apprehension of the sort. Provision had been made to afford additional assistance in the event of the Court being overcrowded; but it was not to be supposed there would be the same amount of business brought into that Court as was brought into the Irish Incumbered Estates Court, for that Court was a temporary measure to

meet a temporary evil; and he firmly believed that there would be found but a moderate proportion of business coming to the new Court, if one should be established, or to the Court of Chancery, compared with what was brought into the Incumbered Estates Court in Ireland, regard being had to the different nature of the two tribunals. He agreed with his noble and learned Friend (Lord Wensleydale) that the Bill stopped short and halted between two principles, and that, after all, we must come to a system of registration. Objections to a registration at one time were very general. He well recollected, when coming through Yorkshire in October, 1831, immediately after the first Reform Bill, which was thrown out, that there were more placards, and a sensation more universally and intensely prevailing among the good people of Yorkshire, connected with the Registry Bill that had just been brought forward in connection with the Ministry, by an hon. and learned relative of his—a Master in Chancery—and more active canvassing taking place with respect to it, than there was upon the subject of the Reform Bill, which at that period had occupied the entire attention of the rest of the country. All the professional men in Yorkshire objected to it because that was a registration county, and they were afraid the Bill would tend to the system of centralization—to which they applied an epithet much stronger than he would venture to repeat—by transferring the business to a central registry in Middlesex. That feeling existed to a certain degree still, but it was very much less than it was thirty years ago. Nevertheless he hoped that the measure which he introduced last Session, but which did not proceed beyond a first reading, founded, as it was, on experience in the northern counties of copyhold conveyancing, would get rid of the great objection to centralization. He should again present that Bill to their Lordships, and he trusted that, after giving it a second reading, they would refer it to the same Select Committee to which were to be referred the measures now under consideration. He hoped the cheap and expeditious mode of conveying copyhold tenures would be extended to land held under all other species of tenures. It had been found of such inestimable benefit in the counties of Cumberland and Westmoreland, that a learned person (Mr. Fawcett) a conveyancer, who had been for thirty years a court keeper in a manor, in which there were 400 or 500 tenements, had stated that during the whole of that time every one of those tenements had changed hands at least once, and many of them more than once by sale, discount, and mortgage, and that in all those cases not one question had ever arisen respecting the validity of the titles conveyed in such a manner; while 160 words was the average length of the conveyance, and the total expense only 7*s*. No wonder, therefore, that the good people of Cumberland and Westmoreland were enamoured of such a system, and had urged upon their Lordships to extend the principle to other descriptions of tenure in the petitions which he lately presented from many of them, and which, had time been given, would, he positively knew, have been subscribed by the whole of their bodies. He was aware that copyhold conveyancing could not, without much change, be extended to lands held under all other tenures, but it was with at least a hopeful feeling that their Lordships were requested to inquire whether the principle and practice of the copyhold system might not be so extended, and the Bill which he had before presented, and should again lay on their Lordships table, was so framed as to provide in minute detail for the extension to freehold.

THE LORD CHANCELLOR said, he would not prolong the present discussion by saying more than a few words. Inasmuch as there was no intention to oppose the second reading of the Bill, and as his noble and learned Friend (Lord Cranworth) had agreed that it should be referred to a Select Committee, it seemed to him that it would be much more convenient for their Lordships to defer further discussion till they saw in what shape the Bill came from the Committee. He regretted that his noble and learned Friend had only dealt with one part of a very large subject, though he had adverted to the Commission, composed of eminent and learned men, who had made a report last year of a very able and instructive kind, embracing the whole bearings of this large question, and among others that part comprehended in the Bill of his noble and learned Friend. There was, no doubt, a strong current setting in in favour of the registration of titles; but this Bill was, in fact, only dealing with a part of that great and very comprehensive question. He was not without hopes that it might be in the power of the Government to introduce some measure which would embrace all those important provisions that were re-

quired by the state of public feeling, and which would so much promote the public interests. He hoped, therefore, that his noble and learned Friend, having agreed to refer the measure to a Select Committee, would postpone the further consideration of it for the purpose of seeing whether it might not be within the power of the Government to introduce a large measure, one that would comprehend the object aimed at by his noble and learned Friend, and at the same time include those other important objects to which he had already alluded. He was afraid that if his noble and learned Friend persevered in his Bill there would be raised in another place very strong objections to the manner in which he proposed to apply the machinery of the Court of Chancery to carrying out his object. He would not enter now upon the discussion of the measure, which was, after all, a discussion of details, but would consent to the second reading, on the understanding that it was referred to a Select Committee.

LORD CRANWORTH said, it was true that this measure only related to a portion of the subjects comprised in the report of the Commission, but considering the enormous opposition which had been hitherto made to registration, he thought that if he encumbered his Bill with a provision for registration, it would only lead to its being rejected. The Bill, however, was not inconsistent with registration. His object was to make the transfer of land, at the moment of transfer, infinitely easier and more satisfactory to the purchaser than it was at present, and he believed that a purchaser would give the value of two years more in purchasing land with a Parliamentary title than he would without it. The second objection to the Bill was that the machinery of the Court of Chancery would not be efficient for the purpose. He did not think his noble and learned Friend was right in supposing that there would be an enormous influx of business. There was an enormous influx in the Incumbered Estates Court; but this was a voluntary act. If there was a pressure, that would prove that the measure was a popular one, and then would be the time for adding to the machinery. But in the meantime he considered it to be the wisest mode of introducing reform to avail themselves of existing machinery, because if it did not answer they had to break up the machinery and give compensation.

Motion *agreed to;* Bill read 2ª accordingly, and *referred* to a Select Committee.

The Lord Chancellor

IMPRISONMENT FOR DEBT ABOLITION BILL.

ORDER FOR SECOND READING DISCHARGED.

LORD BROUGHAM said, he intended o postpone the Second Reading of the Imprisonment for Debt Bill, as he had that of the Bankruptcy Bill, in order that time might be given for the Government measure on the same subject to be introduced; and if it contained the whole of his plan, it would supersede these Bills altogether, or if it contained a portion, it would supersede them *pro tanto.* The whole, together with the measure of the Board of Trade and that of his noble and learned Friend (Lord Cranworth), would probably be reserved to a Select Committee. The Government plan would probably be brought forward by the Attorney General, and when his noble and learned Friend on the Woolsack (Lord Chelmsford) had spoken of his (Lord Brougham's) having more knowledge of the Attorney General's proceedings than himself, he was not aware of the circumstances from which that intercourse arose. At the great meeting of the National Association for Promoting Social Science held last autumn, when two of the present Ministers, Lord Stanley and Sir J. Pakington, presided over different departments, and Lord John Russell and Mr. Adderley over others, at Lord John's suggestion the delegates from the great commercial towns had held meetings upon the whole bankrupt law, and had undertaken to frame a plan in accordance with their own views. At the general meeting of the association it was resolved that the plan so framed should be laid before Sir F. Kelly, who had taken part in the proceedings of the association; and before him, therefore, now become Attorney General, that plan of the commercial bodies will be laid—if it has not already been. He (Lord Brougham) never regarded his two Bills as a substitute for the plan of the commercial body, but as deserving of Parliamentary sanction, whether that plan should be adopted or not. They provided an effectual remedy for the greatest of the defects now justly complained of in the bankruptcy procedure, and it was the greatest fallacy to represent them as throwing upon the Consolidated Fund a burden of £400,000 or £500,000. Any person who looked at the note of explanation appended to one of these Bills,

would perceive that less than £80,000 is the sum required in relief of the suitors, and in giving the necessary increase of the numbers, and the salaries of the County Court Judges, that there is a saving of £19,000 to the suitor, and therefore to the public, that the necessary increase of business and of the fee fund must, in the course of a very short time, relieve the Consolidated Fund of the whole of the weight for a time laid upon it, leaving the whole £19,000 a clear gain by the plan, and that the recourse for a time to the Consolidated Fund is fully justified by the fact, that nearly half a million has been already levied upon suitors in bankruptcy for the payment of the officers, and of compensation, all of which ought to have been paid out of the public income.

Order of the day for the second reading read, and *discharged.*

House adjourned at a Quarter past Seven o'clock, to Thursday next, Half-past Ten o'clock.

HOUSE OF COMMONS,

Tuesday, March 23, 1858.

MINUTES.] PUBLIC BILLS.—1° Marriage Law Amendment; Poor Rates (Metropolis); Medical Practitioners; Customs Duties.

ACCEPTANCE OF REMUNERATION BY MEMBERS OF PARLIAMENT.

QUESTION.

SIR JOHN TRELAWNY said, he would beg to ask the right hon. Baronet the Member for Carlisle, who was the Chairman of a Committee which had sat recently upon a matter affecting the privileges of that House, whether he intends calling the attention of the House to the circumstances which transpired upon that inquiry, or to recommend to the House the adoption of any course which will for the future clearly define the circumstances under which a Member of that House might accept a reward for advocating the interests of persons out of it.

SIR JAMES GRAHAM: Sir, the hon. Baronet was so kind as to notify to me a few minutes ago his intention to ask the question which he has just put. In reference to the past, I have, as Chairman of that Committee, no instruction from them to make any proposition to the House. With respect to the future, individually, I have no such intention. Hon. Members have probably read the evidence, and it will be open to any hon. Gentleman to submit any proposition with respect to the future which on the whole he may think conducive to the honour of this House and to the observance of its privileges.

THE DUBLIN POLICE.—QUESTION.

MR. GROGAN said, he wished to ask the Chief Secretary for Ireland if the Government intend to introduce any Police Bill for the city of Dublin this year?

LORD NAAS said, it was the intention of the Government to bring forward such a Bill, and he hoped to be able to do so very soon after Easter.

AFFFRAY BETWEEN THE STUDENTS OF DUBLIN UNIVERSITY AND THE POLICE.

QUESTION.

MR. VANCE said, he would beg to ask the noble Lord the Secretary for Ireland Whether the Commission now inquiring into the circumstances connected with the recent unfortunate occurrence at Trinity College, Dublin, was conducting its inquiry as a closed one; and he also wished to know from the noble Lord what were the principles upon which that inquiry was to be conducted?

LORD NAAS said, he believed, from information which he had received, that the inquiry alluded to by his hon. Friend was at an end. There was a Notice of Motion connected with this subject on the paper from the hon. Member for Wexford; and if that Motion came on, his right hon. and learned Friend the Attorney General for Ireland would state to the House the exact position in which matters were.

THE PRINCIPALITY OF DHAR.

QUESTION.

MR. J. B. SMITH said, he would beg to ask the Secretary of the Board of Control, Whether the Board has received any intelligence that the Government of India has confiscated and annexed the Principality of Dhar; whether orders for such proceedings emanated from the Board of Control; and if not, whether the Board approves of, and sanctions this annexation?

MR. BAILLIE in reply said, that by the mail which arrived on the previous day, a Despatch was received containing a Proclamation issued by the Political Agent of the Governor General for Central India. In that proclamation of Sir Robert Hamilton, the Rajah of Dhar was deposed.

The Rajah, a lad of about thirteen years of age, had lately succeeded by adoption to the inheritance, and the reason stated in the Proclamation for his deposition was the treason of his durbar, composed of his own relations and friends, who governed the State during his minority. No orders had been issued on the subject from this country, but the deposition was proclaimed entirely upon the responsibility of the Governor General, and as yet the question itself had not come before Her Majesty's Government.

TITLES TO LAND (SCOTLAND).

QUESTION.

MR. DUNLOP said, he wished to ask the Lord Advocate Whether it is his intention to introduce during the present Session any measure for the simplification of the Titles to Land in Scotland?

THE LORD ADVOCATE said, that he was not prepared at present to give his hon. and learned Friend an explicit pledge as to the character of any measure which might be introduced upon this subject. The question, however, was one of great importance, demanding very serious deliberation, and it appeared to him that, although a great deal had been done by his predecessors in the way of improving the law of Scotland in this department, still more remained to be done in the way of rendering the transmission of real estate more simple, expeditious, and economical.

PASSPORT SYSTEM IN FRANCE.

CORRESPONDENCE MOVED FOR.

MR. MONCKTON MILNES said, he rose to claim the attention of the House to the vexations to which British subjects are exposed by the late alteration in the passport system in France, and to move for the following papers:—

"Copies of Correspondence between Her Majesty's Government and that of the Emperor of the French on the late alterations in the Passport System.

"And of the several Regulations respecting Passports issued by the Foreign Office since 1815, with the fees charged on their delivery."

The grievance to which he was about to call their attention rather concerned those whom they represented than themselves. It was not probable that any Member of that House, or persons residing in London, with every convenience for making their arrangements, would experience any great embarrassment from the alteration which had taken place in the passport system in France, and in the corresponding alteration in the delivery of passports in England; but the question excited considerable interest out of the House among large classes who considered themselves annoyed by the change, and who were earnestly desirous that some modification should be made. The whole matter of passport regulations was uncongenial to Englishmen. In different parts of the world the system prevailed with different degrees of intensity, but perhaps it was carried to its extreme in the Chinese empire. The city of Canton was the model and the victim of the passport system. The inhabitants would allow nobody to go into Canton, but nevertheless the French and English armies were now in occupation of that city. Owing to political circumstances, with which Englishmen had nothing to do, the passport system had long been established throughout Europe, and it was strongest in those countries which savoured of an Oriental character. Thus, among the countries of Europe, Russia was the one most hampered by the passport system. There were other countries in which the passport system had been carried out with great vigour, and caused much inconvenience to strangers. One of these was Austria. In that country, however, the passport regulations had been considerably relaxed. No inconvenience was now occasioned to any foreigner the moment he passed the frontier, for then he might go from one part of the Austrian empire to the other without showing his passport. As respects the subjects of Austria, the system of passports was now reduced to a simple card called a "Legitimations Scheine," which was nothing more nor less than a card of identification, declaring who the holder was. With that card the person to whom it was given was perfectly free to go to any part of the Austrian empire. The whole system of passports was one which, he would admit, turned on the principle, not merely of establishing regulations for the admission of foreigners into the country, but it had reference also to the natives of the country. Now, it was the good fortune of this country that there was no historical record of any bar or hindrance like that presented by the passport system being thrown in the way of the movements either of British or foreign subjects here. There was certainly one practical evil connected with the entire freedom of this country on this point. It had been the habit of late years of foreign Governments to land per-

sons whom they did not wish to remain in their own countries on our shores. The French police had frequently brought persons whom they considered too suspicious and dangerous for France, and forced us to receive them. They were often persons of strong opinions and desperate feelings, and they were frequently landed in a state of the utmost destitution, and thus was most unfairly thrown on this country the obligation of protection and guardianship with regard to them. This, however, was an incident to which Englishmen must submit in consequence of their general freedom. He would not now discuss the general use of the passport system, though he had no doubt that many persons would be able to tell some most amusing stories on the subject, and to narrate how the rogue always had his passport most accurately *visé*, and how the honest man alone was troubled. Some one — at a diplomatic dinner — told the Foreign Ministers who were present that he would undertake to produce passports in a false name from their own offices, and signed by themselves in the course of the week, and did it accordingly. An increase in the rigour of the system between this country and other Continental nations would, no doubt, check commerce to some extent, and impede the intercourse between man and man, but it would not inflict any wider injury either on themselves or upon this country ; but he could hardly conceive a more serious practical evil than any system which would check the intercourse between two such nations as England and France. It was, therefore, chiefly as respected intercourse between this country and France that the passport system became of grave interest to Englishmen. As long as France and England continued at peace they ought to be considered but one country for all purposes of commercial and individual communications. Ever since 1815, until just recently, the French passport system between England and France had been conducted on the part of the French Government with very great liberality. There used to be different species of passports,—some issued by the Foreign Office and by the foreign Ambassadors, called *passeports de Cabinet*, which were given to all persons of considerable importance freely. There was also, as probably most hon. Members recollected, an office in Poland Street, to which on any Englishman going, he was perfectly certain to receive, within twenty-four hours after writing down his name and residence, a passport without fee, by which he could travel to every part of France. Even this delay of twenty-four hours was excused in the case of a Member of Parliament or magistrate, or of illness or urgent business. There were also delivered passports by the French Consul on the payment of a small fee. The same system continued under Charles X. and Louis Philippe. He regretted to say that it was only in later days, when they might have hoped that a long period of communication had produced the best feeling between the two countries, that any hindrance or bar had been placed on the intercourse between England and France. On the establishment of the French Republic the *passeports de Cabinet* were abolished, as was also the office in Poland Street, the passports of the French Consulate alone remaining. The distinguished individual who became President of that Republic, and who was still at the head of affairs in France, had resided in England, and it was no secret that in the opinion of the Emperor of the French — for he had written on the subject—this passport system was not a useful system, and that as between England and France, at least, it ought to be abolished. Nor was it any secret that a French commission had been issued to inquire whether it was possible to abolish the passport system in France; but it had produced no effect. The passport system, indeed, employed an enormous number of persons, who of course were all interested in maintaining it, and no blame could be imputed to the Emperor for not having carried out his intentions, seeing the obstacles he had to encounter. If things had remained as they were there would not have been much fault to find with the system, for besides other facilities of intercourse there did exist the habit of free communication, which, though not positively established by law, was sanctioned by custom, between the ports of England and France. The English people never thought of obtaining passports when they went over to visit the ports of France, and, indeed, natives of this country who resided on the French coast were generally unprovided with passports. The communication between the French and English coasts was so entirely free that since the establishment of excursion trains some 100,000 persons had gone over from this country every year to enjoy themselves at Calais and Boulogne for a few days, and

their visits had been a source of considerable profit to the inhabitants of those towns. Great changes had, however, now taken place in the passport system. On the 18th of February, 1858, the following notice was issued from the Foreign Office :—

"Her Majesty's Ambassador at Paris having, in pursuance of instructions from the Earl of Clarendon, inquired of the French Government whether British subjects will be permitted to land in France without passports when they have no intention of proceeding into the interior, and also whether Her Majesty's Consuls will have power to grant passports to such persons to proceed to Paris or elsewhere, his Excellency has been informed by the French Minister for Foreign Affairs that no person whatever will be permitted to land in France without a passport, nor will a Consul's passport be given to any one who may have landed without one be recognized."

The effect of this proceeding was that the free communication without passports between the coasts of France and England, of which multitudes of persons had availed themselves, was at once stopped, and no British subject was permitted to land at a French port without an English passport. Another effect of the regulation was, also, that British subjects resident at Boulogne and other places on the French coast were deprived of the facilities which had previously been afforded them for visiting the interior of the country. He was anxious to ascertain—and that was one of his objects in moving for the production of these papers—what was the real meaning of the document he had read and what was the nature of the communications which passed between the French and English Governments previously to the issue of the notification. He thought Parliament was fairly entitled not only to demand that those communications should be laid upon the table, but also to inquire whether any remonstrance against the change had been made on the part of the English Government, and also be placed in possession of the manner in which this and other changes had been imposed on the British people. It was not for him to speculate upon what motives had induced the Government of the Emperor of the French to adopt such an important change, but he could not believe that so intelligent a Government could consider that these changes, involving almost the destruction of communication between England and France could in any degree tend either to the security of the Emperor's person or to the general advantage of France. He was rather disposed to attribute the measure to the inconsiderate zeal of subordinates, who with the very best motives might commit most foolish and injurious acts. The restrictions placed upon the communication between France and other countries since that melancholy and wicked event, the attempt on the life of the Emperor, had not, however, been confined merely to passports. He had heard most ludicrous stories of the manner in which the Custom-house regulations were carried out. He had been told, for instance, that a lady was detained at Boulogne for twenty-four hours by the sage officials there, in order that the tooth-powder in her dressing-case might be carefully analyzed with the view of ascertaining whether it contained any detonating matter. The Emperor of the French had undoubtedly, like every other potentate, a perfect right to make any regulations he pleased respecting the admission of foreigners within his territories; but he (Mr. Milnes) thought the people of this country were also entitled to ask why fresh restrictions had been placed upon their intercourse with France. If the French Government were as desirous as they professed to be, and as he believed they really were, of maintaining friendly and intimate relations with the British Government, — if there was no desire on their part unnecessarily to annoy us,—if there was no good reason for preventing Englishmen from visiting France on pleasure or on business as they had been accustomed to do,—he thought the people of this country were entitled to ask whether the restrictions recently adopted by the French Government were friendly and neighbouring acts, and were likely to increase the amity of the two nations. The effect of these regulations would undoubtedly be to subject the French themselves to considerable pecuniary loss. Although the restrictions had only been in force for a few weeks, they had been attended with most disastrous consequences with regard to the communication between the two countries. The return of the number of passengers between Dover and Calais during the last six weeks, as compared with the corresponding six weeks of last year, showed a diminution of no less than 1,167, and the rapid and admirably managed steamers plying between those ports were not now carrying, on an average, more than nine passengers a day. A large number of persons who had left this country unprovided with passports, have been sent back, without money, and without their luggage, which had been

carried on into France. He regretted to say that many ladies and children had been sent back, in this helpless condition, to Dover and Folkestone. This evil was every day increasing, and felt more and more painfully; and, in his opinion, the subject required immediate action on the part of Her Majesty's Government. He had now to refer to the course which had been taken by the English Government with respect to this question. He was aware that just decorum would be observed by the present occupants of the Treasury benches in criticising the conduct of their predecessors, and that it was quite unnecessary for him to appeal to their feelings of delicacy with regard to the disclosure of the proceedings of the late Government. He believed they would execute that duty without favour to their predecessors, and as conscientiously as if they had themselves been responsible for the course that had been pursued. Some time ago, passports issued by the Foreign Office were extremely expensive, and were generally procured by persons who wished to produce an impression of their personal importance. Such passports were issued to officials, but they were paid for at a high rate by those who wished to assume a similar character. He was not aware, from his own experience, that these passports were attended with any peculiar advantage. He certainly remembered hearing of a gentleman who travelled with a Foreign Office passport, signed by the noble Member for Tiverton (Viscount Palmerston), and who, on presenting the document at the gate of a small town in the south of Italy, was immediately seized and carried before the police, the captor believing that he had caught the redoubtable Palmerston himself. Those passports were very sparingly issued, and were not much in demand, the intercourse with the Continent being carried on chiefly by means of the ordinary French passports. The noble Lord (Viscount Palmerston), however, for some reason, cheapened the price of the Foreign Office passports, and rendered it possible for almost any man to procure them, at very small cost and trouble. He had no doubt the noble Lord had acted with the best intentions, probably thinking it right that every Englishman should possess a guarantee of his nationality from his own Government. He (Mr. M. Milnes,) however, considered this a mistake, as it was the beginning of the passport system in this country. Until passports were issued from the Foreign Office, they were always received from foreign consuls, and the English nation had nothing to do with them. The effect of the new regulations had been entirely to alter the system, with regard to the issue of passports by the Foreign Office here. It was not necessary to read to the House regulations which were in everybody's hands. At the first glance, they appeared to be more liberally conceived than those formerly issued. Such passports used only to be granted to persons known to the Foreign Office, or recommended to it by bankers, while the present regulation extended the power of recommending to every mayor and every magistrate in this country. This liberality, however, was in appearance only. Hon. Members who acted as magistrates had probably received a communication, desiring that their signatures and their seals should be forwarded, with a view to the identification of any person recommended by them to the Foreign Office. Now, he did not consider this was a proper use to be made of the magistracy of England. The unpaid magistrates were already called upon to discharge very laborious functions, and the Government had no right to impose on them any other duties than those which the interest of the country fairly demanded. It was most unjust to force the magistrates, as the present system virtually did, to furnish a guarantee for the respectability of every person whom they recommended for a passport. With such a demand he, for one, would not comply, and he believed that a large body of the magistrates were similarly disposed. Suppose, for example, a person unknown to him, but who had recently obtained a very unenviable notoriety in this country, had come to him and asked him for a recommendation. Suppose this person had described himself as a man of letters, as an intimate friend of Coleridge and other literary men, he (Mr. M. Milnes) should have given such a person a passport at once; and then, when it turned out to be Mr. Allsop, it would have been at once asked at the Foreign Office, "Who recommended him?" No gentleman would like to be fixed with such a responsibility, or to find himself in such a position. As to the sending one's seal to the Foreign Office, this perhaps was no great requirement; but it was not every magistrate who could produce such a thing. He lately read in the biography of a distinguished literary man, who conceived that his genius

raised him above all the parade of rank, that, on being applied to for his coat of arms, he said he never carried any about with him, for, as far as he knew, from time immemorial all his ancestors had sealed their letters with their thumbs. He (Mr. Milnes) did not know whether the use of this ancient and simple process was customary among any of the magistracy, but to require their seals in this way was certainly a most novel regulation of police in this country. He wished to know what were the causes which had led to the introduction of all this apparatus for the purpose of providing Englishmen with what was nothing more nor less than a mere card of identification on going to the Continent. Everybody knew that this elaborate contrivance was producing the most extreme inconvenience here. A person had now to obtain a recommendation from a magistrate, then to go to the Foreign Office, then apply to the French Consul, and at all these stages necessary delays took place. The case of a young officer who arrived lately in town from the seat of war in India would present these inconveniences forcibly to the minds of hon. Members. This gentleman having been absent for a considerable period had but few acquaintances in London. On a certain Thursday he received a letter from a stranger, telling him that his father was lying at Boulogne at the point of death, and that every hour was of importance. He applied to the Foreign Office for a passport, but was told there was no resource for him, except an application to a magistrate. It was in vain that he represented that he had no friends in London, and that he had only just arrived from India; there was no resource for him. The result was, that he passed the whole of Friday in the endeavour to find a magistrate who would grant him a recommendation, but without effect. In the evening of that day he was fortunate enough to meet a relative who remembered that he had once dined with a police magistrate, and who gave him an introduction to that personage, and so he obtained the necessary recommendation. Next day (Saturday) he went to the Foreign Office, where he got the passport after waiting a certain time, and then proceeded to the French consul's, where the proceedings were completed. Owing to these delays he arrived at Folkestone too late for the boat, and it was not until the Sunday that he could pass to the opposite coast, having been detained no less than four days, by reason of these frivolous regulations, from the dying bed of his father. In another instance a gentleman wrote to him to say that he was summoned one Friday to see his child, who was lying ill at St. Omer. He received the telegram at half-past two, went to the Foreign Office just before four, was desired to call next day at twelve, lost in this way much precious time, and arrived at St. Omer just four hours too late—his poor daughter was dead. Here were cases which had occurred within the last six weeks, and they were only the first fruits of these unhappy passport regulations. The Lord Mayor of London had declared that it was impossible for him to grant all the applications made to him, and that it was his determination in future to limit his recommendation to those whom he personally knew, or to persons resident in his district. The police magistrates stated that it was impossible for them to go on with their ordinary duties, and at the same time perform the new functions with which they were so unexpectedly clothed. As to the inconvenience felt by the commercial classes in this country, it was hardly to be told. Every shipowner was in continual fear that a ship of his might be stranded on the coast of France, and that, whereas a surveyor would formerly be able to go at once to the spot, the probability now was that the ship would be lost and the cargo destroyed, long before he had any chance of reaching it. Another disadvantage, surely worth consideration, was that practically every passport must now be granted in London; because, although the authorities at the Foreign Office said they were perfectly ready to send a passport into the country by return of post, on receipt of a proper recommendation, everybody acquainted with the machinery of a great public office must know that it was impossible for them to do so. Thus, a lady wrote to him complaining that she sent for a passport on the 24th, and only received one on the 28th, which happened to be a Sunday, so that it was not available until the 29th. Such instances were not to be wondered at. They must occur every day; and, as he was informed that all the duties in connection with this system devolved on two clerks, he thought it quite impossible that the business to be done at the Foreign Office should be performed even in such a way as would carry out the tenour of the present regulations, illiberally as they were conceived. The question for the con-

sideration of the House was, what description of passport should be given to an Englishman so as to enable the Government to guarantee that the person possessing it should travel under the protection and *ægis* of this country throughout the world. The word "passport" was one of which it was somewhat difficult to give a definition, but in his opinion it ought to be held to mean nothing more than a mark of identification, entitling the holder to the protection of England. It was absurd for the English Government to think of making the passport a certificate of morality or respectability; and so far as our Government was concerned the whole matter turned upon the point, not whether a British subject should leave the country or not, but with what privileges he should travel in other lands. They had no right to refuse a passport to a convict discharged from gaol yesterday if he wished for it. In three cases only could they refuse—if they doubted whether the man was an Englishman; if he was under the immediate action of the law; or if he was endeavouring to evade the law of bankruptcy. These were the only cases in which the Government had a right to say you shall not travel. We were bound to afford protection to every Englishman who behaved himself with propriety upon the Continent, and who obeyed the laws of the nation in which he happened to sojourn, no matter what his antecedents were. He might also observe, that it was extremely desirable that the passport system should no longer subsist in connection with our Foreign Office. No other country did so, and in his opinion that connection had led to a great deal of confusion and abuse. The investigations of the Committee to inquire into the consular service, which had been moved for on the previous evening, would, he thought, serve to show that facilities had been afforded to the members of that service to lay unnecessary fees upon English travellers. Indeed, a case had lately been brought under his notice in which, although the passport had been properly *visé*, both as regarded England and the country in which the holder happened to be travelling, yet expense had been incurred which need not have been entailed. Under these circumstances it would, he maintained, be extremely desirable that the Government should direct their attention to the question, whether the whole passport system might not with advantage be transferred from the Foreign Office and attached to the Home Department, and whether the onus of refusing a passport should not be thrown altogether upon the shoulders of the Government of the day. The Executive might, through the agency of the police, become acquainted with almost every person who could not be safely trusted to bear the English name abroad, and he would have the refusal given in the case of any such person so recorded, that if the individual felt himself aggrieved, he might be in a position to appeal to public opinion. This was a question which he humbly placed before the notice of Her Majesty's Government, and asked them to consider it. They were in a particularly favourable position for doing so. They were not bound by the conduct of their predecessors, and it was in their power to remedy the matter in a great degree. The course of action of a foreign country with regard to passports was a question of policy, with which we Englishmen had nothing whatever to do. If the French Government, or any other, chose to throw obstacles in the way of their best customers travelling within their dominions—if they chose to deprive their innkeepers of the profits which were to be acquired by the outlay of English tourists, and their merchants of the benefits of English dealers, it was beyond all doubt in their power to carry that object into effect. It only remained to us to pursue our own course, and, with the aid of that constitution and that liberty which we had the happiness to possess, to realize the vision of the prince of lyric poets who, in the olden times of Greece, sung of

> "A certain island set apart by fate,
> The sea its frontier and the shore its gate;
> Where every stranger with free foot can stand,—
> May Time ne'er shake the columns of that land!"

The hon. Member concluded by moving for

> "Copies of Correspondence between Her Majesty's Government and that of the Emperor of the French on the late alterations in the Passport System.
>
> "And of the several Regulations respecting Passports issued by the Foreign Office since 1815, with the fees charged on their delivery."

Mr. WALTER said, that in rising to support the Resolution which his hon. Friend had just moved, he should feel it his duty to trespass for a few moments upon the indulgence of the House, while

he briefly stated the reasons which appeared to him to render it expedient that Her Majesty's Government should at the present period make some effort to mitigate the grievance to which his hon. Friend had called their attention. The question involved in that grievance was one which, although somewhat new to the debates in that House, required no apology to be made for its introduction to its notice, for of all those subjects connected with our relations with foreign countries there was not one which concerned Englishmen individually so closely or which so materially affected our personal comfort and convenience. He must also observe that he regarded the present moment as one which was not altogether inopportune for bringing a subject so important under the consideration of Her Majesty's Ministers. The French Government had in the first place, by their own act, abdicated that responsibility, which they had hitherto undertaken, of issuing passports to British subjects, and permitted it to devolve exclusively upon the Department for the administration of foreign affairs in this country. That step had of course, brought the matter more immediately under the notice of Her Majesty's Government, and had, in his opinion, imposed upon them a corresponding responsibility as to the mode in which they should fulfil the duties which had been recently assigned to them. Fortunately for the country, we had at the present moment at the head of the Foreign Department a Minister who appeared to possess the knack of writing conciliatory letters, and who, as he had been the means of removing the misunderstanding which existed between England and France, might very properly be looked to to frame such a despatch as would, without running the risk of creating a fresh misunderstanding between us and our ally, have the effect of mitigating the grievance which the House was engaged in discussing. The age in which we happened to live was one in which the prophecy that "many will run to and fro" was being fulfilled. It was an age of travelling — an age in which capital combined with science and industry appeared to be associated for the purpose of rendering locomotion as great a luxury as it had formerly been a misery. We now possessed increased facilities for moving from one place to another, whether in the pursuit of health or business, and were enabled to fulfil the designs of Providence by the promotion of a spirit of friendly intercourse with other countries, while the several provinces of our own country were brought into closer contact with one another. Could anything be more provoking than that at such a period as this the perverse ingenuity of man should be employed in throwing every possible obstacle in the way of free social intercourse? The House might depend upon it that so long as the passport system continued, no matter what diplomatic alliance might subsist between this country and France—no matter whether we should for a time be bound up with her in a contest against some third power—we never could realize that cordial friendship with France which every Englishman desired to see prevail. When Englishmen went abroad they were, generally speaking, disposed to enter a foreign State in a spirit of the utmost good feeling, and to quit it in a spirit of gratitude and kindly sentiment. He must, however, for his own part say—and in entertaining that feeling he believed he was by no means peculiar—that he never set his foot upon French soil without a sense of indignation at being obliged to submit to a system of interference which was, he thought, as useless as he knew it to be offensive. With the permission of the House he should for a few moments call its attention to a statement of the nature of that system, and as his own feelings might lead him into the use of language which might wound the susceptibilities of our neighbours across the Channel, he should prefer taking the description of it from writers of their own. The only system in this country which was parallel to the passport system of the Continent was that to which it had been found expedient to resort in order to protect society against convicted criminals. He hoped the House would permit him to read an extract from an article in the *Encyclopédie du Langage et des Sciences Politiques*, under the head "*Passeports.*" The writer said:—

"In a financial and political point of view passports are at once vexatious and useless—vexatious, because the faculty of moving about and travelling being one of common right, and essentially affecting individual liberty, it is a violation of that liberty to force citizens to give the description of their persons (*signalement*), and to inform police agents of the place to which they happen to be going. It is useless, because reason and justice require that a tax should give to those who pay it some advantage towards their wellbeing and security. The tax on passports affords no such advantage. In spite of the rigorous prescription of the law which looks upon those who travel without passports as rogues and vagabonds, it is certain that

a precautionary measure of the kind very rarely attains its end. Persons without any honest calling or livelihood, those who are within reach of the Penal Code, know perfectly well how to procure for themselves faultless passports. Sharpers, bankrupts, and many others whose occupation consists in getting into their hands other men's purses and property—all such *voyageurs forces* have never been found in want of passports (*feuilles de route*) which enable them to evade justice. Passports do not exist in England. There the citizen who travels has no need, in order to traverse the three kingdoms, to obtain the permission of a police magistrate. There commerce and industry are not exposed to such impediments, but are perfectly unfettered. There people go, and come, and stop, as it suits them, or as it pleases them. The roads and streets are free from all police inquisition."

Those were rather strong terms for a French writer to use in speaking of a domestic institution of his country, and if they had been penned by an Englishman they would probably have been condemned as exaggerated and unfair. But he had a still stronger passage from the works of a very eminent French writer, who was perfectly acquainted with the subject. That writer said :—

"No inhabitant of Great Britain, excepting convicts, can be expelled from the United Kingdom. Any infraction of this clause (the Habeas Corpus Act) would be visited with the severest penalties."

After describing the Habeas Corpus Act, he continued :—

"In England those violations of a citizen's domicile, so common in France under the name of domiciliary visits, are unknown. In England the secrets of families are respected, and correspondence remains intact. In England the first of all liberties, that of going where you please, is never disturbed, for there no one is asked for passports—passports, the oppressive invention of the Committee of Public Safety, which are an embarrassment and an obstacle to the peaceful citizen ; but which are utterly powerless against those who wish to deceive the vigilance of authority."

The House would doubtless wish to know who was the author of those remarks. It was no less a person than the present Emperor of the French, than whom no man had had more experience of the passport system, or was better able, from personal experience, to speak as to its utter inutility. It was unnecessary to refer to cases of annoyance and inconvenience which were of daily occurrence under the present passport system, and which must be familiar to every hon. Member ; but he might be allowed to mention one instance that had come to his knowledge, in which no less distinguished a person than Sir Hamilton Seymour, then Minister at Brussels, having received an invitation from the Court to attend a great state ceremony at Ostend, accidentally left his passport behind him, and, notwithstanding his card of invitation, was arrested by the police, and was very near being taken to prison for travelling without a passport. It might perhaps be said that passports were a domestic institution of the French nation with which we had nothing to do, and that if we did not like the arrangements we could keep away from the country. He should like to know how far hon. Members were disposed to carry that argument, as it appeared to him to be capable of a *reductio ad absurdum*. They had recently seen in this country the Ambassadors from two Foreign Sovereigns who had peculiar notions as to the proper attitude in which to approach the presence of Royalty, and some amusing illustrations had shown the manner in which those Ambassadors crawled upon their bellies into the presence of the Queen. Now, supposing that in the country whence those Ambassadors came an Englishman should be charged with a mission to the Sovereign, would it be imperative on him, or consistent with the dignity of the country he represented, to adopt a mode of address so repugnant to our feelings, although to the natives of that country it might not appear at all degrading or unworthy ? To take another case nearer home, it was said to be a custom that persons who were presented to the Pope should perform the ceremony of kissing his great toe. He (Mr. Walter) did not quarrel with the ceremony, but if it were compulsory, instead of optional, would Englishmen travelling in Italy be content to comply with such a requirement, or would they not remonstrate upon what they might consider to be an outrage upon the national dignity ? Therefore he thought the argument that passports were a domestic institution of France, with which we had no concern, might be carried too far. Indeed, it was a matter upon which we were not altogether free to choose for ourselves, for nature had established certain geographical relations between this country and France that could not be got rid of, even if we wished it. Although it was perfectly competent for any nation to exercise its legal rights and to adapt its laws and customs in such a manner as might become offensive and disagreeable to its neighbours, yet it was a question of prudence and expediency as well as of good feeling how far it was wise to enforce such laws and customs. He wanted to know what it really was that the French Government desired or expect-

ed to obtain from the passport system. Was it their object to exclude Englishmen from travelling in their country? If so, the simpler plan would be plainly to tell us so. Was it wished to make travelling as disagreeable as possible? He could hardly imagine that to be the motive, for, if it were, the easiest plan would be to tell us that our company was not wanted. The only object could be to provide such securities for their laws and their ruler as might be consistent with ordinary reason and common sense. How far any passport system, however rigorously enforced, could give such security might be a fair subject of doubt. For himself, he did not believe that any conspiracy or attempt at assassination could be prevented by any system of the kind. It appeared to him that all a foreign Government was justified in exacting from the British Government was that each British subject travelling abroad should be furnished with a certificate of identity and nationality, sufficient to satisfy the police of the country that the bearer was the person therein described. He also wished to know who was the person responsible for the concoction of the present form of passport. He held in his hand a document familiar to all—a passport signed by the Earl of Clarendon, containing a long rigmarole enumerating all the titles and marks of distinction possessed by that noble Earl, and concluding with a flaming illustration of his coat of arms. If the late Duke of Wellington had been Foreign Minister, and the same form had been followed, the document must have been a yard long to contain all his titles and distinctions. All that was very immaterial to the French Government, and afforded no security against ill-intentioned visitors. Perhaps he might be allowed to make a practical suggestion that the best form of passport would be a simple card, something similar to a Crystal Palace season ticket, containing on one side the date, the signature of the bearer, with the declaration that he was a British subject; and on the other side there should be the Government stamp. All that foreign Governments had a right to require was that every Englishman leaving this country to travel in their territories should be marked as such; although, indeed, it might be said that Englishmen were stamped by nature and needed no Government identification. The plan he had suggested appeared to him to be the simplest and the most sensible, if any passports at all were necessary. He did not think that *visés* should be required, for it was a disgrace to England that after the Government had given a certificate of identity and nationality it should require the *visé* of any foreign Power. He submitted those suggestions to the consideration of the Government, and he would only add, in conclusion, that the Minister who succeeded in abolishing or even in mitigating this offensive system would be more entitled to the thanks of the country than many Ministers who claimed credit for more important successes. He cordially seconded the Motion of the hon. Member for Pontefract.

MR. SEYMOUR FITZGERALD was understood to say, he hoped he should not be regarded as having treated the House with disrespect if, on a question which had excited public attention to a considerable extent, he occupied only ten minutes in replying to speeches which had occupied upwards of an hour. The question was one of a very practical character, and it should receive a practical reply from the Government; and therefore he would not follow the hon. Member for Pontefract (Mr. M. Milnes) and the hon. Gentleman who succeeded him in their quotations from distinguished French writers, neither should he allude to the opinions of the present Emperor of the French with respect to the value of the passport system. As regarded the general question of the use of passports and of the desirableness of maintaining the passport system, it must be remembered that that was a matter of internal regulation on the part of the French Government, with which they had nothing whatever to do. If for the convenience of travelling in France it was requisite that British subjects should have a certain authority to travel—he did not mean in reference to their character, but merely a statement that they were British subjects, and as such entitled to considerate treatment abroad—and that was all that was required—the regulations which our own Government made on that subject was the grand point for consideration. That was the point to which he should direct the attention of the House; that was the point to which Her Majesty's Government were bound to direct their attention, and not the regulations which, whether rightly or wrongly, whether advantageously or otherwise, foreign Governments had thought it necessary to establish. Now, the hon. Gentleman who made this Motion had complained that great impediments were, by

the arrangements at present made by the French Government, thrown in the way of British subjects travelling abroad. He could not but think, however, that the hon. Gentleman had spoken without that information on the subject which he might easily have acquired; and that the House would acknowledge, when he had submitted to them the manner in which this matter had been put by the French Government to the British Government, and the manner in which they were prepared to deal with the question, that, so far from this country having any cause of complaint against the French Government on account of the course which they had adopted, it had in fact been treated by that Government in a liberal and generous spirit. ["Oh! oh!"] Hon. Gentlemen would, perhaps, be kind enough to wait until they had heard the information on which his opinion was founded, and not interrupt him in ignorance of the facts. Now, the position in which the matter stood was this. The French Government had, as was stated by the hon. Gentleman who introduced the Motion, been in the habit of permitting their consular authorities to issue passports to British subjects desirous of travelling abroad. It was perfectly true that that permission was withdrawn, but it was withdrawn with a distinct declaration on the part of the French Government that they were not only willing, but bound to admit any regulations which the British Government might establish in reference to the issue of passports to British subjects, and consequently it was perfectly clear that if any fault was to be found with the restrictions attached to our passports, it rested with the British Government and not with the French Government, who said they were willing to accept British passports under whatever regulations they might be issued. Well, one result of the late regulations had, doubtless, been considerable inconvenience to travellers. The matter having early attracted the attention of Her Majesty's Government, as he had no doubt, and indeed he had reason for believing, it attracted the attention of their predecessors in office, they had considered by what means they could best meet and remedy the inconveniences which had arisen. The practical question which they had to determine was, how they could best devise such passports as the French Government would be willing to accept. Now, Her Majesty's Government considered that in issuing passports they were not entitled to inquire in any way what were either the political or the moral antecedents of those who demanded them. In their eyes a passport was a certificate of citizenship—a certificate of the fact that the bearer was a British subject—and the Government did not consider themselves entitled to go beyond that. Still, in order to obtain an assurance that a person was a British subject, there must be some formality, and at the present moment the Department with which he had the honour of being connected, was engaged in considering how they could afford the greatest facilities for the issue of passports consistently with the identification of the bearer as a British subject. It appeared to them a great inconvenience that London should be the only place where passports were issued. His hon. Friend who spoke last said it was a new feature that passports could only be issued in London. Practically that was not the case, inasmuch as the return showed that as much as 80 or perhaps 90 per cent of all the passports granted by the French consulate were issued in London. With a view to providing a remedy for this evil, he might state that it was in contemplation by Her Majesty's Government to establish in some of the principal ports of this country offices where passports could be readily obtained by British subjects. Such offices would probably be established at Dover, Folkestone, Newhaven, Southampton, and Liverpool. In fact, such arrangements would be made as experience showed to be most calculated to prevent inconvenience. Another difficulty had been pointed out by his hon. Friend who preceded him —namely, that connected with the *visé* of passports in France. Now, in reference to that he was bound to say that, having seen a statement in the papers — indeed, he believed it had been officially communicated—that British subjects had been sent back from Boulogne in consequence of their passports not having the *visé* of the consul-general in London, Her Majesty's Government asked for explanation, and they were distinctly informed that if any such case occurred, which appeared doubtful, it must have arisen from some misconstruction of the instructions on the part of the authorities at Boulogne, it being an instruction from Paris that the French consul at any British port might *visé* a passport. He had, he said, the authority

of the French Government for saying that if any such case occurred it must have been a solitary one, and the result of misconception, the fact being that French consuls, being Frenchmen, in any port of this country might *vise* British passports. In order to give a further exemplification of the spirit in which Her Majesty's Government had been met by the French Government, he might state that, it having been communicated to the French Government that it was the intention of Her Majesty's Government to establish passport offices at some of the principal ports of this country, they at once said that, in order to meet them half way, they would themselves establish at those ports French consular agents, who should have the power to *visé* passports issued there, so that no inconvenience might arise afterwards. The sole object of Her Majesty's Government as regarded the regulations for the issue of passports was to prevent, as far as possible, inconvenience to the public. One inconvenience which had been complained of was that the amount now charged for a Foreign-Office passport was too large; that whereas previously a passport could be procured from a French consul for a very small sum, at present it could only be had from the Foreign Office on payment of a fee which pressed severely on artisans. On this point he could not say what course his right hon. Friend the Chancellor of the Exchequer might feel it his duty to follow, but this he did know, that it was the earnest desire of the Department with which he had the honour to be connected that such a reduction should be made in the charge for Foreign-Office passports as would place them within the reach of almost any one of Her Majesty's subjects. He thought he had now stated all that it was necessary for him to state on this subject. He had desired to deal with a practical subject in a practical manner, and he trusted the House now felt that, so far from there being at the present moment any reason to complain of the course pursued by the French Government on this question, that Government had manifested a desire to mitigate, as far as possible, any inconveniences which the passport regulations had occasioned.

Mr. J. B. SMITH said, he had one suggestion to offer, by which he thought they might avoid establishing new Government offices in the various towns. He would suggest that the Mayors of Manchester, Birmingham, and all the large towns, should be empowered to issue passports. He believed that the Lord Provost of Edinburgh had long been in the habit of issuing them, and he believed also the Lord Provost of Glasgow. All that they wanted to know was, that persons were British subjects, and that they were respectable people; and the magistrates of towns were likely to have the best information as to that. He would also suggest that the fee should be reduced to a shilling.

Mr. KER said, he thought there was a doubt which ought to be cleared up. He thought the House had a right to ask in what manner this change in the passport system had been brought about. If it had originated with the present Government he could have understood it, because they might be supposed to have sympathies with the continental Governments; but when he remembered that the change was made by the late Cabinet he could only conclude that it had been suggested to the noble Lord by some persons who knew very little of the feelings of this country. He would warn the Government that if they were prepared to enter into a complicated arrangement with the French Government, and for the purpose of assisting them in carrying out their new system, to regard a passport as a guarantee for the good behaviour of every person to whom they granted one, they would place the country in a very dangerous position. As, however, the hon. Gentleman the Under Secretary for Foreign Affairs hardly seemed sufficiently aware of the inconveniences of the new regulations, and the magnitude of the evils they occasioned, he would beg to recall to his recollection facts which had appeared in the newspapers daily for some time. The Lord Mayor had last month stated on the bench that, however anxious he was to facilitate the issuing of passports, he found the number of applications quite intolerable; and many persons applied whom he did not know, and letters stating who they were, were of no avail. On the same day Mr. Arnold, the police magistrate, had made a statement to a similar effect, and had said that he would not recommend any person to come to him. These cases showed that there was no uniformity of practice in London, and if the practice was not settled here how much more uncertainty might be expected to exist in the country? The only safe and dignified course for the Fo-

reign Office to adopt was not to pretend to answer for the character of every person who obtained a passport, but to grant freely to every British subject the protection to which he was entitled.

VISCOUNT PALMERSTON: As far as the late Government are concerned they can have no objection to the production of the papers in the way in which the right hon. Gentleman the Under Secretary for Foreign Affairs has agreed to them; but I would suggest an addition to the Motion of my hon. Friend the Member for Pontefract (Mr. Moncton Milnes)—namely, copies or extracts of any correspondence that may have been received at the Foreign Office from British Consuls on the coast of France—say within the last two years—on the subject of the inconvenience caused by British workmen arriving in France furnished with passports given to them by French consular agents in Great Britain. It has often happened that British workmen have been induced to go to France by means of passports granted by French consular agents in this country, tempted to proceed thither when there was no real demand for their labour, and they have frequently been exposed to great inconvenience, while the public has incurred considerable expense, by their being sent back as distressed British subjects, unable to procure their own means of transport. The addition which I have suggested will complete the view which my hon. Friend wishes to lay before the House with respect to the passport system. I quite agree with the hon. Gentleman the Under Secretary for Foreign Affairs that the passport system is an internal and domestic regulation of the French Government with which the British Parliament has really no right to interfere; and I quite differ from my hon. Friend the Member for Pontefract (Mr. M. Milnes) in the opinion which he expressed, that the late Government, by enlarging the facilities for getting passports, established a passport system in this country. They did no such thing. The passports issued from the Foreign Office had nothing whatever to do with any internal regulation here, but was merely given to a British subject for the purpose of enabling him to travel without interruption on the Continent. My hon. Friend blamed the Government for reducing the price of passports, but he ought to have recollected that the reduction from £2 16*s.* to 7*s.* 6*d.* was made in compliance with the expressed wishes of this House. It was not at all a spontaneous act on the part of the Government; on the contrary, it was attended with a good deal of departmental inconvenience, and was resolved upon in deference to the repeated wish of Parliament that British subjects should be enabled to obtain at a small cost that sanction of their own Government which would secure them from molestation when travelling on the Continent. I quite agree, however, with those who hold that the passport system is, in truth, of very little value. The only real effect of it is to embarrass innocent travellers, and to cloak the proceedings of those who go about with mischievous intentions. I am able to state an instance of each kind. Many years ago (not in the reign of the present Emperor, not in the reign of Louis Philippe, but in that of Charles X.,) I was travelling from the north to the south of France, and one evening, when I arrived at my inn, an officer of police came to inspect my passport. Having looked at it, he said, "Sir, if I did my duty I should arrest you." "I am sorry to hear it," I replied, "but I hope you will do no such thing. Why?" "Because your passport has not been *visé* since you landed at Havre." I told him that was the fault of the French officials. But here was a harmless traveller threatened with arrest because his passport was not in the condition required by the French regulations. Take the other instance. Orsini, who lately suffered for the attempt upon the life of the Emperor of the French, was actually travelling with one of my passports. He had obtained possession of a passport which was given, not by myself, but by the officials at the Foreign Office when I was Secretary of State, to a British subject named Allsop. The passport was procured on the recommendation of a very respectable mercantile firm in London, and having been given to Allsop was handed over to Orsini, who, although he did not carry upon his features that stamp of nationality which the hon. Member for Nottingham (Mr. Walter) thinks would be sufficient to identify a British subject, had nevertheless that stamp of nationality which is implied in the possession of a passport granted to a British subject by his own Government. Does not the case of Orsini show that passports are of no real use for the purpose of impeding the movements of dangerous characters on the Continent? It shows also that no regulations which the British Foreign

Office can establish for the purpose of identification can be effectual, because great may be the care taken to confine the passports given by them to British subjects there is no means by which you can prevent them being transferred to foreigners, and then all precautions fail, and the whole system becomes a useless restriction on the motions of those who have no bad intentions, and who go to the Continent only for the purposes of business or of pleasure. But, as I said before, these are matters which foreign Governments have a right to regulate according to what they deem necessary for their own internal security. At the same time, if passports are required—not for British but for foreign purposes—by British subjects, I quite admit that every facility ought to be given to British subjects for obtaining the papers necessary to enable them to travel on the Continent. It is quite true, as stated by the Under Secretary for Foreign Affairs, that the inconveniences resulting from the recent regulations were felt by the late Government. Those regulations were established experimentally and provisionally, in consequence of the French Government having forbidden their agents here to give passports to British subjects; but I have no doubt that when the matter is looked into, and with the new regulations which the Under Secretary says the Foreign Office is about to establish, many of the inconveniences which are the necessary result of arrangements made in consequence of the action of another Government will be removed, and greater facilities will be given to British subjects wishing to travel abroad. I have only to say in conclusion that if my hon. Friend the Member for Pontefract has no objection to the addition I have suggested, it will, I think, complete the case by showing the representations which have been made by British consuls in the French ports, of the inconvenience to individuals, and the expense to the public, occasioned by the facilities which were formerly afforded by French consular agents here to tempt British workmen to go to France, when there was no real demand for their labour, and when, having nothing to do when they arrived there, they were compelled to be sent back as distressed British subjects.

MR. BRIGHT: I think the noble Lord was in error when he stated that the hon. Gentleman the Member for Pontefract had found fault with our Government for reducing the price of passports. I rather think that the hon. Gentleman, on the contrary, is one of those who think that passports should be as cheap as possible. The question of the price has nothing to do with the objects for which they are granted. I have listened to the discussion to-night with great satisfaction, and I am sure the country will receive with pleasure the observations which the Under Secretary for Foreign Affairs has addressed to the House. There are two things which our Government can do. In the first place it can make friendly representations to foreign Powers for the purpose of prevailing upon them to lessen as much as possible the difficulties which are interposed in the way of a traveller on the Continent. It can do nothing further with foreign Powers, because I take it for granted that we are bound to submit to any internal regulations on this matter which a foreign Government may make; but with respect to the second point—in relation to our own country, it can do almost anything. Our Ministers do not care a straw, I presume, what Englishman travels abroad, where he goes, or how long he stays away; they give him a passport merely because foreign Governments will not admit him into their territories without one. But foreign Governments do not ask that we should charge 7*s.* for our passports. They do not ask that we should bring men from all parts of the country to any particular city for the purpose of getting passports, nor do they require that poor people, who have no influential friends, who do not know a banker or a Member of Parliament, should find it almost impossible, as we have recently seen proved in the newspapers, to obtain a passport at all. The inconveniences, of which so much complaint is made, are owing to the conduct of our own Government and to the want of common sense in these matters manifested by the Foreign Office in past times. I agree with the hon. Member for Stockport (Mr. J. B. Smith) that it would be very undesirable to establish passport offices in the various towns throughout the country. We know what a passport office would become. First of all there would be a considerable amount of patronage. All Members of Government, it is true, when they speak of patronage profess to care nothing whatever about it. At the same time, whenever any measure creating patronage comes before Parliament, I observe that as much patronage is provided for as can be conveniently put in an Act of Parlia-

ment. If you were to have passport officers in Liverpool, Hull, and other large towns, the passport officer would not have enough to do, for the few persons he would have to attend to would not give him more than one or two hours' employment a-day, and he must be a respectable person and have a competent salary. My hon. Friend (Mr. J. B. Smith) proposes that the mayors of the different cities should have the power to give passports; and I have no doubt whatever that that would be a convenient arrangement. The Mayor has the confidence of his fellow-townsmen, otherwise he would not be in that position, and a very small fee would cover any expense he might incur. What object could there be in charging for a passport more than 6*d.*? You do not want more money than would just pay the expense, and that might be provided for by a vote of that House, or by some small fee, for we do not want to tax our countrymen going abroad. If it were not for foreign countries we should have no passports; and therefore, being compelled to have passports, it is the duty of the Government to make the infliction as little as possible. Acting upon that principle, any two men in this House might sit down, and in half an hour draw up a scheme by which all the difficulties would be removed, and which would be satisfactory to the country. I hope the Under Secretary for Foreign Affairs will not conclude from these observations that I am dissatisfied with what he said. I think that what he has stated shows that the Government are paying attention to the subject, and I hope that as long as he occupies his present position the House may be as well satisfied with any explanation he may have to give in future as with that he has just offered.

MR. DUFF said, that he would not detain the House for more than three minutes, but that he wished to correct one error in a matter of fact into which the hon. Member who had just sat down had fallen. It was quite a mistake to suppose that foreign Governments did not care from what particular office a passport was issued. The possession of a Foreign Office passport made all the difference in the world to the comfort of a traveller. He would relate one instance of this within his personal experience. He was travelling in Hungary before the effects of the revolutionary war had quite passed away, and when the authorities were much exasperated against England. He arrived in Semlin simultaneously with a young Englishman, who was going to Bucharest on commercial business of great importance. He had a Foreign-Office passport, signed by the noble Lord the Member for Tiverton (Viscount Palmerston), and to this the Austrian military authorities paid the greatest possible respect; while they treated as little better than a mere nullity the perfectly regular passport granted to the young Englishman by Colonel Hodge, our then representative at Hamburg. He (Mr. Duff) was offered every facility for the prosecution of his journey, while the bearer of Colonel Hodge's passport was forbidden to proceed to Bucharest, at which place, for all he (Mr. Duff) knew to the contrary, he may not yet have arrived.

THE CHANCELLOR OF THE EXCHEQUER: It appears to me that the observations which have fallen from the hon. Member for Birmingham (Mr. Bright) are like those that usually fall from him, well worthy of the consideration of the House. I feel, as I think the House must feel, that we have two objects before us—namely, to make the obtaining of passports both easy and economical. The office with which my hon. Friend is connected has the subject before it, with the intention, if possible, of accomplishing these two objects. The mode which he has intimated is not one which has been definitely fixed upon. We are only so far pledged that we are desirous, if possible, to carry out the objects to which I have already alluded. Some difficulties have been started by the municipal bodies; but I feel sure that, after some little discussion and arrangement, those difficulties will be overcome. The great object is, so to arrange that in future Englishmen, who wish to leave the country, will find that the preliminary process, instead of being expensive and difficult, can be entered upon at a moment's notice, and with little or no expense. The proposition of the noble Lord (Viscount Palmerston) with regard to an addition to the Motion, appears to be one to which no objection can be made. I trust that the result of this discussion will be the bringing about of a system more satisfactory to the country.

MR. MONCKTON MILNES replied. He certainly thought that the reduction of the price of Foreign-Office passports had, though unintentionally, a bad result, for it had induced people to use English passports instead of keeping to the old foreign passport system, which kept the English Foreign Office free of this matter. He begged to thank the hon. Gentleman oppo-

site (Mr. S. FitzGerald) for his statement, in which there was but one point omitted, and that was the consideration of the enormous number of people who had been in the habit of frequenting the ports of France without any passports whatever. That was a custom of thirty years' standing, and the sudden abolition of the privilege was a fair matter for complaint. With regard to the suggestion of his noble Friend (Viscount Palmerston), he had no objection to extend the terms of his Motion, so as to include those further returns which his noble Friend desired to have.

Motion *agreed to.*

Address for—

"Copies of Correspondence between Her Majesty's Government and that of the Emperor of the French, on the late alterations in the Passport System:

"Of the several Regulations respecting Passports issued by the Foreign Office since 1815, with the fees charged on their delivery:

"And, Copies or Extracts of any Communication received at the Foreign Office since the 1st day of January, 1856, relative to the inconvenience sustained by British Workmen who had arrived in France with Passports given by French Consular Agents in Great Britain."

MARRIAGE LAW AMENDMENT BILL.

LEAVE—FIRST READING.

VISCOUNT BURY said, he rose to move for leave to introduce a Bill to legalize marriage with a deceased wife's sister. He felt he ought to make an apology for attempting to handle a subject which had employed the talents of a distinguished Member of that House; but he believed that the best apology he could make would be the assurance that he had not ventured to rise for the purpose of addressing them without having given his best abilities to the consideration of this question. In his opinion there ought to be no ambiguity in the law on this subject; but its provisions and prohibitions should be clearly and distinctly declared. The law in its present state was, however, open to very considerable doubt. To prove this he might refer to the case of "Brook *v.* Brook," by which the question of the validity of these marriages between British subjects abroad had been raised. In the absence of any parallel case, Mr. Justice Creswell's opinion upon that trial must be regarded as the authoritative declaration of the existing law of England. That decision had not been arrived at without very laborious and minute examination, and it was therefore evident that the state of the law was by no means clear and satisfactory. Indeed he had been told that some of the most distinguished ornaments of the legal profession had, upon precisely the same evidence, arrived at diametrically opposite conclusion. Upon any subject of importance, this state of dependance on the *ipse dixit* of a single Judge for the enunciation of the law was much to be deplored; but in this case it was above all things to be complained of, for no doubt could exist as to the feelings of the Legislature. That House had on three separate occasions expressed its deliberate opinion that the present law on this subject should be reversed, and that principle had been affirmed upon no less than thirty divisions. Upwards of 5,000 petitions, with hundreds of thousands of signatures, had been presented to both Houses of Parliament in favour of the change in the law which would be effected by the Bill he asked leave to introduce. The law as it stood was, he believed, at variance with the feelings of a large majority of the community, and it was therefore fitting to inquire how that law had been established. It was a remarkable fact that history showed them no civilized nation in which this question stood as it did in England. The Roman law, which coincided almost exactly with the Mosaic law in this respect, contained no prohibition of these marriages; and after the partition of the Roman Empire during the first three centuries of the Christian era, these marriages were lawful both in the East and in the West. There was no record of any collision between the civil and ecclesiastical authorities on the subject, and it must, therefore, be concluded that they were held lawful by the Church. In the early history of the Reformation also, they would seek in vain for any such prohibition. In the reign of Henry VIII., and his three successors, Scripture was constantly referred to as the ultimate court of appeal, upon whose decision all human legislation must turn. The question to be determined seemed, therefore, to be reduced to these narrow points — whether the alleged Scriptural prohibition really existed; and whether, failing such prohibition, these marriages were so inexpedient that it was necessary they should be forbidden upon other grounds. It could scarcely be supposed that the Almighty had left such an important subject unregulated, and the Scriptural argument seemed to lie within a very narrow compass. Either these marriages were prohibited by Scripture or they were not. If they were so prohibited he called upon those who objected to them to point to the

passages containing the prohibition. If they were not prohibited by Scripture he contended that the provisions of the statute law ought to be brought into conformity with that Divine Law upon which they professed to be founded. The 18th verse of the 18th chapter of Leviticus was the only passage in Scripture which referred directly to marriage with a deceased wife's sister; but this verse forbade such marriages only during the life of the wife. He believed, however, that the opponents of such marriages did not rest their Scriptural objections altogether upon that passage. They relied upon the 16th verse, in which a man was prohibited from marrying his brother's widow, and they argued that as the relationship was the same in both cases, the law which forbade one marriage equally forbade the other. He thought the answer to this argument was that all the prohibitions contained in Leviticus were amplifications of the prohibition in the sixth verse of the chapter, as to marriage with near kindred; but the sister of a man's wife was not near of kin to him. If the argument by analogy was to be insisted on, it appeared that, even by analogy, marriage with a deceased wife's sister was sanctioned, for although the 16th verse of Leviticus prohibited a man from marrying his brother's widow, and by the 18th verse he was forbidden to marry his wife's sister in her lifetime, in the 25th of Deuteronomy men were commanded, under circumstances which must often have occurred, to marry their brothers' widows. He could not admit the authority of any one who would say that God intended to prohibit marriages which He did not expressly prohibit, because if God had so intended He would have done so. The Scripture must be taken literally as it stood. With regard to the argument drawn from the Canon law, that law was based on Scripture, and if the argument drawn from the Scripture itself failed, that educed from the law, which was based on Scripture, must necessarily fail with it. Moreover, the Church of England did not claim infallibility for its Canon law, and Lord Lyndhurst's Act, for instance, totally subverted a canon, by declaring absolutely void marriages which, according to the Canon law, were only voidable. It was true that marriages of this nature were prohibited by two of the early councils; but they were not œcumenical or general councils, and the prohibition extended only to the dioceses of the Bishop by whom the councils were attended. A similar prohibition was also contained in the *Reformatio Legum*, commenced in the reign of Henry VIII., and continued in that of Edward VI.; but as it never received the assent of Parliament, Burns, in his *Ecclesiastical Law*, declared that it could not be regarded as having the force of law. In 1565, Queen Elizabeth, wishing to establish her legitimacy on more definite grounds, requested Archbishop Parker to draw up a table of degrees within which marriage was prohibited. In this table the prejudices of the Queen who employed him were naturally regarded. A brother's wife was declared to be one of prohibited degrees, because on the nullity of Henry the Eighth's marriage with Catherine of Arragon depended the legitimacy of Elizabeth. And it was said that a deceased wife's sister was also declared a prohibited degree, in order that Elizabeth might be enabled to say to Philip of Spain, who wished to propose for her, on the death of her sister Mary, that the feeling in England was so great and general against such a marriage that she dared not accept him. Be that as it might, Archbishop Parker only called his work "an admonition suited to the requirements of the times," and he was so careful not to assert for it an authority which it did not possess, that he noted on the fly-leaf the names of certain eminent divines who differed from him upon this point. He next came to the Statute law. Since the time of Henry VIII. eight statutes had passed, but all the laws of that monarch arose out of his capricious desires and anxiety to get rid of his successive wives. At last, having exhausted various statutory devices, this monarch returned to the Levitical prohibition, and the law was fixed as he believed it would be found to stand at the present moment. There was, in fact, no absolute statutable prohibition in this country on the subject of these marriages. Though the Judges had once or twice interpreted the law in another sense, their interpretation turning mainly on the sense to be put upon the words "prohibited degrees" in Lord Lyndhurst's Act. The present Bill would simply be an explanatory one, declaring that, whatever decisions might have been given in the Court of Queen's Bench or elsewhere, marriage with a deceased wife's sister should be no longer void or voidable, but should be just and honourable in every respect whatever. Indeed, from all that Parliament had done in the matter, they could only educe the one fact, that although the Legislature had, in despotic times, acted upon the caprice of the reigning monarch, it had

never ceased to overlook the authority of the Bible as the basis of their legislation. There were some hon. Gentlemen, however, who did not found their objections, to these marriages either on the canonical or statute law, or on Scriptural grounds, but who urged the argument of social expediency. He was now merely asking leave to introduce a Bill, and this therefore was not the time to enter at length into this point. He could only answer such objections, vague and shadowy as they were, by asserting against them the broad principle, that every man should be free to do what seemed good in his own eyes, provided it did not interfere with the rights of his fellow men. He thought the advocates of these marriages might fairly claim that the scruples of their opponents should not be thrust upon them, seeing that they believed no Scriptural prohibition existed. If such a prohibition could be pointed out, they would at once give up their advocacy of this measure; but if that was not the case, the present law certainly abridged the liberty which belonged of right to Englishmen. He would frankly acknowledge that there were great, and good, and wise men, who disagreed with him upon that point, and he hoped he had said nothing, and that he should never say anything, which could shock their feelings. He believed that the Scriptural objection to the proposed alteration of the law was not well founded, that the canonical objections could be easily set aside, and that as the statutory prohibition had originally been framed in deference to the caprices of a wicked King, and had been adopted by a subservient Parliament, there was no reason why it should be respected and maintained. Reserving, then, for another occasion any reference to the argument of expediency, he should now simply ask leave to introduce this Bill, and he trusted that Parliament would not refuse their permission.

MR. DIVETT said, he had never heard a speech more conciliatory in its tone, or more calculated to win the favour of the audience to which it was addressed, than that which they had just heard from the noble Lord. But he (Mr. Divett) should add that he totally disapproved of the conclusion at which the noble Lord wished that the House should arrive. He confessed that he had great doubts in reference to the argument drawn from Scripture ; but he entertained a strong conviction that the proposed change in the law was fraught with the most serious moral and social evils. The noble Lord had only recently become a Member of the House, of which he promised to be one of the greatest ornaments, and therefore scarcely knew the feeling of Parliament in reference to these marriages. But he (Mr. Divett) had been a Member of the House when the last Act upon the subject had been passed, and could remove the mistake under which the noble Lord laboured, that it was not a prohibitory statute. There were certainly at that time certain things connected with it which seemed to throw upon it a slur, but in legalizing those marriages, which had taken place prior to the enactment, it in no way sanctioned a compromise. He should, however, have hardly taken any part in the discussion of the question if he had not been a witness of the efforts made by an association called the Marriage Law Reform Association, to obtain the legalization of those marriages; and he wished to say a few words in reference to the proceedings of that body. Soon after the Act of 1835 was passed, by which these marriages were rendered illegal for the future, a gentleman of great wealth, a banker (whose name he would not mention, but which was well known in that House), wishing to marry his deceased wife's sister, engaged a firm of lawyers in the city to get up an agitation on the subject. By the machinery thus set in motion pamphlets were distributed, every constituency was canvassed, every man who did not know exactly what he was saying was induced to pledge himself in favour of the abrogation of the existing law. He himself had been canvassed—and, in common with other hon. Members, he had been inundated with pamphlets, and having nothing better to do, he had read them all. Having by these means been led to devote to the subject some time and attention, he had arrived at a settled conviction that all attempts at change ought to be earnestly resisted. The Association had further inserted advertisements constantly in *The Times*, informing the world generally that these marriages, although prohibited by the law of this country, were legal in Germany, Holstein, and many other countries. The consequence was, a great number of unfortunate women who, of course, were ignorant of the real state of the law, were induced to go across the Channel, and get married in those countries, though such marriages were, in point of fact, no more real than a broomstick marriage in a gypsy camp. Some of those

Viscount Bury

women had since been abandoned by their husbands, and their children had been bastardized in consequence of a decision recently pronounced in a case in one of the courts of this country, to the effect that certain property had become forfeited to the Crown through the illegitimacy of the children of such a marriage as this Bill would legalize. The whole proceedings of the Marriage Reform Association were most demoralizing, and it was essential to the wellbeing, the sound morals, and social position of England, of which we were so proud, that a stop should be put to that most dangerous association. He had been asked not to divide against the introduction of the Bill, and, if he intended to persevere in his opposition to it, to postpone dividing the House against it till some further stage. That course might be very proper with respect to a Bill to whose principle he had no objection, but of whose details he did not approve. This, however, was a Bill to the whole of which he was resolutely opposed; and, therefore, however small might be the support he should receive, he would insist on a division on the Motion for its introduction. He protested against any such Bill being laid upon the table; but if it should unhappily be introduced, he should oppose it at every stage. He had been favoured that morning—he presumed by the Marriage Reform Association—with a pamphlet entitled, "Opinions and National Testimonies tending to prove the Scriptural Lawfulness and Social Expediency of Marriage with a Deceased Wife's Sister, and the Desirableness of Removing Doubts as to the Legal Validity of such Marriages." Now, if any doubts heretofore existed as to their illegality, he thought the decision of Mr. Justice Cresswell must have completely removed them from every reasonable mind at all events. He (Mr. Divett) had no doubt, and he believed that nobody except those who wished to abrogate the law in order that they might have the power of marrying their deceased wife's sister, and indulging their fancies in some other mode, had any doubt as to the illegality of these marriages. But the pamphlet proceeded to give an opinion of the noble Lord the late Prime Minister, which he certainly did not hear the noble Lord express during any of the previous discussions of this question; and he therefore thought it right to read that opinion in the hearing of the noble Lord, in order to ascertain whether he had really expressed such an opinion. The pamphlet attributed the following language to the noble Lord:—

> "It seems to be established and admitted that the moral feeling of the community at large is not with this law—that the law, in fact, is not obeyed, and that a great number of persons, not considering themselves to commit any moral offence, do contract marriages which the law prohibits. That is not a state of things which ought to exist; and, not being of opinion that there is any moral objection to the contracting of these marriages, and believing that the law as it stands is the cause of a great deal of misery and social evil, especially among the middle and lower classes of the community, I shall with great pleasure give my vote for the Motion."

That speech, according to the pamphlet, was delivered by Viscount Palmerston on the Motion made on March 13, 1856, for leave to introduce the Bill. The pamphlet then gave a great many opinions of eminent lawyers and divines. We all, of course, knew that lawyers were not very scrupulous in giving their opinions, and that, in fact, for a certain consideration we might obtain from them any opinion we pleased. He therefore did not attach much weight to lawyers' opinions. But the pamphlet ended with the following very extraordinary statement:—

> "Marriage with a deceased wife's sister is not known to have been prohibited in any age or country before the fourth century of the Christian era, at which period the Churches had widely departed from the simplicity of earlier times. The most exaggerated notions were entertained respecting marriage and celibacy, and, influenced by the doctrines of the ascetic Basil, Bishop of New Cæsarea, the Greek Church, without Scriptural warrant, prohibited marriages of consanguinity, of affinity, and even of spiritual affinity, to the seventh degree. At the present day these marriages may be lawfully celebrated in the following countries, each of which has an independent jurisdiction in the matter, and the united population of which amount to more than 700,000,000."

Now, would it be believed that in this population of 700,000,000 were included the populations of Turkey, Morocco, China, as well as 400,000,000 Bhuddhists and idolaters? It was most extraordinary that the pamphlet omitted to add that these marriages were equally in accordance with the public opinion and law of 180,000,000 Hindoos. The pamphlet proceeded to give a list of all those countries to which the Marriage Reform Association had induced these poor unfortunate women to go and put themselves into a state of concubinage. Next, it quoted, as being in favour of the principle of this Bill, all the States of America, with one extraordinary exception—it did not quote a State which one might suppose to be almost a model nation in the

opinion of these marriage law reformers—namely, the state of Utah, the territory of the Mormons. He would conclude by stating that he would oppose the Bill at every stage, because he firmly believed that it was fraught with danger to the well-being of England, and would produce the most melancholy moral and social evils in every English home.

MR. MALINS said, the hon. Gentleman who had just sat down was in error with regard to the case which had recently been argued before one of the Courts, involving the question of the legality of marriage with a deceased wife's sister. No judgment had yet been pronounced in that case. The question involved in it arose thus:—A gentleman of the highest respectability, a magistrate and extensive manufacturer, had, after most mature consideration and with the full assent of his own family and his wife's family, married a sister of his deceased wife in Denmark—a country where, as it was well known, such marriages were lawful. A more admirable match he (Mr. Malins), from the facts which had been laid before him as counsel in the case, believed there could not have been. They were informed by counsel of the highest eminence that although they could not marry in England their marriage in any country where such marriages were lawful would be legal in this country also. Three children were born of that second marriage, and two of the first. The father had the greatest anxiety with regard to the legality of the second marriage, and he framed a will with the view of providing for the children thereof in the event of their being declared in this country to be illegitimate. Some time afterwards he fell suddenly ill in Germany, and at his request a clergyman, who superintended the hospital where he lay sick, drew a new will, which he executed, leaving the whole of his property among his five children absolutely. About a year after his death one of the children of the second marriage died, and no contest arose between the Crown and the surviving children as to the personal property of the father and mother. The alleged illegitimacy of the children of the second marriage however raised the question between them and the Crown, whether there was any legal heir or next of kin to the deceased child of the second marriage. The families of the deceased husband and wife were of the highest respectability, and the question of the legitimacy of the marriage had put them in a position of very great distress. On account of the great importance of the case the learned Vice Chancellor before whom he had the honour of practising — namely, Vice Chancellor Stuart, the Judge before whom it was brought, called in the assistance of Mr. Justice Cresswell, who at the end of about a month after the arguments were concluded, gave his opinion (which was not a judgment) that the marriage was invalid. The Vice Chancellor had not as yet given judgment, and the case, therefore, must be regarded as still remaining *sub judice*. There were, he might add, hundreds of other cases in which persons, not of an immoral character, but who were desirous to fulfil to the best of their ability all the duties of life, had been led to contract those marriages, and he must contend that if it were the intention of the Legislature to prohibit, such prohibition should be laid down in terms the most plain and distinct. Lord Hardwicke's Marriage Act declared that all marriages which were not solemnized in a particular way—such, for instance, as those which used to be celebrated in Scotland—should be void, yet the decisions of our Courts under the operation of that Act held such contracts to be not void but voidable. The present law with reference to marriage with a deceased wife's sister was liable to the same freedom of interpretation, and it was time, therefore, that some alteration should be made in it which would place the intention of the Legislature beyond all doubt. Nothing could, in his opinion, be more ridiculous than that a person not permitted to marry in this country should be enabled to do so beyond the seas. If the incapacity attaching to the contracting parties were of a personal character—such, for example, as was created by the Royal Marriage Act—then it could not be obviated by the mere fact of residence in a foreign country. It was, under these circumstances, perfectly clear that the existing law stood in need of amendment; and, although he had upon two previous occasions voted against any such amendment, yet he felt bound to say that, upon more mature consideration, great social evils appeared to him to result out of the present system. He also quite concurred with those who thought that the Scriptural argument against marriages with a deceased wife's sister was untenable. It was reduced, therefore, to a question of social expediency, of social propriety, of social

advantages, and if it was found impossible to prohibit the desire to contract these marriages, he thought that if they could not prohibit attempts to evade the law, they had better alter the law. At present it appeared that in spite of Legislative prohibition these marriages continued to be solemnized; wives on their death-beds, expressed their desire that if their husbands married again it should be to their sisters; and under that state of things it behoved the House to consider whether they should continue to make illegal what they were incapable of prohibiting. At any rate, he (Mr. Malins) should vote in favour of the introduction of the Bill, in order that the whole subject might undergo re-consideration.

Mr. W. J. FOX said, that he was largely indebted to the hon. and learned Gentleman who had just sat down, not only for a clear exposition of the law as it was understood to exist by many persons, and the evils bearing upon that supposed state of the law, but for the testimony which he had borne to the character of the persons who were most affected by it. What did the agitation that prevailed upon this question show? Why, that there were persons who felt strongly on this matter—men of character, persons of probity, who year after year devoted time and property to bring this question under the consideration of the Legislature. The hon. Gentleman (Mr. Divett) had thrown a slur, which might or might not be deserved, upon the opinions of lawyers; was he prepared to throw the same doubt upon the opinions of divines? Because, in the pamphlet to which he alluded the speeches and opinions of divines were as numerous as those of lawyers, and it contained also those lawyers on both sides, men of very high character in the world. Whatever might be said with respect to the Scriptural prohibition alleged to be involved in the question, he thought it was a subject on which the utmost liberty of interpretation must be allowed. There were individuals, and there were Churches who considered that these marriages were absolutely prohibited. But there were individuals who were equal in intellect, equal in character, equal in talent, in piety, and in the discharge of all the offices of religion, who took an opposite view. There were not only individuals, but there were Churches also who did so. The opinion of the Church of England might be considered ambiguous in the matter. A great number of clergymen of the Established Church had petitioned in favour of the Bill, and many of them were practical protesters against the existing law, by having become themselves obnoxious to its disqualifications. If they looked at the Nonconformist bodies in their free synods and assemblies; they would find that the Independent Union and the Baptist Association had declared their opinions in favour of an alteration of the law, and that particular alteration of it proposed by the noble Lord who introduced this Bill. That being so, he could not understand the justice of a proceeding by which one particular body should endeavour to force its own interpretation of the Scripture upon those who happened to entertain contrary opinions. He (Mr. Fox) had a great regard for tenderness of conscience, no man had a greater; but of all tenderness of conscience that which he was least disposed to regard was the disposition to force the convictions of one's own conscience upon the consciences of others. To his mind the passage of Leviticus, so much disputed, belonged to a set of others which applied to the state of polygamy that not only existed, but was tolerated and regulated, among the Jewish race. In that view he was fortified by the fact, that to this day the Arabian women who were not allowed to show themselves unveiled, except to certain of their near relations, as to a father or a brother; but a woman was allowed to show herself unveiled to the husband of her sister—a fact which was tantamount to expressing the possibility of a marriage at some future day. This rule was also permitted by the written laws of Mahomet, as contained in the Koran. The Mosaic prohibition might therefore, not unfairly, be considered as corresponding exactly with this Arabian custom, and should be interpreted by it. He felt, however, less disposed to place reliance upon the authority of the passage in Leviticus, even if it had been more distinct, because not far from it there occurred the passage declaring the punishment of witchcraft. Now, as it was about a century since we had removed all laws against witchcraft from our statute book, he thought that we had long since abrogated any authority which was to be derived from the Mosaic prohibition. Then there was the great fact of such marriages continuing to take place. They had survived every change in the law. They had first been ambiguously prohibited in foreign countries, whilst they were prohibited here under a doubtful interpretation of the law of marriage; but still such marriages had

continued to multiply with consistent regularity throughout all classes of the community. It was clear, therefore, that such marriages could not be put down, and the question for the House to consider really was whether they would oppose the law of the country to a law of nature. The best guardian of the deceased wife's children would be her sister, and he could not see why the sanction of the law should be withheld from marriage within that degree. For these reasons he should cordially support the introduction of the Bill.

MR. BERESFORD HOPE, in reference to what had been said as to Lord Hardwicke's Act and Lord Lyndhurst's Act, observed that his hon. and learned Friend the Member for Wallingford (Mr. Malins) had quoted rather from memory than from the accurate letter of the Acts of Parliament; for Lord Lyndhurst's Act recited that marriages within the prohibited degree were *ipso facto* void, not merely voidable; and enacted, in the first clause, not that such marriages should be hereafter void, but that they were null and void. So did Lord Hardwicke's Act; but its last clause but one made an express exemption from its operations of the marriages of Quakers, Jews, and those celebrated in Scotland or beyond the seas. This exemption did not occur in Lord Lyndhurst's Act. But, still, this was not a question that hinged on the interpretation of one or two Acts of Parliament, but one that agitated deeply and seriously all classes of society, the highest, the middle, and the poorest. Often as he had opposed this measure, both in and out of the House, he did not say that he should have been disposed to take the sense of the House at this stage of the discussion; but still he was not surprised that the hon. Member for Exeter (Mr. Divett) should feel so strongly upon it as to determine him to do so upon the introduction of the Bill, and he would himself follow him into the lobby. The question was one that interested the highest, the middle, and the lower classes; and why had it so interested them all? Because the question had been fostered by a paid and systematic agitation. A few persons, who had themselves broken this law, or who desired to break it, formed themselves into a league, and put their case into the hands of a lawyers' firm. These lawyers sent round their paid commissioners, and made an *ex parte* inquiry. In a House of Commons, as thin as the present one, a Royal Commission was obtained, and met, and laid on the table a Report, which was nothing more than the re-cooked fragments of that *ex parte* inquiry. The Report of this Commission ought to be read by every Member of the House, and they, in conjunction with the Noble Lord who introduced the Bill, would, he believed, come to the conclusion that all this had been brought about by a mere firm of solicitors, representing individuals who had either a personal interest in having the law altered, or in shielding themselves from its violation. Several witnesses were examined, and some of them belonged to or had been employed by this firm of solicitors; others were persons who had broken the law; and some few others were jurists and divines; but no care was taken to bring before the Commissioners persons to whom an alteration in the law would have been a destruction to their domestic happiness, the women of England, who were as interested in the inquiry as the men. They had no part in the Commission. Ireland was represented by one man, who made himself notorious by being put on his trial in the dock for a long course of systematic swindling in a Government office—the notorious Mr. Matthews, who had also some *alias*. Scotland, where a feeling on this subject was almost unanimous, was not represented by witnesses before this Commission. The case of the brothers' widows was not represented, and that of those who wished to marry the wife's niece was thrown overboard. At this stage of the Bill, he should best consult the feelings of the House by not entering on the theological discussion of the question, and, therefore, he should confine himself to a few remarks upon what had fallen from the hon. Member for Oldham (Mr. Fox). That hon. Gentleman had spoken of the natural affection existing between a widower and his sister-in-law, and between the latter and her deceased sister's children. That was a holy feeling, and long might it be preserved among us; but it was with a desire to maintain those sacred affections in all their purity that he resisted a change in the law. A woman who married her deceased sister's husband, and had children by him, would naturally prefer the interests of her own offspring to those of her sister, and thus the generous affection hitherto existing would be destroyed. He wanted the sister-in-law to be the sister of her deceased sister's husband and the mother of the children; but how could she be so if she was their stepmother, having,

perhaps, been looking forward to that position while her sister was yet living? Let it be said that the temptation to cohabitation was great if the sister-in-law, who was the most natural female protector of the children, performed that duty. That might be an argument as regarded the widower and the sister; but let not the helpless children be imported into the question, when they were really pandering to the unholy desires of the man and the woman. As for the case of the upper class of society, theirs was a case which he thought did not deserve five minutes' serious attention. They appeared in this question—

"With all the world before them where to choose."

They existed with all the advantages of education, and the usual opportunities that the upper classes possessed, and he thought, as regarded them, the hardship that existed under the present law was one of a very slight and inconsequential character. Then they came to the lower and poorer classes, the people, who were huddled together in one or two miserable rooms—brothers and sisters, adults, male and female, pigging together in contempt of all decency. In these families, was it the wife's sister that generally became the inmate? Any one who had studied the condition of the working classes of this country knew that among the working classes the families were more completely broken up and scattered to the four winds than among the higher orders of society. The sons went out to labour, and the daughters went out to service, and the chances were that the man who married in that class of society might never have seen the family of his wife, or if so, very casually, and without there being about it those elegant refinements of social intercourse which belonged to the upper classes of society, and which created the feeling of relationship. So when the wife died, and he was looking out for a mother for her children, he (Mr. Hope) did not believe that he would appreciate these advantages of relationship as an inducement to an alliance which at present, under the law, he was forbidden to contract, when he had to choose another woman, honest, sober, and well conducted, to take charge of his widowed children. Then they heard it asserted that cohabitation took place among persons in this degree of relationship and of consanguinity one to another. Such might be the case; but again he pointed to the miserable want of accommodation that existed among the poor as the inducing cause, of the deficiency of moral education, and of the miserable blunting, in too many cases, of the mind's moral feeling. Thence arose the cases of intercourse of other and nearer degrees, too terrible to mention, that were brought before our assizes and police courts, which went to prove the totally inadequate condition of our cottages, which were the hotbeds of all these criminal occurrences, which had hitherto failed to be arrested or rooted out by the attention of either our courts of judicature or our territorial classes. Then the experience of foreign countries was alluded to, and we were told that England was almost the only country in the world in which a man was not allowed to marry his wife's sister, and that only here and in Russia it was not permissible. That might be so; but England and Russia were the only countries in Europe, nearly, in which a man might not, either by the law of the country or by a dispensation, marry his blood niece or his blood aunt. Then the question came, was the legislature prepared to relax the existing law to that extent, and to declare that marriage with a blood niece or a blood aunt, was not an abomination? If not, *cadit quæstio*, the system of relaxation which prevailed abroad and our system of prohibition run upon all fours. The attempt to establish an intermediate one would assuredly fail. Let them once alter the law; once introduce the firebrand into families; once make the wife upon her deathbed watch every look, every smile, every word that passed between her husband and her sister; once make it a matter of calculation with the fortune-hunter, where there were two heiresses in a family, how he should first win the affections of the one in delicate health, and then, when she was in *articulo mortis*, how he should bring the second sister within his attractive wiles, and see what a very happy change they would have effected in the social condition of the people! But they were told that this was a question of religious freedom. If there were an hon. Gentleman in that House who was devoted to the cause of religious freedom, it was the hon. and learned Member for Sheffield. Yet they must remember how in 1850 that hon. and learned Gentleman had denounced in withering terms the whine of those who pretended to advocate this measure on the ground of religious freedom, characterizing their argument as a "hypocritical pretence." That was the language of the hon. and learned Member

for Sheffield, and with that language he should now conclude.

MR. WHITBREAD said, he could assure the hon. Member for Maidstone (Mr. B. Hope) that his arguments would not find acceptance of the poorer classes in whose interest he himself would support the Bill. He was exceedingly unwilling to argue the question upon any isolated texts of Scripture, which no doubt might be produced upon both sides of the case; but he wished to remind the House that some 3,000 or 4,000 years ago no great blame was excited by a man's marrying two sisters during the lifetime of them both. The arguments of the hon. and learned Member opposite might do very well for those rich persons who were able to consult lawyers upon the subject; but if he were to address them to a poor man in the manufacturing districts he would probably be told, "Sir, while my wife was alive I loved and had every reason to respect her. Now that she is removed from me, Providence has in His goodness seen fit to allow to my helpless children a guardian as kind and as good. I see her moving about my cottage engaged in all the offices of a mother to my children. I love her for my former wife's sake, and she is willing to marry me for my children's sake. We have studied the Bible; we see no prohibition, and we have no qualms on the matter." What right had Parliament to interfere, and to say that in such a case such a marriage should not take place? There might, no doubt, be some who would be ready to transfer their worthless affection from the wife to the sister-in-law; but with such persons would the intimacy of the sister-in-law be safe now? They were told that the whole fabric of society and the very existence of the people were built upon the purity of the marriage institution, and the close knitting of family ties. He believed that; but he hoped that they rested upon something a little clearer to every intelligence, and a little more comprehensible to the conscience, than the prohibition which was the subject of consideration. He did not give his vote in favour of the rich few, but of the many, upon whom the existing state of the law operated as a real grievance, and on behalf of whom he claimed, not a favour, but a right.

MR. MELLOR said, he considered that on all grounds, legal as well as social, it was desirable that the law as it stood should be investigated, so as to ascertain whether or not it ought to be altered. He was led to this conclusion from a belief in the fact, that notwithstanding the present state of the law these marriages were very constant and common among the lower classes, and this condition of the law, from its not rendering these marriages valid, caused them not unfrequently to be contracted across the border, or in some foreign country, in order to give a status to their legitimacy. He supported the introduction of the Bill on the ground that it deeply affected the interests of the lower classes, among whom these marriages, in spite of the laws of prohibition, prevailed and were contracted.

MR. GILPIN said, that the hon. Gentleman who talked of the newness of this agitation (Mr. B. Hope) might be surprised to hear that 100 years ago these marriages had been advocated by the Rev. Mr. Robinson, of Cambridge, the predecessor of Robert Hall, in a tract of great ability, so that after all the movement was a century old. He disliked as much as any one the introduction of theological questions into the discussions of Parliament; but he knew of no question with which theology had less to do than this. The law of Leviticus had no connection whatever with the question whether a man in England in the nineteenth century should be permitted to marry a deceased wife's sister. Such attempts to twist the meaning of particular texts ought to be looked on with great jealousy. But if the theological point were relied on, opinions of the greatest weight might be cited in favour of this measure; for instance, Robert Southey asked—

> "But has it never occurred to you that this law is an abominable relic of ecclesiastical tyranny? Of all second marriages I have no hesitation in saying that these are the most suitable, and likely to be the most frequent, if the law did not sometimes prevent them. It is quite monstrous, judges and lawyers speaking as they have done of late upon the subject."

Luther said—

> "The union of husband and wife is of divine right, which is binding, however contrary it may be to human laws, and the laws of men ought to yield to it without reserve. For if a man leaves father and mother to cleave to his wife, how much rather shall he trample under foot the contemptible and unjust laws of men, and cleave to his wife?"

Archbishop Whately said—

> "You are at liberty to refer to me as approving of the abolition of the restriction on marriage to which you allude."

The opinion of the present Bishop of Carlisle was given in these words—

"I cannot say that such marriages are forbidden in the word of God; on the contrary, the limitation in Leviticus seems to sanction marriage with the sister of the wife after the death of the latter."

Dr. Chalmers, too, thought that the prohibition in Leviticus was only against marrying a wife's sister during the life of the former. There were other ministers—such as Dr. Eadie, of Glasgow, and Dr. Bunting—who held the same opinion. He had read these opinions as being sufficient, and more than sufficient, to prove the case as a question of theology. He was convinced that unnecessary legislation was a mischief, and that a law which did not recommend itself to those who had to obey it was an evil and not a good law. He hoped, therefore, that the House would allow the Bill to be introduced, that they would carry it, and that it would receive the sanction of the other House, for he was convinced it was in accordance with the feelings and wishes of the people.

MR. BIGGS said, he should support the measure. He had presented a petition from upwards of 100 of his constituents, praying the House to reconsider the question. As an acting magistrate in a large manufacturing population his views, gathered from his own experience, were diametrically opposite to those of the hon. Member for Exeter (Mr. Divett) as regarded the effect of the prohibition on the morality of the people, and he hoped that no impediment would be thrown in the way of a Bill which a considerable number of people believed to be necessary, not only for their liberty, but their happiness.

MR. LYGON said, that the hon. Member for Northampton (Mr. Gilpin) had complained of being dragged within the shadow of ancient, while he had himself brought them within the shadow of much more modern, authorities. He (Mr. Lygon) agreed, however, that theological discussion ought to be avoided in that House, for he had never observed that when they had indulged in discussions of that character they had ever risen from them either better or wiser. For his part he could not see any difference between the mother or the daughter by a former marriage of a man's wife and her sister, yet nature revolted from the idea of his marrying either of the two former, and by what process, then, could the sister be eliminated from the category in which those two stood? It was not enough to say that the instincts of mankind were sufficient to justify such marriages. The instincts of mankind had not restrained men from committing the most horrible crimes; yet that was no reason for generalizing the infractions of the law into a code for the future guidance of men. Which instincts of human nature were to be consulted, the higher or the lower? In a discussion which took place last Session it was admitted that polygamy was one of the instincts of human nature, ought that instinct to be legislated for? He believed it to be the duty of Parliament to legislate for the higher instincts of our nature; and being convinced that this question, if argued on purely rational grounds and with reference to the higher instincts of our nature, would be found altogether repugnant to those higher instincts and to that law of nature which was synonymous with the law of God, he felt they could not agree to the proposition before them without impairing the stability of our institutions and the happiness of the people who lived under them.

VISCOUNT GODERICH said, he had not intended to take any part in this debate, but he trusted the House would permit him to say a few words in reply to the speech of the hon. Gentleman who had last addressed them. The hon. Gentleman, in discussing this question, rightly refrained from entering into the theological argument. He agreed with the hon. Gentleman in thinking that that House did not rise from a debate on a theological question with any advantage; but the hon. Member had certainly not abstained from throwing aspersions on those who might differ from him on the subject, which must have been greatly tinctured by his theological opinions. He told the House that those who entered into the marriages his noble Friend sought to legalise had been guilty—at least that was the conclusion—of a grave offence against morality, and were to be placed in the same category with those who practised polygamy. He (Viscount Goderich) must distinctly protest against that opinion. Again, the hon. Gentleman said he considered it would be a perfectly parallel case if it were proposed to legalize marriage with the mother of a deceased wife, or with the daughter of the deceased wife by a former marriage. But on that point he (Viscount Goderich) would be content to appeal from the individual opinion of the hon. Gentleman to public opinion; and he would emphatically say that the hon. Member was not justified in maintaining that in the eyes of the public, at this time, the cases he had put were regarded as at

all parallel. It seemed to him (Viscount Goderich) that this was an eminently social question. It might be true, as had been more than once said, that with regard to the rich, social difficulties might arise if a Bill for legalizing the marriages in question were passed. He did not agree with that opinion, though he could understand it. But he could not understand how any man acquainted with the feelings of the great body of the people of this country could argue that if such a Bill were passed it would tend to injure their social condition or to lower their morality. The House ought to look at this question practically; and, so looking at it, he believed if they said to the working classes that these marriages should be legalized, instead of weakening or injuring their social relations in this respect, or of lowering the tone of their morals, the result would be, in the course of time, that the morality of the great mass of them would be considerably raised. After all, it was surely true that social laws required the sanction of the age, and he was convinced there were few among our social laws less sanctioned by the judgment and feeling of the great body of the people of this country than the prohibition which his noble Friend the Member for Norwich (Viscount Bury) now sought to abolish. This was a question on which a very strong opinion existed among his own constituents, and in the manufacturing districts generally. It might be said that we ought not to give way to what was after all an improper desire on the part of those who sought an alteration in the law, but if once they abandoned the theological argument, they could not rest anywhere on such a question, except on the feeling of the country in reference to its being a question of morality. If the theological considerations were laid aside, and the other part of the question was looked at, nothing could be more dangerous, because nothing could be more futile, than legislation which had not the sanction of, but which was constantly disregarded by the people of this country.

MR. PULLER said, he felt, with the noble Lord who had preceded him, the difficulty of dealing with this question in a satisfactory manner, from the little hope there was of treating any theological argument in that House in a way commensurate with its importance. If that difficulty was felt in an ordinary case involving theological considerations, it would be obvious at once that it must be experienced in a tenfold greater degree in a question like the present, in which the true solution of the theological argument required not only a logical mind, but a knowledge of the Hebrew language. He entirely agreed with the noble Lord who introduced this Bill when he said that if the scriptural argument was against him there was an end of the question. That was exactly the ground taken by Luther in the passage quoted by the hon. Member for Northampton (Mr. Gilpin), in which Luther said that he could not be bidden by any human mandate to do away with a marriage which was according to the law of God. That was the view of the question taken by the law of England as early as the time of Henry VIII., for the statute of that King laid it down as a principle that those marriages were to be considered prohibited which were contrary to God's law. The law of England, then, in this respect professed to be based on the Divine law; and the House would bear in mind that the construction of that law was established at a time when theological scholarship was much more profound, and when the Hebrew language was more extensively studied than at the present day. He submitted, therefore, that it was not enough for any noble Lord or any hon. Gentleman to come down to that House and say simply that he had looked into the English version—"the received version," quoted as it was called—and had satisfied himself, without any study of Hebrew or of the opinions of theologians, that on this very difficult question the right construction of a very difficult passage in Scripture was so and so, and, therefore, that the law of England, which had given satisfaction for three or four hundred years, ought to be changed, and that, too, to suit the convenience of parties who, from interested motives—and he (Mr. Puller) could not blame them under the circumstances—sought to bring about such a change, and who had, with that view, raised up a certain amount of agitation in the country. So far from adopting the conclusion that the general opinion of this country was in favour of a change in the law, he confessed he was surprised that, after all the pains that had been taken, and the expense that had been incurred to influence the popular mind in the direction of such a change, so small an amount of general feeling had been produced, knowing as he did how very easy it was to get up an agitation on a subject so closely and nearly affecting our

dearest and strongest feelings. He declined to enter into any consideration of the Scriptural argument bearing on this question—first, because that was not the proper place to do so; and, secondly, because he felt he was incompetent to do justice to it. He entertained a very decided opinion that the chapter of Leviticus did prohibit these marriages, and unless he heard stronger reasons in their favour than had yet been urged he should support the existing law.

Motion made and Question put, "That leave be given to bring in a Bill to legalize Marriage with a deceased Wife's Sister.

The House *divided:* — Ayes, 105; Noes, 62: Majority 43.

List of the AYES.

Adeane, H. J.
Agnew, Sir A.
Alcock, T.
Ayrton, A. S.
Bagwell, J.
Baines, Rt. Hon. M. T.
Baring, rt. hon. Sir F. T.
Biggs, J.
Black, A.
Bonham-Carter, J.
Bright, J.
Briscoe, J. I.
Brocklehurst, J.
Browne, Lord J. T.
Bruce, H. A.
Butler, C. S.
Caird, J.
Campbell, R. J. R.
Cheetham, J.
Clay, J.
Collier, R. P.
Conningham, W.
Coote, Sir C. H.
Crook, J.
Crossley, F.
Dalglish, R.
Davey, R.
Dillwyn, L. L.
Duncan, Viscount
Elphinstone, Sir J.
Evans, T. W.
Fenwick, H.
Ferguson, Sir R.
FitzGerald, W. R. S.
Forster, C.
Fox, W. J.
Gard, R. S.
Gibson, Rt. hon. T. M.
Gilpin, C.
Glyn, G. G.
Goderich, Viscount
Greene, J.
Grosvenor, Earl
Gurney, J. H.
Hamilton, Lord C.
Hanbury, R.
Harcourt, G. G.
Harris, J. D.
Headlam, T. E.
Holland, E.
Hutt, W.
Ingram, R.
Jackson, W.
Jervoise, Sir J. C.
King, hon. P. J. L.
Kinglake, A. W.
Knatchbull-Hugessen, E.
Lindsay, W. S.
Locke, Jno.
Luce, T.
Malins, R.
Mangles, R. D.
Mangles, C. E.
Mellor, J.
Mills, T.
Milnes, R. M.
Morris, D.
Napier, Sir C.
Nicoll, D.
Paget) C.
Palmerston, Visct.
Pease, H.
Philips, R. N.
Potter, Sir J.
Ramsden, Sir J. W.
Raynham, Visct.
Ricardo, J. L.
Ricardo, O.
Robartes, T. J. A.
Robertson, P. F.
Roupell, W.
Shelley, Sir J. V.
Slaney, R. A.
Smith, J. B.
Smith, A.
Spooner, R.
Stapleton, J.
Thompson, General
Thornely, T.
Townsend, J.
Trelawney, Sir J. S.
Trueman, C.
Turner, J. A.
Vivian, hon. J. C. W.
Weguelin, T. M.
Westhead, J. P. B.
Whitbread, S.
White, J.
Wickham, H. W.
Willcox, B. M'G.
Williams, W.
Wilson, J.
Wood, Rt. hon. Sir C.
Wood, W.
Young, A. W.

TELLERS.
Bury, Visct.
Schneider, W. H.

List of the NOES.

Adams, W. H.
Adderley, rt. hon. C. B.
Bernard, T. T.
Barrow, W. H.
Beecroft, G. S.
Bouverie, rt. hon. E P.
Bramley-Moore, J.
Bridges, Sir B. W.
Cecil, Lord R.
Clark, J. J.
Collins, T.
Cox, W.
DeVere, S. E.
Disraeli, rt. hon. B.
Dunbar, Sir W.
Esmonde, J.
Estcourt, rt. hn. T. H. S.
Fellowes, E.
Finlay, A. S.
Garnett, W. J.
Gladstone, rt. hon. W.
Greenall, G.
Hamilton, J. A.
Hanmer, Sir J.
Hardy, G.
Hatchell, J.
Henley, rt. hon. J. W.
Hotham, Lord
Kendall, N.
King, J. K.
Kinnaird, hon. A. F.
Langton, W. G.
Lennox, Lord H. G.
Lyall, G.
Lygon, hon. F.
Lytton, Sir G. E. L. B.
Mackie, J.
M'Clintock, J.
Mainwaring, T.
Manners, Lord J.
Monsell, rt. hon. W.
Mowbray, J. R.
Naas, Lord
Newport, Visct.
North, Colonel
Ogilvy, Sir J.
Packe, C. W.
Pugh, D.
Puller, C. W.
Rushout, G.
Smith, Sir F.
Stuart, Col.
Sullivan, M.
Tottenham, C.
Trefusis, hon. C. H. R.
Walcott, Adm.
Waldron, L.
Walpole, rt. hon. S. H.
Whiteside, rt. hon. J.
Whitmore, H.
Wigram, L. T.
Wynne, W. W. E.

TELLERS.
Divett, E.
Hope, A. J. B.

Leave given.

Bill *ordered* to be brought in by Viscount BURY, Mr. SCHNEIDER, and Mr. MONCKTON MILNES.

Bill *presented*, and read 1°

POOR RATES (METROPOLIS) BILL.—

LEAVE.—FIRST READING.

MR. AYRTON, in moving for leave to bring in a Bill to remedy the existing inequality in metropolitan poor rates, said, that last Session he moved for a Committee to inquire into the causes of that inequality, and to devise the remedy. On that occasion he went at considerable length into the details and extent of the existing equality, and illustrated those details by an appeal to figures, which showed that inequality in a remarkable manner, and that the highest rating was in a manifold degree above the lowest in the metropolitan parishes. He did not propose to repeat the statements he then made, but he would simply remind the House of the grounds on which the Bill he sought to introduce was founded. He did not propose to adopt

any principle of general application to the rest of England, but he proceeded upon grounds solely applicable to the metropolis. He had nothing to do with the questions of exceeding difficulty and much complication respecting agricultural unions, and unions which embraced both towns and villages. All such questions he put aside, and confined himself to the evils which existed in the metropolis, the cause of those evils, and the necessity for adopting some remedy. He believed that the circumstances connected with parochial rating in the metropolis was entirely different from those which were found in other parts of the country. Such was the character of the labouring classes in London that he was told that scarcely any of the inhabitants could trace three generations back as having been descended from persons born in the metropolis. It appeared that in the third generation the descendants of this class of persons born in London were killed off or vanished in some way, and that the supply of labouring industry was kept up by repeated importations from the country. There was therefore no resemblance to the labour which might be found in the villages in the country, where persons traced back their descent to very distant periods. People did not come here to visit a particular parish. They came to the metropolis as to a great mart of industry, where they would find that employment which they had failed to obtain elsewhere; and upon that single ground he (Mr. Ayrton) was prepared to contend that whatever pecuniary liabilities were thus entailed ought to be borne by the metropolis at large, and not by that parish to which by accidental circumstances they were compelled for the moment to go. What, then, were these circumstances? Here, again, they would find a distinction which at once separated the metropolis from all other parts of the country. London contained a large population in a small area, which was covered with houses, and this circumstance enabled society to throw itself into classes, and into particular localities. Thus one parish was devoted to banks and banking-houses, another to docks, a third was the residence of wealthy merchants, while the fourth was the receptacle of the misery and destitution of the metropolis. In villages all classes resided in one parish; the squires, the shopkeepers, and the industrial classes were all brought into contact in the same village, but in London the poor became chargeable to one parish, while the rich were exempt because they were congregated in another. The division between one parish and another was purely artificial, and was unknown to the residents unless they were connected with parochial affairs, or unless for some special purpose they wished to ascertain the boundary. The other night the House had before it an instance of a park which was constructed in one parish, and those who wished to enjoy it lived in others, and wished to be exempted from paying toll on a bridge which led to it. The relations between parish and parish in London were different to those between parish and parish in the country, and thus the chargeability of the poor was unequal and capricious. Certain classes, being thrown by residence upon certain parishes, became irremovable, although the whole of their industry had been exercised in another parish for persons who contributed nothing to their maintenance when infirm. Thus the families of the powdered lacqueys who found employment in Belgravia, not being allowed to live with their husbands, found a residence in the poorer parishes. The husband had exercised his industry in a wealthy parish, yet the destitution became chargeable where the wife resided and where the children were born, so that the master escaped. He understood that no opposition was to be offered to the introduction of the Bill, so that he need not take up the time of the House at any length in demonstrating the injustice of such a state of things. Another inequality was caused by the casual poor, consisting of that class who came to the metropolis and wandered about in search of employment. These persons became chargeable to the poorer parishes, leaving the richer parishes entirely exempt from their share of the burden. It was said the existing state of things should not be disturbed, because it would alter the charges on property; but this was an argument that had been used in opposition to every improvement of the law that had any relation to fiscal obligations and to the removal of every impost that had been levied on produce in this country, and Parliament never regarded it as a valid objection when it became satisfied that a particular tax was unjust, or ought to be made to press more equally on all classes of the community. There could be no doubt of the inequality with which the poor rates pressed on different parts of the metropolis, for while one parish was struggling to keep down the charge, the officials

in another were exercising their ingenuity to find objects on whom to expend relief; and a gentleman had stated in public that the officers of one parish were in the habit of adjourning at their annual meetings to a tavern to join in festivities, having, in reality, nothing to do. Such a state of things demanded consideration and an equalization of the rate upon parishes. There had been various attempts made to grapple with this evil. Many cities and towns in England had been placed in the same circumstances as the metropolis, and in several of these the evil had been remedied by Acts of Parliament brought in from time to time. Indeed, he believed that at this moment there was an Act of the kind passing through Parliament applicable to the Isle of Wight. The position of some of the towns similarly situated with the metropolis engaged the attention of the Government some years ago, and there was laid down by the Poor Law Board a principle which he desired to see carried out in relation to the metropolis. The Poor Law Board, in 1848, issued a circular describing the circumstances in which many towns were placed, and referring to the introduction of a Bill which should apply a remedy by enacting that henceforth all the parishes in such towns should, for the purpose of maintaining the poor, be considered one parish. In accordance with the principles laid down in that circular a Bill was introduced in which several towns were scheduled. The first of these was Cambridge, in which there was much complexity in relation to the circumstances that led to chargeability and the area of taxation. The Bill, however, from circumstances to which he need not refer, was not proceeded with. The people of Cambridge referred their difficulties to the consideration and judgment of a very eminent person (Mr. Justice Patterson), who examined into the circumstances of the town and University, and the conclusion he arrived at was that there was no solution of the difficulty except to make the town and the University one, and for the purposes of rating for the poor. Accordingly two years ago an Act was passed to carry this into effect, and it was there provided that the management of the affairs of the poor rates in respect to the town and the University should be under one body, and that there should be one common rate. Since that time he found from the report of the Poor Law Board that this mode of dealing with the question had made such progress that other places had adopted a similar course. To come back, however, to the Metropolis, he believed that it would be as easy and simple to deal with the evil there as in the other towns and cities to which he had referred. There would be no difficulty in introducing a measure to divide the metropolis into sections, to appoint officers in those sections for the administration of poor relief, to make representatives from each of those sections meet together as an aggregate body for the supervision of the whole, and thus bring the entire metropolitan area under one system of management, and under one rate; following, in short, the admirable scheme laid down in the Bill carried through by the right hon. Gentleman the Member for Marylebone (Sir B. Hall) for establishing the Metropolitan Board of Works. Such a system would not be free from difficulties in practice, and it was a task too great for him to undertake. He did not, therefore, propose to adopt that course; but he would venture to suggest a plan which, while it would accomplish the justice he desired, would be free from the objections raised to all measures of this kind, that they destroyed local management, and substituted for it some extensive central organization. He was glad to think that instead of being called on to propose any invention of his own, or to offer any new device, he could discover a method of remedying the evil in the original Statute of Elizabeth, by which the Poor Law was first established in this country. The Statute of Elizabeth provided that if there was any over assessment for the poor in one parish, the justices of the peace were to make a rate in any other parish they might think most able to contribute within the hundred, and if they found that within the hundred there was no such parish they might search for it within the county, and compel it to contribute its fair quota towards the necessities of the parish which they found to be sunk in poverty. That statute could not be applied as it now stood, because the metropolis stood in four counties, namely, the county of the City of London, Middlesex, Surrey, and Kent. It was therefore impossible for any one set of justices to deal with this subject, but it was not difficult to select from the bench of each of these counties justices who could form a board capable to deal with all questions that might arise as to giving contributions from rich to poor parishes.

He would therefore provide that each of the benches of justices in quarter sessions for these four counties should, from their number, elect two or three of their body, and that those gentlemen so elected should constitute a special sessions for rating for the poor of the metropolis. Thus they would at once have a board composed of gentlemen of undoubted character and position, selected by those who would find among their own number persons well qualified to perform the functions they had to discharge, while a body so constituted would be free from the objections so often raised against boards appointed by Government. To discharge its duties this board would require only the agency of a clerk, and therefore the expense would be but slight. The first thing it would have to do would be to ascertain clearly the bases of rating throughout the metropolis, because at present there was the greatest diversity as to the rate at which property in different parishes was assessed; as appeared from the return which was laid before the House. The assessment of St. George's Hanover Square, under the property tax was £1,097,000, whilst the rating under the poor law was £694,000, being a difference of £400,000 between the two assessments. In Marylebone the difference was £300,000. But some of the poorer parishes were assessed under the poor law within £8,000 of the property tax assessment. In one parish in Bethnal Green the property tax rating was £128,000, whilst the poor-law rating was £130,000, and it is much the same in the parish of St. Mary Magdalene, Bermondsey. The first step, therefore, which was necessary so as to administer justice between contending interests, was to lay down a uniform basis of assessment. In performing this duty the justices would be undertaking no novel functions. There was already in existence an admirable statute by which the justices arrived at a uniform standard for the county rate. Following in the steps of previous legislation, he, therefore, proposed to confer on these justices, with respect to the metropolis, the power which the committee of justices at present possessed with respect to county rating. The next function of the justices would be to determine what was to be paid by any parish towards the necessities of another. To enable them to do this every parish would be required at the end of the parochial year to make to the Clerk of the Justices a return of its expenditure and rating for the past year. Such returns were now made to the Poor Law Board, and it would therefore only be necessary to send a copy to the Justices clerk, who was to give notice of the result by a printed circular. The Bill then provided that the Justices should hold a special session for the purpose of determining the sum which was to be paid by the richer parish and received by the poorer one. According to this plan the Justices would proceed not upon estimate or speculation, but upon ascertained facts, and power would be given them to entertain and examine any objection which might be raised to the accounts of any parish on the ground of extravagance or any dereliction of parochial duty. He believed that the magistracy were fully competent to discharge those functions, and though he saw some gentlemen smile at that statement, he should rather trust the good sense of the unpaid magistrates than the casuistry of a bench of stipendiary lawyers. The question remained, what was to be the nature and extent of the contribution to be paid by one parish to another. He had devoted much time to the examination of this subject, and the more he investigated it the more he was satisfied that the best thing for the public interest would be to deal with the question boldly and finally by saying that the Justices should establish one uniform rate for all the parishes. Each parish would still have an interest in keeping down its own rates, and as each would carry on its operations under the criticism and scrutiny of an independent board of Justices, he thought there was no fear that any one of them would attempt unduly to increase its rates or charges. He was quite aware that upon this point there was great difference of opinion. Some people thought that it was better to deal with evils like this only partially. One hon. Gentleman, whose opinion in regard to matters connected with the administration of the Poor Laws was entitled to great weight, thought that the amount contributed should be one-half of the sum by which the expenditure of that parish exceeded the average. This opinion he founded upon the very simple ground that no parish could be expected to be guilty of the absurdity of imposing an additional burden upon itself in order that it might fix a similar one upon its neighbours. Another hon. Gentleman who took a great interest in these matters, and who was

then in his place, thought that it should be only in extreme cases, and where the poor rates exceeded a certain amount, that aid should be given to any parish, and that the aid so given should be the sum by which that amount was exceeded. To this plan there was the obvious objection that it held out a premium to extravagance after that *maximum* amount had been reached. Therefore it was obvious that any assistance given by one parish to another must take the form of a per centage, in order that each parish might retain that interest in keeping down its rates which at present existed. This, however, was a matter which would be more properly decided in Committee, and upon which, therefore, he did not now ask the House to pronounce an opinion. Having decided which parishes were to pay, and which to receive, the Justices would then provide that those which had to pay should raise the amount to be paid with their next poor-rate, and that those who had to receive should add the amount received to that of their rates for parochial purposes. Many advantages would result from proceeding with such a measure as that he proposed. The first was that it would be no longer necessary to remove the poor from one parish in the metropolis to another, and those removals were about three-fourths of the entire. They would also get rid of the want of division of the poor in workhouses. It was hard that those poor who had seen better days should be obliged to consort with the vilest characters. If the divisions of the metropolis were removed they might select workhouses for the different classes. He would not further enter into the details, as he had explained to the House the general character of the Bill. It did not in any way interfere with local management, but left it intact. This was a further advantage, as, if the measure should turn out to be objectionable in its provisions it might be rescinded or allowed to expire without producing any injurious consequences. He recommended the measure further on the ground that it was the result of a calm and temperate discussion of the whole subject by the ratepayers, under the auspices chiefly of the clergy of the Established Church, representing the great bulk of the inhabitants of the metropolis, who had that evening presented a petition in favour of the Bill. It would be most unfortunate if those gentlemen, seeing that no attention was paid to their demands, were to retire from all further consideration of the subject, and if the aggrieved ratepayers were to call to their aid those poor people who were the victims of the present system, by denouncing to them the great and crying injustice perpetrated upon them by the wealthy and powerful. The question might be considered now in a calm and dispassionate manner, but it could not be so if the poorer classes of the metropolis were once induced to take it into their own hands. No agitation, no speech, could have so powerful an effect as if the body of one of those who died of starvation was held up before the people, and if they were told that such a fate was the result of injustice, it would then be very difficult to deal with the subject in the temperate manner in which he desired to have it considered, and with a view to which he begged to move for leave to introduce the Bill. The hon. Gentleman concluded by moving for leave to introduce a Bill to provide a remedy for the inequality in the Rates for the Relief of the Poor in the Metropolis.

MR. W. WILLIAMS seconded the Motion. The present system of rating for the poor in the metropolis was most oppressive and unequal. The rates in the different parishes ranged from 7d. to 5s. in the pound, and the districts in which the highest rates were levied were precisely those in which the assessment was based upon the real as distinguished from the nominal value of the property. The existing state of things arose in a great measure from the recent change in the law of settlement. Formerly, when servants obtained a right to parochial relief from remaining in situations for a certain period, the richer parishes paid the heaviest rates ; but since the introduction of the New Poor Law Act, giving such persons a claim to relief after having resided in any parish for five years, the burden of maintaining them in their days of adversity had fallen almost exclusively upon the poorer districts. The result was that those who derived advantage from the labours of the poorer classes were exactly the persons who contributed least to the poor rates. At the time of the distress in Ireland there was an immense immigration of poor people into this country, and a great increase in the rating of certain parishes had taken place in consequence. Another evil of the existing system was the inequality of the assessment, the rateable value as assessed in different parishes being from 15 to 57 per cent. below the real value, and was nearest to it

in those parishes in which the rates were highest. He would not further detain them. He understood that no metropolitan Member would oppose the Motion, and he trusted the right hon. Gentleman the President of the Poor Law Board would follow the same course and allow the Bill to be introduced.

MR. SOTHERON-ESTCOURT said, he was glad to acknowledge that the hon. Member for the Tower Hamlets had brought his Motion before the House with great discretion, moderation, and judgment, and he congratulated the hon. Gentleman upon having submitted his proposal in a different shape from that in which he asked the House to deal with it last year. Last Session the hon. Member moved for a Select Committee to inquire into the system of rating in the metropolis; but to that proposal, in addition to the many excellent arguments urged against it at the time by the then President of the Poor Law Board, there was this further objection to be taken—that it was calculated to excite expectations which possibly might not be realized. Therefore, if the hon. Gentleman had repeated his proposal of last year, he should have felt it to be his duty to oppose it on the part of the Government. The hon. Gentleman had, however, taken another course, and in very moderate language had laid before the House a state of things which, whether it could be fully borne out or not, nevertheless was considered by a large number of respectable persons in the metropolis to constitute a grievance. The hon. Gentleman had also asked leave to introduce a Bill which he believed would remedy that state of things. Consequently, if the House assented to the proposition, it would in a week or ten days be in possession of the provisions of the Bill, as would likewise the numerous persons out of doors, who for good or for evil would be affected by the measure if carried into law. Under these circumstances he thought it would be ungracious to oppose the introduction of the measure, which had been brought forward with so much moderation and discretion; and, moreover, he should be sorry to shut the doors of the House against any complaint of a grievance, whether it could be fully borne out or not. However, he must guard himself against being supposed to give any opinion whatever either as to the principle or details of the measure. The hon. Member had not stated at much length the principle of the Bill, while the details, as described by him, seemed to involve so much complication that he should be sorry to be expected at the present time to offer a positive opinion as to their expediency or practicability. He certainly had great doubts on both those points; but a more suitable opportunity of judging of the measure would be afforded when it was laid before the House. Nevertheless there were some few remarks which he thought he might not inappropriately make at this stage. The hon. Gentleman considered it a recommendation of his plan that it was not necessary for him to introduce any new principle of legislation, since he found in the old Poor Law Statute, the 43rd of Elizabeth, ready to his hand, machinery applicable to what he considered the grievance of the metropolis. The hon. Gentleman thought that the power there given to magistrates to levy a rate in aid for any parish would with large additional facilities and a little adaptation to modern wants, serve his purpose. Now, that might be good machinery, but it was not old machinery as intended to be applied by the hon. Gentleman, for it was only intended to be brought into operation in cases of the inability of a parish to raise a sufficient sum for the poor. If it were otherwise, how happened it that for 250 years so very few instances could be found of a rate in aid being resorted to? He was told that there was only one authentic case of a rate in aid being really carried out. That occurred in reference to a small parish in the city of Worcester; and even there it was abandoned after a certain number of years, for it was found that exactly in proportion as the Justices assigned to that parish contributions from the neighbouring parishes the local officers contrived always to spend the money drawn from their neighbours. He believed that the real reason that this provision of the 43rd of Elizabeth had been so seldom brought into use was, not the difficulty of putting the machinery in motion, but the risk of mismanagement when persons who had to contribute to the general fund had not the control of it. He feared that that risk would be incurred from the hon. Gentleman's plan, unless he guarded against it with more caution than he appeared from his speech to have done; for, as he understood the hon. Gentleman's plan, the rate in aid in the metropolis was to be fixed by the Justices, and the ratepayers who were to contribute had nothing to do but to pay. He doubted whether the latter would agree to such a proposition. In reference to the question of the in-

equality of rating, he observed that, according to returns prepared by the Poor Law Board, it seemed that in consequence of the difference in the basis of assessment, a 1*s.* rate in one parish did not represent the same amount in another. For instance, there was a difference between the gross rental and the rateable value, on the latter of which the assessment was made. He had returns of the assessments in all the metropolitan parishes, and in some instances the difference between the gross rental and the rateable value was 50 per cent; but in St. George's, Hanover Square, which had been characterized as a favoured parish, the difference was not 10 per cent. Consequently, as far as the assessment was concerned, 1*s.* in the pound in that parish would be equivalent to 1*s.* 6*d.* in the pound in another parish where the rateable value was put at a low figure. He therefore concurred with the hon. Gentleman in thinking that if Parliament should seriously entertain the proposition now enounced it would be absolutely necessary, as a first step, to put all the parishes on the same footing as regards assessment. He would further ask whether the hon. Gentleman, and were those whom he represented, prepared to accept the consequences of such a measure? The result would be that all the local Acts under which some of the parishes were managed must be put an end to, and those parishes must be placed on the same footing as the rest of the metropolis. He doubted whether the parishes, attached as they were to their local Acts, would like such a result. Moreover, he was sure that the hon. Gentleman would be obliged to have recourse to a much more stringent power on the part of the central authority—the Poor Law Board—than he seemed to anticipate. Supposing the whole of the metropolis formed into one district, could any man suppose that the local guardians, having such an enormous purse to draw on, would not exhibit a laxity in the expenditure? He feared the inevitable result would be that the Poor Law Board would be requested to undertake the management of the poor throughout the metropolis. He could not assent to the proposition of the hon. Gentleman that there was any material difference between the position of parishes in the metropolis and of parishes in the country, and unless very good reason could be shown for such a proceeding he certainly would be very unwilling to apply to one part of the kingdom a law relating to the relief of the poor differing from that which was generally established. If the system proposed by the hon. Gentleman was adapted to the metropolis he thought it would be equally applicable to the country generally; and it was for the hon. Gentleman to show upon what grounds he would oppose an attempt to extend the same principle to all large towns and to country districts. If that were done what security would there be against the adoption of a national rate? He admitted that the great inequality of rates throughout England might well excite dissatisfaction; he admitted that in theory the scheme of the hon. Gentleman was extremely plausible; it might be that his scheme would involve no innovation upon the existing law, and would merely amount to the resuscitation of an old statute; but he feared that the adoption of the hon. Gentleman's plan would prove to be the insertion of a wedge which, within a very few years, would be driven home, and that the result would be the annihilation of all local government and the substitution of the authority of a central Board in London for the administration of the Poor Laws throughout the kingdom. Although these apprehensions were strong in his mind, nevertheless, adhering to what he had said, he thought it would be only becoming of the House to allow the hon. Gentleman to introduce his Bill. He hoped, before the question again came before them, the several parishes in the metropolis would have an opportunity of considering all the details of the measure, and that they would not altogether confine themselves to merely an opinion upon the merits of the question, but that they would be prepared, through their representatives, to show how the provisions were likely to affect their respective localities, and to furnish the House with some substantial grounds for their wishes on the subject. As far, however, as he had considered the matter, he was sorry to say that the hon. and learned Gentleman could not hope for his support on the second reading. At the same time, the subject was of great importance, and, therefore, he thought it would be only proper to allow the hon. and learned Gentleman to lay his measure before Parliament and the country.

MR. JOHN LOCKE said he wished to congratulate his hon. and learned friend with having met with such a kind recep-

tion from the right hon. Gentleman at the head of the Poor Law Board, and also upon his having been apprised of all the arguments which the right hon. Gentleman could urge against the passing of the Bill. If those were the only arguments likely to be brought forward against the Bill he could have no fear whatever of the result, for in that case he was confident that this Bill must necessarily pass into a law. They had heard these objections put forward over and over again. The right hon. Gentleman said that if they transferred the power of managing those rates from the many small localities that at present directed them and placed in the hands of a central body there must necessarily be great extravagance indeed. When, however, he (Mr. Locke) had the authority of the late Mr. Charles Buller and other eminent men to guide him—when he recollected the nature of the Report made by the Committee on the subject, he had no fear of any such argument being successful against the proposed measure. The right hon. Gentleman, the late President of the Poor Law Board, had contended on a former occasion that if they passed such a Bill as that brought forward by his hon. Friend it would lead to an equalisation of the poor rates throughout the whole country. What was the consequence of that observation? Why, a feeling of horror immediately appeared to pass through the minds of all the country gentlemen. [Sir J. SHELLEY: Hear, hear!] He did not know whether his hon. Friend cheered in his character of representative for Westminster, or as a country gentleman of Sussex. [Sir J. SHELLEY: Both.] The hon. Baronet objected to the Bill, then, as Member for the city of Westminster, and as a landed proprietor in Sussex; but he thought he could remove the hon. Gentleman's objections by showing him that there was a clear distinction between the case of the metropolis and that of the country districts. The position of the metropolitan parishes differed most widely from that of parishes in the country districts, excluding, of course, large towns such as Liverpool, Manchester, or Birmingham. During many years past great improvements had been effected in various portions of the metropolis, and as an instance he might mention that, in order to construct Regent Street, the dwellings of some thousands of persons of the poorer class were demolished. The consequence was that the persons thus driven from the richer parishes located themselves in the poorer parishes to the east and south of London. The President of the Poor Law Board had said that if an equalisation of poor rates were adopted there must also be an equalisation of the rating. That was exactly what he (Mr. Locke) and many others desired; and petitions had been presented, signed by thousands of ratepayers, asking for an equality of rating as well as an equalisation of the rates. He might also refer to the wealthy parish in which the Bank of England stood. That enormous establishment was only rated at between £200 and £300. Surely that was a sufficient reason for demanding an equalisation of rating. The greatest social evil to be found in the metropolis was the fact that hundreds of thousands of the poor were huddled together in tho poorer neighbourhoods, and obliged to live in dwellings wholly unfit for their reception. He submitted that this Bill would be a remedy against crowded dwellings in this metropolis. If we had an equal rating it would no longer be the interest of any particular parish to prevent suitable houses being built for the poor to dwell in, in their particular localities. Under existing circumstances, the richer parishes would not allow dwellings for the poorer classes to be built. When the houses of the poor were taken down in order to the formation of Vittoria Street, in Westminster, the Dean and Chapter of Westminster congratulated themselves upon getting rid of 2000 or 3000 of their inhabitants. This large number of the poor were obliged to betake themselves to crowded dwellings, generally upon the south side of the metropolis. He maintained that there were not in this metropolis a sufficient number of small houses for the poor to reside in. It was true that there was a Bill brought into the House last Session, with the professed object of improving the dwellings of the poor. That Bill was, however, an insult to the poor of this metropolis, because the only remedy it proposed to meet the evil complained of was to send in the police, who were to be authorised to turn out some of the inmates, if they found there were too many residing together. Such was the effect of high rating in the poor parishes that, notwithstanding the want of houses for the poor, the landlords of many houses were obliged to shut them up because they could not pay the rates. Take the City of London as it was properly called. He believed by the last

census it contained 128,000 inhabitants. Those persons were generally the richest in the whole metropolis, but they only kept their offices in the City, and resided in other districts. In some of the parishes there were no paupers at all; it was true there was a union rate, but the principal parishes paid next to nothing. But they clearly ought to pay towards the relief of those who were in their employ, though they lived on the other side of the water. Two of the principal parishes on the south side — Bermondsey and St. George-the-Martyr—could get no relief from the union, being unions in themselves. In those parishes resided most of the poor persons employed in the docks and other commercial establishments in the City. The great merchant of the City, who owned a dozen Indiamen, and perhaps employed 1,000 men in loading and unloading them, merely paid a nominal poor-rate upon the rating of a small office in some alley out of Cornhill, whilst their splendid residences at the West End were comparatively free from any charge for the support of the poor, inasmuch as there were scarcely any paupers in their neighbourhood. He submitted that the whole community should contribute equally to the support of the poor. There was every reason why the Bill should be discussed. Legislation had caused the evils, and therefore legislation ought to remedy them. Thousands of the inhabitants of the metropolis had been reduced by the present state of the law to a state of penury, and it was incumbent on the Legislature ts consider the question.

MR. ROEBUCK said, he believed this to be one of the most important subjects which had of late been brought before the notice of Parliament, but it was also one which ought not to be treated as it had been by his hon. and learned Friend, who had imported into it a variety of considerations which might indeed tend to rouse public feeling out of doors, but which really had nothing whatever to do with the question. He congratulated the right hon. Gentleman who now presided over the Poor Law Board (Mr. Sotheron Estcourt) upon the great facility with which he allowed himself to be influenced by official exigency. The right hon. Gentleman said that the hon. and learned Member last year proposed a Committee, but that he should have opposed a Committee, had it now been moved for, because it would have excited expectation. Now, would not the introduction of a Bill excite expectation? And ought not the right hon. Gentleman, therefore, on his own showing, to throw out this Bill at once? He (Mr. Roebuck) would not follow his hon. and learned Friend (Mr. Ayrton) by drawing a contrast between the poor and the rich, which was quite beside the present question. Instead of this he would simply inquire what the Bill would do. Now, in his opinion, it sinned against two very important principles, the consideration of which ought to guide the House upon this subject. First, it sinned against the wholesome rule that each locality should watch over and control the expenditure of money raised for the relief of its poor; and then it sinned against the plainest principle of justice, because it declared that a sum of money invested in two different localities ought not under the same circumstances to produce exactly the same return. His hon. and learned Friend said that a house in the Tower Hamlets paid a great deal more in the shape of poor rates than a house in St. George's, Hanover Square, and that this was because the poor had been driven out of the latter parish. That had nothing whatever to do with the question. Suppose a man had a thousand pounds which he wished to invest in the best possible manner in house property in London. It might be assumed that this sum, whether invested in the Tower Hamlets or at St. George's, Hanover Square, would yield about the same interest. In the Tower Hamlets a man was told "there is so much to pay in the shape of rates." Well, that diminished the actual price of the property, and a house which would cost £1,000 in St. George's would be sold for £700 in the other parish. If this were so there really existed no difference between the real ratings in the two parishes; and should Parliament do what this Act proposed to do, and spread over the whole area of the metropolis the same rating, they would place the man who had paid but £700 for his house on the same level with the man who had paid £1,000, and would thus be taking money out of the pocket of the latter to give it to the former. Would that be just? The hon. and learned Gentleman appealed to the poor, but what had the poor to do with it? The poor were the recipients of the rates; it was the proprietor of the houses who paid them; and he contended that the proprietor paid according to the sum which the house cost him, and according to that

alone. The same argument held good throughout the United Kingdom. There was this further consideration. If the payment of the poor rates were placed on the Consolidated Fund, no man would have an interest in keeping down the expenditure. Everybody would be putting his hand into the public purse, and would seek to take out the largest possible amount. That was the tendency of the Bill, and it was the duty of the right hon. Gentleman (Mr. S. Estcourt), who was placed in the position he occupied to watch over the public interest, to meet such a Bill steadily in the face. He (Mr. Roebuck) did not care one farthing about popularity. Uninfluenced by considerations of this kind, he would endeavour to fulfil the general duty which devolved upon him as a Member of this House. But the right hon. Gentleman had a peculiar duty to perform. He was bound to watch over the public interest in his official capacity, and it behoved him at once to meet such a proposition as this, opposed as it was to every principle of justice. As to the subjects which had been introduced by his hon. and learned Friend, he believed that in no country in the world were the poor provided for as they were in England ; and he would say of the rich classes in this country (though he did not belong to them) that they manifested towards the poor a feeling which made them really appear as brethren. Such being the case, he thought it unworthy of any man in this House to attempt to array poor against rich on a question of this sort. He believed the Bill to be fraught with very great mischief, and if he were in the right hon. Gentleman's place he would have resisted its introduction. At all events, he hoped that on the second reading the right hon. Gentleman would gather courage, obey the dictates of his own clear intellect, and, seeing that the measure was opposed to the interests of the community, that he would dare to meet it by a direct negative.

Mr. COX said, he should support the introduction of the Bill, but he entertained a strong objection to the power of taxing the inhabitants which it conferred on the Middlesex magistrates. With regard to the Bank of England, his hon. and learned Friend was mistaken in stating that it was only rated to the relief of the poor at £300 a year. The fact was that the Bank stood in four or five different parishes, and in one of these, St. Christopher-le-Stocks, it was rated at £320 a year. In Broad Street, in which one corner of the Bank was situated, it was rated at £10,000 a year, and what it might be rated at in the other parishes he did not know. It was certainly not fair to say that because the rates were low therefore a parish was rich, or that because the rates were high, a parish was poor.

Mr. BOUVERIE said, he considered it a misfortune that his right hon. Friend had consented to the introduction of the Bill, thereby giving some kind of encouragement to a most mischievous measure. His right hon. Friend had based his assent to the introduction of the measure upon the forbearing manner in which the hon. Member for the Tower Hamlets had introduced his measure. Now, surely that was only a reason for commending the manner in which the hon. Member for the Tower Hamlets had brought forward the measure ; but it was no reason to justify a Minister in assenting to the introduction of a Bill of this nature. It must be borne in mind that the question was not a mere metropolitan question, or a mere parish question ; if it were so it had better have been discussed at a vestry board than in the House of Commons. The fact, however, was that it was a national question, and one which indirectly affected the whole of the kingdom. The hon. and learned Member who introduced the Bill had compared the case of the metropolis with the case of towns like Cambridge, and other towns of similar size scattered throughout the kingdom ; but what analogy was there between the metropolis and the places mentioned ? Cambridge had a population of only 35,000 inhabitants, while the population of the metropolis was about 2,500,000, and the net rental rated to the poor-rates amounted to nearly £12,000,000. The question, therefore, was one of great magnitude, and he was obliged to confess that the explanation of the Bill which had been given by the hon. and learned Gentleman appeared to him very like the mist which had pervaded the House during the hon. Gentleman's speech, and had it not been that by the courtesy of the hon. and learned Gentleman he had been permitted to see the Bill itself he should not have known what it was about. It appeared that there were in the metropolis thirty-eight jurisdictions for administering relief to the poor, and that those jurisdictions comprised 178 parishes, and the scheme of the hon. and learned Gentleman was, that each parish should goon spend-

ing the poor-rates as at present, and that at the end of the year an account should be taken of the expenditure in each parish, and an average struck, and that those parishes which had spent more than the average should receive the difference from those the expenditure of which had been below it. Now, such a principle, in his opinion, would destroy all motive for economy. Why every parish would be regardless of the public purse, and naturally preferring to spend its rates on its own inhabitants, would be induced to spend money in fanciful schemes rather than to place itself in the position of paying money towards the necessities of another parish. The hon. and learned Gentleman who had brought forward the subject had taken for granted that some necessity existed for some scheme of some kind to be introduced. Now, upon that point he begged to take issue with the hon. and learned Gentleman, and he thought that his right hon. Friend at the head of the Poor Law Board ought to have joined him in doing so. He had himself last year shown that the poor-rates in the metropolis were not heavy as compared with those levied throughout the kingdom, and he did not see why any special relief should be extended to parishes in the metropolis which was not extended to other parishes throughout the kingdom. As regarded the poor, the fact was that they had no interest in the matter, for it was a question for the ratepayer alone, and he hoped that the House would not be induced by any consideration that the matter was one affecting the poor, to give their sanction to such a scheme as that which was now proposed. He observed that it was urged out of doors, that the adoption of this scheme would lead to a more liberal administration of relief to the poor, but everybody was aware that a profuse administration of relief invariably collected a crowd of paupers, who appeared to spring from the ground, and who all came forward to share the advantages of a profuse administration of relief, and he did not think that any one could maintain that there was any advantage in too profuse a system. For his own part he should give a silent negative to the introduction of the Bill, and when it came to a second reading he hoped that his right hon. Friend opposite would pluck up a little more courage and give it a decided negative.

MR. COBBETT said, that he could not help rising to thank the right hon. Gentleman for the courtesy which he had shown in not opposing the Motion for leave to bring in this Bill. This was either a mode of equalising the rates, or of raising a rate in aid. He had received letters from several rev. gentlemen in the east end of the town on this subject, and he told them he never could consent to any scheme for equalisation of poor rates. He admitted the great distress which the poor in the parishes at the east end of London had suffered during the past winter, but submitted that the remedy proposed was not a proper one. He should look with different feelings upon a proposition for a rate in aid, which he conceived to be the best method of meeting this difficulty, and hoped that the right hon. Gentleman would reconsider the question, and adopt that course. Hitherto they had not been discussing the question of the condition of the poor, but rather the principles of rating. He had expected to have heard some details of the sufferings of the poor, for he was persuaded that nothing could be more horrible than the distress which existed in the eastern portion of the metropolis during the winter. As, however, that question had not been touched upon, he must express his opposition to a system which he could not conceive would be attended with any ultimate benefit to the poor.

MR. TOWNSEND said, he should cordially support the Motion of his hon. and learned Friend the Member for the Tower Hamlets, considering that such a measure was imperatively called for. As reference had been made to St. George's Hanover Square, he would call their attention to the parishes of Paddington and Westminster, which escaped with 6*d.* or 7*d.* in the pound, whilst St. George's in the East, Stepney, Poplar, Bethnal Green, and Whitechapel, paid as much as 5*s.* in the pound. The district in which the Bank of England and the Royal Exchange were situated paid no more than 1½*d.* in the pound. But perhaps the greatest discrepancy in the rating would be found in the district in which the docks were situated; for while the London Docks paid no less than £19,756 towards the relief of the poor, St, Katherine's, which were nearly equal in extent, escaped with the moderate payment of £440. Deptford was divided into two parishes—that of St. Paul and St. Nicholas; but although the latter was much smaller in extent, it actually paid a much larger sum, the average being 10*s.* 6*d.*, though sometimes it paid 16*s.* to 18*s.* in the pound. That was owing to the fact that two-thirds of the other

parish was occupied as Government works, which did not pay one penny to the poor rate. The persons inhabiting the heavily taxed part of the district were the poor hard-working labourers, who were thus ground down under a system as impolitic as it was oppressive. He denied that this was not a poor man's question, as had been asserted by the hon. and learned Member for Sheffield; for although it might be true that in many cases the landlord paid the taxes, yet the houses were let at a much higher rental in consequence of these heavy impositions. He thought the whole metropolitan district should be treated as one, for the purposes of rating, and he denied, *in toto*, that the Government works were placed in any particular town with the intention of benefiting that district; on the contrary, they were intended as much for the benefit of Belgravia and Hanover Square as they were for Deptford, because they were national establishments, for the service of the country at large.

Mr. AYRTON said, that in reference to the statement of the late President of the Poor Law Board, that he was unable to comprehend his plan from the description he had given of it, he wished to express his regret that a gentleman who had had so much experience of affairs like these failed to understand what was perfectly intelligible to hon. Gentlemen who had had no such experience. This was not a new question. Most eminent men had sanctioned the proposition that the area of rating should be altered; and if you once altered it you had then simply to deal with a question of degree, of special circumstances, and particular localities. He might further state, that for the last twenty-five years every man of ability who had been connected with the administration of the Poor Law Board—he should not, perhaps, include the right hon. Gentleman, who could not understand a plain statement—had recognized the necessity of departing from the original principle of parish rating in some degree. He should, he might add, be the last person to propose a measure which would infringe upon the legitimate rights of property; but the argument founded upon that ground had, he must contend, been raised at least thirty years too late, for if it were a valid one the question of the poor laws should never have been touched at all. When the law of settlement had been changed, an alteration had been effected in the liabilities of property. He had simply to say, in conclusion, that it was a mistake to suppose that the question involved in the Bill was a landlord's question. The tax with which he proposed to deal, was to a great extent a tax upon the occupier, and levied in its present shape it operated as a grievous burden. He therefore hoped the House would assent to the introduction of the Bill.

Leave given; Bill to provide a remedy for the inequality in the rates for the relief of the poor in the metropolis, *ordered* to be brought in by Mr. Ayrton and Mr. John Locke.

Bill *presented*, and read 1°.

MEDICAL PRACTITIONERS' BILL.

LEAVE.—FIRST READING.

Mr. COWPER said, he rose to move for leave to introduce a Bill to regulate the Qualifications of Practitioners in Medicine and Surgery. The question was one that was so beset with difficulties, and gave rise to so much jealousy, that he should have been very unwilling to bring it forward had he not been solicited to do so when he held office at the Board of Health; and he must state, that in framing the Bill he had availed himself of the aid of the medical officers, in order that he might be able to devise a measure which should not revive obsolete monopolies, or unduly weigh upon the rights and privileges of the medical corporations. The proper objects of all legislation upon the subject appeared to him to be, in the first place, that the qualification required by law to entitle a person to become a medical practitioner should be maintained up to the standard of modern science and practice, and should be valid in all parts of the United Kingdom; and, secondly, that a register should be established, which would enable the public generally, and the less educated portion of the community in particular, to ascertain what practitioners were really qualified, and in what the nature and extent of their qualification consisted. Constant reference was made in our statutes to the due qualification of medical men, and public appointments could, generally speaking, be held only by persons who were legally qualified. That was a principle which he thought it was desirable to uphold, notwithstanding that he was disposed jealously to guard the right of private individuals to consult whomsoever they pleased, whether they happened to be learned or unlearned. For appointments connected with the army, navy, friendly societies, or other institutions, it seemed right that the re-

striction should exist, in order that from caprice or other motives, unqualified persons might not be chosen. That practice had been justified by usage from the earliest times. There were a dozen Acts of Parliament concerning the medical profession always referring to qualified persons, but none settling what the qualification should be. Some of these Acts dated from a time as far back as that of Henry VII. and Henry VIII. Although it was to be expected that many incongruities would creep into those statutes from the course of time and the necessity of allowing the tests to meet the changes that had taken place, still he believed that former efforts in that direction, although foiled by the rival pretensions of class interests, had not been without some use, and there was an extending opinion of the necessity for the organization of the profession, for some established qualification, and for some arrangement whereby that qualification might be made known. One of the greatest defects of the legal qualification at present existing was, that it was partial in application and jurisdiction. Many assumed the position of a general practitioner on the strength of only a medical or only a surgical diploma. Then, again, an English practitioner had no standing in Scotland or Ireland, and *vice versâ;* while, even the London University, which conferred degrees for practice in the country, could not authorize any one to practise in the city wherein it was situate, and whence it derived its name. It was agreed, amongst those who had considered this subject, that the first step must be to establish a better *minimum* qualification, without which no one should be permitted to practise. The proposal in the Bill of last year was, that a new board of examiners should be created, consisting of persons delegated by the College of Physicians, the College of Surgeons, and the Society of Apothecaries; but the Bill altogether deprived the Universities of the share they now possessed in the examinations for licenses. The Bill which was prepared by the Select Committee of 1856, and which was laid upon the table by the noble Lord the Member for Haddingtonshire (Lord Elcho), provided a new board of examiners, consisting of persons nominated by the medical corporations and the Universities, the intention being that the Universities should examine as to the sciences collateral to the study of medicine, while the professional colleges should examine as to medical practice itself. There were, however, objections that that plan would compel graduates to undergo a second examination after obtaining their degrees, and there would be also a difficulty as to the apportionment of the fees among the various bodies entitled to receive them. He thought it would be wise to make the least amount of change that was necessary, and the best course would be to leave the examination to be conducted by the present licensing bodies, under the general control and supervision of a general council, to whom power should be given to decide upon what examination should be required, or what certificates should be produced before any person could be placed upon the register. If the Council had the right to be present at the examinations of the College of Surgeons and the Society of Apothecaries, they would be enabled to prescribe the standard which should be required, that at present existing being admitted to be too low. If the low standard were raised benefit would be obtained by more skilful treatment, and to the profession by reducing the competition of those who underbid one another from the want of remunerative practice. The principle of registry was an important part of any scheme in connection with this subject, but it was one with respect to which great difficulties had been raised. The Bill which was introduced last year by the hon. and learned Member for Newcastle (Mr. Headlam) proposed a new division of the medical profession—the higher class to be called physicians and the lower class surgeons. That created a difficulty, as many who were always considered surgeons, would then be called physicians, while the ordinary understanding was, that a physician attended to the interior of the human body, while a surgeon attended to the exterior. The College of Physicians, moreover, had had always been anxious that they should be distinguished by being placed upon a separate register. An alphabetical register might have physicians and surgeons appended, but this detail might well be left to the consideration of the Medical Council. He now came to the mode of constituting the Council. Since 1834 the proposals had oscillated between a Council nominated by the Crown and a representative Council. In 1848 the medical profession were unanimous in favour of a nominated Council. As they subsequently declared in favour of a representative Council, however, he recommended the House to adopt that plan, which would be open probably to less objection

than a Council nominated by the Crown. He proposed that it should consist of six members to be nominated by each of the present licensing bodies, and six to be nominated by the Crown. The great objection hitherto made against a representative Council was its great size, but this difficulty might be got over by giving the Council the power of forming committees. In order to connect the Council in some way with the Executive, it had been suggested that the President should be either the Secretary of State for the Home Department or the President of the Board of Health; but he thought that a better course would be to follow the precedent of many other commissions, and to provide that the rules of the Medical Council should only be adopted when they had been confirmed by an Order in Council. By these means the medical profession would derive the benefit of an organization which it never had before. While the legal, the military, and the naval professions were amply represented in that and the other House of Parliament, it was rarely that one of the medical profession ever found his way there; and yet there were sanitary and other social questions with which no men could be more competent to deal. Moreover, the medical profession required the exercise of as great skill, and was actuated by as noble an aim as any other profession, for it was not less noble to seek to save, than to destroy life, or to preserve life than to preserve property. In conclusion, he moved for leave to bring in a Bill to regulate the qualification of practitioners in medicine and surgery.

Mr. WALPOLE said, that the Bill which the right hon. Member had suggested appeared to be by far the best proposition which he had yet heard on the subject, and he should not object, therefore, to its introduction.

Lord ELCHO said, that the Bill which had just been proposed by his right hon. Friend was an old friend with a new face, for it was precisely the same measure which he had himself ventured to introduce in 1856; and wonderful as were the changes which daily took place around them, there was no change more wonderful, perhaps, than that which had occurred in the mind of his right hon. Friend upon this subject. His own Bill of 1846 and the Bill of the hon. and learned Gentleman the Member for Newcastle (Mr. Headlam), were referred to a Select Committee, and the former was preferred and sent down to the House, but too late to pass into law. The hon. and learned Gentleman had then turned his back upon his own Bill, and supported another which was totally different in principle. With regard to the constitution of the council a most unfounded prejudice had been created against his Bill in that respect, but it was shown before the Committee that a council appointed by the Crown would be the most acceptable to the profession and the public. The question of the council was not the principal point of the Bill, but he would observe that he should be very happy to modify that part which related to the institution of the council in the direction of the Bill of the right hon. Gentleman.

Mr. HATCHELL said, he had voted against the Bill of the noble Lord at the time, thinking the question of the council the main point of the Bill. He rejoiced that the right hon. Gentleman (Mr. Cowper) was prepared to grant representation to the medical profession. This would produce greater confidence in the public mind, as well as cause satisfaction to medical men.

Leave *given*.

Bill to regulate the Qualifications of Practitioners in Medicine and Surgery *ordered* to be brought in by Mr. Cowper, Mr. Kinnaird, and Mr. Brady.

Bill *presented* and read 1°.

House adjourned at a quarter before One o'clock.

HOUSE OF COMMONS,

Wednesday, March 24, 1858.

Minute.] Public Bill.—Trustees' Relief.

VALUATION OF LANDS (SCOTLAND) ACT AMENDMENT BILL.

BILL PUT OFF.

Order for Second Reading read.

Mr. DUNLOP stated that the object of the Bill was to do away the exemption from valuation, for the purposes of assessment, of certain descriptions of lands and heritages under the Valuation Act of 1854. About two centuries ago a general valuation of land and heritages in Scotland had been made, but it had never been renewed, and so it came in time to form an unjust basis for taxation. In consequence, wherever the statute imposing a rate admitted, it had become the practice for the authorities entrusted with the levying of the rate to impose it on the real rent, and make a valuation of their own. This led to several separate valuations, and, in 1854, the late Lord Advocate carried the present Valuation Act for one uniform valuation accord-

ing to which all rates and taxes, local and public, according to rental should be imposed. It was an Act for valuation only, not for rating. All rates continued leviable on the property on which the special statute authorising them laid them, and the Valuation Act only provided a roll of rental or value according to which they should be imposed; and it expressly enacted that nothing therein contained should "exempt from, or render liable to, assessment any person or property not previously exempt from, or liable to, assessment." The insertion, therefore, of any property in the valuation roll could not render it liable for any rate not imposed on such property by the statute authorising it; but, on the other hand, the omission of any property from the roll made it impossible lawfully to impose on that property an assessment or tax, to which it might nevertheless be legally subject. Now, the Act directed all lands and heritages in Scotland to be valued; but in the interpretation clause it put a construction on these words, which, either wholly or partially, exempted from valuation, and consequently from taxation, certain classes of lands and heritages which it was the object of the present Bill to include, so that they might be rated for any taxes to which they were subject by law. There were four sorts of property in that position—deer forests, shootings, woodlands, and feu duties. Deer forests were specially enumerated in the interpretation clause, as falling under the general terms lands and heritages, but subject to this qualification adjected, "when actually let." It was not the right of deer shooting which was thus dealt with, but the deer forest itself — the territory. If, therefore, the proprietor of a large extent of grazings in the Highlands, yielding a handsome rateable rental as sheep farms, turned it into a deer forest and was wealthy enough to be able to keep it in his own hands for the enjoyment of himself and his friends, it became practically free from all taxation. It was quite true that in some of the counties in which there were deer forests, the Commissioners of Supply, under whose authority the valuation is made up, and who are the landed proprietors of the county, and themselves liable in rates, looking rather to the rules of justice than the letter of the statute, have included unlet deer forests in the valuation roll, putting on them only the grazing value; but in one county — they have been left out altogether; and now that, by an Act of last year, an appeal lies from the Commissioners, in certain circumstances, whenever the point comes before a court of law effect must be given to the letter of the statute. Nothing, however, can be more monstrously unjust than that a wealthy proprietor, by turning the greater part of a parish, or of more parishes than one, into a forest for his own amusement, driving out the inhabitants and making it a wilderness, should thereby become exempt from all taxation in respect of his property, and throw the burden of the whole rates on the few small proprietors who cultivate their lands, or let them for the ordinary purposes of agriculture. This injustice the Bill would prevent. But its object was also to secure that a deer forest should, whether let or not, be valued, not merely according to the value of the land as grazings, but according to its value in its existing state as a deer forest; and also that shootings generally should be included in the valuation, though unlet. It might perhaps have been made a question, whether shootings should be rateable at all; but admittedly they were so; and the only question now was, whether they should be exempted from the liability to which such property was legally subject, when the owner was so wealthy as to be able to retain them in his own possession for his own enjoyment, instead of taking the value out of them in the shape of a yearly rent. This distinction of let and unlet was not admitted in regard to any other kind of property. Nor in regard even to shootings was it admitted with reference to other matters than taxation. It was a common provision in Scotch entails that the heir of entail should have power to assign as jointure to his widow a yearly sum not exceeding a certain proportion of the rental, or part of the estate yielding such proportion, and the question had repeatedly arisen, in the courts of Scotland, in deciding if the prescribed proportion had been exceeded, how far shootings were to be included in estimating the yearly rental. It had long been settled that they were to be included, but in the earlier cases it so happened that the shootings had been in use to be let, or had on some occasion been let. In a recent case, however, regarding the Castle Menzies estate, the shootings never had been let, and the opinions of the whole Judges were taken on the question, whether such shootings, never let, were to be included in the estimated rental of certain lands assigned to the widow. The Judges decided that they must be so included, disregarding the distinction between let and unlet. The

shootings of that estate though thus held by the Court to be part of the annual value constituting the widow's jointure, would nevertheless be held under the Valuation Act to form no part of its value for the purposes of rating. It is always most unwise, as well as unjust, to make exemptions in taxation in favour of the rich and against the poor. Here the small owner, to whom the rent of his shootings is an object of some importance for his support, is rated, while the great proprietor who, because he can easily dispense with this, takes the value in the shape of sport—or it may be makes money profit by selling his game—is exempted. The contrast, too, is more irritating and offensive when the case of house property is taken into view. The owner of a house, the rent of which forms, it may be, the chief means of his subsistence, in some year cannot get it let; he is obliged to shut it up; it is neither a source of profit nor a subject of enjoyment: but it was decided by the Court the other day that such house must be valued under the Valuation Act, and that the owner must consequently be rated on it, even while unoccupied; while the great landed proprietor in the neighbourhood, who has extensive shootings, worth in the market fifty times the rent of the house, escapes altogether, because he can and does make these the subject of enjoyment to himself, instead of drawing the money-rent which his wealth, and consequent ability to pay rates, enables him to dispense with. The next kind of property dealt with in this Bill is woodlands, and here it only proposes to correct an acknowledged blunder in the Valuation Act. When first brought into this House, it was proposed that woodlands should be valued according to what they yielded in the shape of cut wood, and therefore the valuation was justly to be limited to the period during which profit was actually drawn; because, if the accumulated growth of many years was to be rated in one or two years, it was clearly unjust that the woodlands should also be valued and rated in the years of growth during which they yielded nothing. Accordingly, the interpretation clause, in setting forth woodlands as included under the general term "lands and heritages" used in the body of the statute, added the restrictive qualification, "while actually yielding profit." In Committee, however, it was agreed that, instead of exempting woodlands while growing, and then valuing them at the full return they yielded while being cut, they should be valued during the whole period, whether of growth or cutting, but only at the yearly value of the land in its natural state, which it was assumed would be equivalent to the value of the produce at the end of the period. Accordingly, in the body of the Act it was declared, as the rule of valuing woodlands, that the value should be that of the land in its natural state, and so the returns by cutting cannot now be taken in view. A necessary part of this change was, of course, the omission of the restrictive qualification in the interpretation clause; but by some blunder—though actually moved and agreed to by the Committee—the words were not struck out, and the result is that, while no value can at any period be put on woodlands, except that of the land in its natural state, even that value cannot be put on them, unless when yielding profit; so that though woodlands are exempted during the whole period of growth, and are only to be valued when in course of being cut, the value to be then put on them is not that of the wood cut, but of the land in its natural state. This error ought undoubtedly to be corrected. The only other kind of property to which the Bill applies is that of feu duties, and the attempt to have them included in the Valuation Roll has excited very keen opposition on the part of the owners—individual and corporate—of this valuable description of land rental, extending in some cases to between £20,000 and £30,000 a year in the hands of one person. It is alleged by these parties that the present Bill is an attempt to impose rates on this kind of property to which it is not now liable by law. This is an entire misapprehension of the object of the Bill, which does not propose to lay on feu duties, or any rate to which this property it is not now by law subject, but only to remove an obstacle, arising out of the machinery of the Act of 1854 inconsistent with its avowed purpose and enactments, to the existing legal liability being enforced. It will be kept in view that the valuing of any property, and its insertion on the Valuation Roll, does not make it liable for any rate not imposed on such property by the statute authorising the particular rate. Thus the manse and glebe of the parish minister are not under the Poor Law Acts liable in poors rates, but under the Prison Acts they are liable in prison rates. They are valued and put on the Valuation Roll of the Act 1854, but their legal liability is not thereby affected;

they still continue exempt from poors rates, while means are afforded for assessing them for prison rates. If they had been left out of the Valuation Roll their legal liability would not indeed have been done away, but it could not have been enforced, as no assessment can by the terms of the Valuation Act be laid on, except on property entered on the Valuation Roll. In the same way with feu duties. The insertion of these on the roll would not render them liable for any rate to which they are not legally subject under the special Act imposing the particular rate, while the omission of them makes it impossible to levy such rates as they may legally be subject to. In illustration of the real state of matters, he (Mr. Dunlop) would take the case of two petitioners against the Bill whose petition had been presented to-day by his right hon. Friend the Member for Oxford (Mr. Cardwell), and the hon. Baronet the Member for Renfrewshire (Sir W. S. Stewart.) These petitioners were the owners of estates in the county of Renfrew, yielding as part of the yearly rental, a large amount of feu duties. Now, in that county the question of the liability of feu duties for prison rates had been actually tried and decided. On the passing of the Prison Act of 1839, some superiors there resisted the imposition on them in respect of their feu duties of the rates thereby authorized, and brought the case before the sheriff, or county Judge, who pronounced a decision in these terms :—

"Paisley, 26th October, 1841.

"Having considered the above petition and heard parties summarily, in terms of the 2nd and 3rd *Vict.*, c. 42 and 65, repels the objections proposed to the mode of assessment; and further finds that the superiority and feu duties derived from that estate are comprehended under the terms of the Acts of Parliament, and finds accordingly that superiors fall to be rated and assessed respectively in proportion to the amount of their feu duties, and therefore sustains the charge complained of and decerns."

In a note setting forth the grounds of his decision, the learned Judge observes :—

"It seems to me scarcely possible to hold that feu duties do not form part of the real annual value of the lands. In most cases feu duties were originally the full retour or yearly equivalent to a rent, and the granting of feus was thus merely a mode of possession like letting at present. Hence the superior is not divested of the lands by the grant to his vassal. On the contrary, in a feudal sense his right and estate constitute the *dominium eminens*, and he retains that right unimpaired, except in so far as he communicates the *dominium utile* to his vassal. He is the real *dominus* or owner of the lands which he possesses through his vassal. He is infeft in the lands, and, on tinsel of feu by the vassal, he may enter on them by a process of law; or in the event of the vassal renouncing the feu, the *dominium utile* would have accrued to him without any conveyance, and the feus would have been cleared off by forty years' subsequent possession.

After referring to some authorities he adds :—

"It thus appears to me, that on general legal principles the superior who receives the feu duties, and not the vassals who pay them, is liable to be taxed for their amount, and that these principles are confirmed or at least not shaken by the decision referred to."

The Judge who pronounced this decision was not only an accomplished scholar, but a very able and learned lawyer; and, what may be deemed even more conclusive, his judgment was acquiesced in, though the interests involved were not unimportant; and the superiors in that county, many of them persons of great wealth, continued to pay prison rates on their feu duties down to the passing of the Valuation Act of 1854. He (Mr. Dunlop) had in his hand a list of the amount of feu duties rated for prison rates for the year 1854, in the landward part of that county, according to the several parishes; and the amount so rated is, in the parish in which the lands of one of these petitioners lie, £463 yearly, and in that where the other petitioner's lands lie, £1,118 yearly. These parties and the other superiors in the county are no longer rated on their feu duties for prison rates, which are now levied, in respect of these feu duties, on the vassals by whom the feu duties are paid. Now, how has this exemption of the superiors and the transference of the burden on the vassals been effected? Did the Valuation Act of 1854 change the legal liability? On the contrary, that Act expressly enacted that nothing therein contained should "exempt from, or render liable to, assessment, any persons or property not previously exempt from, or liable to assessment." Was then the question of liability again judicially tried, and the former judgments of the sheriff decided to have been erroneous? Nothing of the kind. How, then, did the present exemption, contrary to the practice from the passing of the Prisons Act till 1854, arise? Simply from this—that the machinery of the Valuation Act, by making insertion on the roll necessary in order to impose a rate, and yet keeping feu duties out of the roll, prevents in this surreptitious way the enforcement of that legal liability which the Act itself declares it did not mean to affect, and so excludes even the trial of the question whether the liability subsists. It may possibly be that the decision of the sheriff of Renfrewshire is erroneous in law; but if so, the superiors

have nothing to fear from their feu duties being valued; while, if it be well founded, it is utterly inconsistent with justice that they should escape by keeping their property out of sight, and so excluding the question of legal liability from the cognizance of a court of law by virtue of the defective machinery of an Act which expressly declares that no exemption from previous liability was thereby intended. Of course, wherever, under any statute, the rate, as regards feu duties, is laid on the superior, the vassal cannot also be rated in respect of the full value of the subject, but only on that *minus* the feu duties; and it is said that great practical difficulty would be experienced in the imposition of the rate. No such difficulty seems to have been experienced in regard to prison rates prior to the Act of 1854, or to be now felt in the corresponding case of tack duties under building leases; but it could easily be obviated by providing, as he (Mr. Dunlop) would be willing to do in Committee, that where the whole rate on the full rental was paid by the vassal he should be entitled, in regard to any rate for which the superior was legally liable in respect of his feu duties, to deduct from the feu duty the proportion of rate corresponding to it, except in those cases in which the vassal was bound, by his titles, by contract, or otherwise by law, to relieve the superior from such rates or taxes. This would give superiors every protection to their legal rights, while the Bill would not lay on them any liability to which they were not now legally subject; but would only secure that they did not practically escape from burthens to which they were truly liable by law. It was unfortunate for the Bill that it united in opposition so many separate interests — sportsmen, lairds and great feudal superiors; but it sought nothing that was not truly and substantially just.

Motion made and Question proposed, "That the Bill be now read a second time."

VISCOUNT DUNCAN said, the present was one of a class of Bills which he viewed with great repugnance. He objected to it for three reasons—first, because although if professed to be an amendment of the Act of 1854, it was framed in a spirit directly contrary to that Act; next, because almost every provision in it had already been discussed and rejected by the House; and thirdly, because the existing Act had given general satisfaction to the people of Scotland, and ought not, therefore, to be disturbed. By the interpretation clause of the Act of 1854 "lands and heritages" were stated to include all shootings and deer forests which were actually let, and by the 6th section of the same Act those shootings and deer forests which were retained in the hands of the proprietors were to be valued at the amount which they might be expected to bring if let from year to year. There was no need, therefore, for any change of the law in that respect. But the truth was, the present Bill had been brought forward for the sake of the feu duties. That portion of the measure in which the hon. and learned Member for Greenock proposed to deal with the feu duties had justly excited the greatest alarm and indignation in Scotland. He could not bring it more vividly before the minds of English Members than by likening it to an attempt to compel the Marquess of Westminster or any other proprietor of land in the metropolis to pay the assessments leviable upon the occupants of houses within the metropolitan area. He begged to move, as an Amendment, that the Bill be read a second time that day six months.

MR. G. DUNDAS seconded the Amendment.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

MR. MACKIE was convinced that, whatever might be the defects of the Act of 1854, the passing of the present Bill would create a large amount of dissatisfaction in Scotland. He had no objection to the Bill as far as deer forests were concerned, for he believed that at present any proprietor of land might convert his sheep-walks into deer-forests, and thus relieve them from local taxation; and in this respect the Bill would remedy a great injustice; but thought that the existing exemption in the case of a shooting retained in the hands of the proprietor, and not let for money, ought to be continued. If grouse shooting were to be taxed in Scotland, why should fox hunting not be taxed in England? He would not oppose the second reading of the Bill, but hoped the hon. and learned Member for Greenock would withdraw the clause relating to shootings.

MR. FINLAY believed that the Bill would introduce into the law greater defects than those it professed to remedy. He would therefore vote in favour of the Amendment.

MR. BLACK thought that those parts of the Bill which related to deer forests and shootings should be carried into effect; but

the clause referring to feu duties he believed to be fraught with great injustice. It amounted, in fact, to a proposal to subject feus to two separate assessments, inasmuch as the valuation of a house under the existing system included the value of the ground or feu. The greater part of the revenues of Edinburgh were derived from feu duties, and if the Bill were to pass in its present shape, the city would be plunged into a state of bankruptcy. If the hon. and learned Member for Greenock would withdraw the clause relating to feu duties, he would vote for the second reading; if not, he would vote against it.

SIR MICHAEL SHAW STEWART said, not a single petition had been presented in favour of this measure, and, with the exception of the hon. and learned Member for Greenock, who had brought it in, not another Member had a word to say for the Bill. He congratulated the Scotch Members upon being so unanimous, for he could not conceive a Bill which was more calculated to give occupation to the unemployed writers in Scotland than this. With regard to feu duties, they were assessed already; and the general opinion in Scotland was, that if this Bill passed into a law in its present form, it would be an insertion of the narrow end of the wedge, and that those duties would be assessed twice over, in contravention of the solemn agreement which had been entered into between the superior and those who held the ground under him. He trusted the House would reject the Bill.

MR. COWAN expressed his intention to vote for the second reading of the Bill, thinking that all the various points raised by preceding speakers might be reserved for consideration in Committee. He was anxious to see the Act of 1854 amended; because either through maladministration or neglect it had been attended with great injustice. He would point to a particular grievance under which he himself, with many others, suffered; he alluded to the manner in which the assessors who were appointed by the Commissioners of Supply, assessed mills and factories, compared with the valuation they fixed upon the mansions of the nobility and gentry. The assessors under the Act had powers of taxation not exceeded by those possessed by that House, and he trusted that the Bill would be allowed to go into Committee, in order that any injustice done under the Act of 1854 might be remedied as soon as possible.

LORD ELCHO said, he would enter his protest against this Bill, which would amount, in his opinion, to a confiscation of property. The principles put forward in this Bill were all discussed when the Valuation Act of 1854 was before the House, and were then, after much deliberation, rejected by a large majority. With regard to the feu duties, he observed there was not a single Member who would admit that feu duties ought to be made liable to assessment. But some hon. Gentlemen were of opinion that the Bill ought to go into Committee, because they were of opinion that deer forests were not under the present law liable to assessment. This Bill would make them liable. Now, he was quite willing to admit, that if a gentleman chose to clear a vast tract of ground, either for his own amusement or for that of his friends, and were to convert it into a deer forest, it would be very wrong indeed that such a vast amount of property should be taken out of the area of taxation. But was it the fact that they were exempt? On the contrary, he believed that the practical working of the Valuation Act was to assess that description of property. He wished his hon. and learned Friend the Lord Advocate would clear up that part of the question.

THE LORD ADVOCATE said, he was not entitled, even if he were inclined, to refuse to respond to the appeal that had been made to him from so many quarters to state his opinion; and in doing so, he could only express his regret, in which he was sure his hon. Friend the Member for Greenock (Mr. Dunlop) fully shared, that on the first occasion of his taking part in the debates of this House, it should be his misfortune to oppose his hon. and learned Friend. But he must say, that he was compelled, by the force of his own convictions on this subject, to give his support to the Amendment of the noble Lord opposite. It appeared to him that the Bill was objectionable in principle as regarded every one of its provisions; but especially objectionable in that which was the most important of them all, the proposition to include feu duties in the Valuation Act, with a view, of course, to subject them to taxation in regard to all those matters to which the Valuation Act applied. His hon. and learned Friend had argued, that to include feu duties in the Valuation Act would not, in point of immediate and necessary effect, subject that species of property to taxation. That might be very true; but then he went on to state the counterpart of that proposition, that the omission from the Act of

that particular species of property was to exempt it from taxation. Now, assuming that to be sound doctrine—which he (the Lord Advocate) very much doubted—still the practical exemption of this species of property threw the burden upon his hon. and learned Friend to show that the exemption of that property from taxation was either unjust or inexpedient. Yet, though he had listened with all his attention, he had listened in vain to hear from his hon. and learned Friend a single ground suggested to show that this exemption was either unjust or inexpedient. Let him say, in passing, that he doubted whether his hon. and learned Friend was right in his statement that the mere omission of the feu duties from the Valuation Act was sufficient to secure them exemption from taxation if the law had previously rendered them liable to taxation. He doubted it for this reason—that one of the provisions of the Valuation Act was, that nothing contained in that Act — and, of course, no omission from that Act— should render any property liable to taxation, or any property exempt from taxation, other than was already provided by law. He therefore thought that if the feu duties were liable to the existing burdens of land in Scotland, the mere circumstance of their omission from the Valuation Act did not prevent them from being taxed. In fact, the feu duties least of all descriptions of property, required to be valued, because they were well known to be of a precise amount. Their value was defined in the very deeds which created the right, and there was no necessity for valuing that which bore its value strongly and sharply defined on its face. But, passing from that, he must say it appeared to him to be a most unjust and inexpedient proposition to make feu duties the subjects of taxation under the Valuation Act, which, as the House knew, was passed in order to make a complete valuation of all those lands and heritages in Scotland which were subjected to what he might roughly describe as county and parish rates. Now, if they had once assessed the entire annual value of the whole land of Scotland for these purposes, he apprehended that the Valuation Act had done all that the Legislature intended it to do. But let the House observe the position in which the party stood who paid feu duties, and who was called in Scottish law the "vassal." The feu duty was paid as the condition of holding the land, and was constituted in this way. There was a conveyance of land to a person in order to build a house or mill, or other manufactory upon it; but, instead of the purchaser of the land paying down the whole capital sum as the price, he paid an annual sum, which was the feu duty; or, it might be that the purchaser paid a portion of the sum down at once, and then the remainder was charged upon the land as an annual feu duty. The conveyance and the duty were not for a limited term of years, but were in perpetuity. But, whichever of these cases they took, it was obvious that the feu duty was neither more nor less than the price of the property—a price paid not exactly by instalments, but rather in the form of an annuity. It was nothing else than the conversion into an annuity of that which, in an ordinary case, would be paid in a capital sum. The party who paid the feu duty was, in this respect, in an analogous position to the man who had an estate subject to a rent charge or mortgage. Now, it never was proposed or imagined, that in taxing land they ought to tax rent charge or mortgages. His hon. and learned Friend had stated correctly enough, that the superior, the over lord, who received the feu duty, was still in the eye of the law the owner of the land according to the principles of the feudal law. That was perfectly true as regarded the principles of feudality on which the law of Scotland was based; but had that truth the slightest connection with the system of taxation? It was a mere technical distinction in the law. It had no practical effect in taxing the soil. The history of the specific taxation referred to in the Bill might be very shortly stated. The first Act which introduced this particular species of taxation was the Prison Act of 1839; and under that statute he suspected it was that the decision was given by the Renfrew sheriff, to which his hon. and learned Friend had referred as given in 1841. Now he wished to speak with the greatest respect of all the sheriffs of Renfrewshire, and he was sure he did not remember who was sheriff at that particular period; but when he recollected that the framework of the Prison Act of 1839 was identical with the framework of the Poor Law Act of 1845 as regarded the assessment, and when he knew that it was notorious that under the Poor Law Act it had never entered the head of any human being to suppose that feu duties could be made to pay the assessment

for the relief of the poor, he could not but express the strongest doubt as to the soundness of the decision to which his hon. and learned Friend had referred. The Valuation Act was framed upon the principle of the Poor Law Act of 1845. It took the owner of the land—the man who was in the beneficial occupation of it—and it held him responsible for all the amount of taxation that was leviable upon the property. The assessment was made on the entire value of the possession, and if they were to adopt the principle of this Bill and tax the feu duties, the consequence would be that they would tax the same property twice over. His hon. and learned Friend saw the difficulty of that, and he apologized for it by saying, that if his principle were adopted, it would probably require some further adjustment of the relations between the vassal and his superior. But his hon. and learned Friend would give him leave to say, that the evil he sought to remove would, by the means he proposed, resolve itself into another and still greater evil. If there were to be a double assessment, the vassal in dealing with the tax collector, with the view of ascertaining the annual value of the property, must be allowed to deduct from his assessment that portion which was represented by the sum he paid to his superior. The practical effect of this would be to divide the tax between the vassal and his superior; and if there were no other objection to that course, still it would be well to consider whether it was a more convenient way to levy the same tax from two parties or from one. But his hon. and learned Friend had forgotten, that in every feu contract and feu charter, it was either expressly or at least very distinctly implied that the vassal was to bear the entire burdens laid upon the land; so that the effect the plan of his hon. and learned Friend would have was, by Act of Parliament to break through and violate all the contracts now existing between those parties. For these reasons, and for others into which he need not enter, it appeared to him that the proposition of his hon. and learned Friend respecting feu duties, was one that the House ought never to listen to. If it were necessary, the subject might be considered in another point of view, for the House must bear in mind that there was an almost infinite succession of the infeudations. According to the principle of the feudal law, the Crown was the superior over all the land in Scotland. Many parties held from the Crown at a very low rate. These again had feued a portion of the land to others at a higher rate, and they again had feued a portion to another at a rate still higher; so that the inquiry into these matters would be endless. He had dwelt the more upon this part of his hon. and learned Friend's Bill, because he could not help believing, that if it were not for that particular portion of the Bill, it never would have been introduced. But be that as it might, he would now, as shortly as he could, refer to the other alterations proposed in the Bill. With regard to deer forests, he need hardly say that he completely concurred with his noble Friend the Member for Haddingtonshire (Lord Elcho). If there was the slightest chance of deer forests escaping from having their fair share of the taxation of the country, he would be the first to vote for this Bill. It appeared to him, however, that land in the highlands of Scotland appropriated to the purposes of a deer forest did not therefore cease to be land any more than land ceased to be land if a proprietor, from any whim or caprice, allowed it to run to waste. What was it that the owner of a deer forest did? Nothing more than this—he converted what was a sheep grazing into a deer grazing—a grazing for tame animals into a grazing for wild animals; but it did not cease to be a grazing, nor was it one bit the less of intrinsic value than it was before. It was still a grazing, however in the eyes of some it might be abused for the purposes of grazing; but whether it were a grazing for the one purpose or the other, he had no doubt it was assessable according to its true annual value. There seemed to be some ambiguity in the wording of the Act; but it was only apparent: —when the deer forests were actually let, they fell under a certain portion of the Act; but when the proprietor kept them in his own hand, they were liable to assessment under another. With regard to shootings, he thought they stood in a somewhat different position. When shootings were let, of course they were subject to taxation; because the owner by these means increased his rental, and he was therefore liable to be taxed according to his increased rental. But shootings that were unlet were very difficult to deal with. What was an unlet shooting? Was it a preserve, or was it unpreserved land? Was it grouse shooting, or was it also partridge shooting, or duck shooting, or sparrow shooting? He did not know where the line was to be

drawn; and if unlet shootings were to be subject to taxation—that was to say every acre of land in Scotland—for there was no acre of land which was so unfortunately circumstanced as not to afford some species of sport—the end would be that the land would be taxed twice, first as land, and next as unlet shooting. It was unnecessary, he thought, to say anything with regard to woodland; he thought the Act of 1854 laid down a just principle that woodland should be taxed only when it yielded a return. For these reasons, then, he was sorry to say, that he felt bound entirely to oppose the second reading of the Bill of his hon. and learned Friend.

COLONEL SYKES said, his constituents were considerably interested in this question; but after the singularly able and convincing speech of the learned Lord Advocate, who had exhausted the question, it would be presumptuous in him, as in any one else, to add another word.

MR. CRAUFURD supported the second reading of the Bill, and thought there would be no difficulty in apportioning the rate in the cases referred to by the learned Lord opposite. With respect to feu duties, it appeared to him that the Bill did not propose to assess them, but only to complete the valuation roll, which under the existing law was most complete and unsatisfactory. No doubt deer forests were assessable as land, but they had a value beyond that, and ought to be assessed accordingly. A difference existed in the valuation of woodlands. One clause of the Act directed that they should be valued according to the quality of the land; but the interpretation clause said that they should be valued according to the produce. By passing this Bill an equitable arrangement would be arrived at, and such doubtful points set at rest.

MR. BLACKBURN said, that after the speech of the learned Lord, he did not feel called upon to make any observations on the Bill. On one point only—deer forests—he differed from the hon. and learned Member opposite, and thought they ought not to be assessed except according to their value as real property.

SIR JAMES ELPHINSTONE observed, that the proposed interference with feu duties would affect most injuriously many of the public charities and endowed churches in Scotland by materially diminishing their revenues. It had been said that the maintenance of deer forests was a great misfortune to the inhabitants of Scotland; but, on the contrary, he thought it was for the interests of humanity that these districts should be cleared. In the valleys in the northern districts of that country it was impossible that corn and potatoes could be properly ripened, and the consequence was that typhus and scarlet fever had raged among the people who subsisted upon the stunted and unwholesome produce of the land; yet while the inhabitants of these valleys could get a miserable subsistence from the soil there, they would remain. He believed that the proprietors had conferred a great benefit upon the country by removing the inhabitants of those valleys and converting the land into grazing ground.

SIR GRAHAM MONTGOMERY opposed the Bill.

MR. DUNLOP, in replying, stated that he had not entered on the general question discussed by the learned Lord Advocate as to the justice of imposing rates on feu duties, because his Bill would not effect any change on the law of liability. If such question were raised, however, he could see no ground for exempting feu duties. These were in no respect the price of land, but were truly of the nature of rental, and the superior was an owner in substance as well as in form. If the feu duty was not paid the feu might be forfeited to him, and the superior was always entitled to be enrolled as a voter, as owner of his feu duties. He was substantially in the same position with a proprietor, who, instead of feus, granted building leases, it might be for 1,000 or 10,000 years for tack duties which corresponded with the feu duties. The only distinction between the proprietor who granted feus and the proprietor who granted building leases, was purely technical. The latter, however, was unquestionably liable to be rated on his tack duties, and no one contended that it was unjust so to rate him; and yet, in respect of a merely technical difference it was declared to be unjust to rate the former, whose position and interest in the property was truly and substantially the same with his neighbour who had granted building leases. In the first general valuation made in Scotland feu duties were expressly included—the Commissioners appointed in 1649 to make that valuation being instructed to value the feu duties and tack duties, classing these two kinds of rental together. It might, indeed, be that the party taking the feu was bound by contract, express or implied, to relieve the superior of public

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burdens, and, if so, such obligation was always enforcible, and the provision which he (Mr. Dunlop) was ready to have proposed in Committee would have secured against any risk of injury to the superior in this respect. As to the woodlands, the learned Lord was under a misapprehension in supposing that these could ever be valued according to the actual returns. The only rule of valuation allowed by the Valuation Act was that of the land in its natural state as grazing land, and yet that valuation could only be made while profit was being actually drawn. This was, beyond question, a mere blunder in the Act, which had accidentally occurred, but which ought not to be allowed to remain. As to deer forests, he could not expect the House to take his (Mr. Dunlop's) view of the legal construction of the Act in opposition to that of the learned Lord, who held that these were liable, though unlet, to be valued at the grazing value. He trusted that his Lordship's construction would be sustained when the question came before a court of law; though till then he must continue to doubt if it were correct; but even on that construction he thought the Valuation Act should be amended to do away with the distinction between shootings, whether deer shootings or others, dependent on whether they were let or were used by the proprietor himself. At the same time, just as he conceived his proposed measure to be, he had not received encouragement warranting him to press the question to a division, and he would not therefore trouble the House to divide.

Question, "That the word 'now' stand part of the Question," put, and *negatived*; —Words *added:* — Main Question, as amended, put, and *agreed to.*

Bill *put off* for six months.

RIOTS AT TRINITY COLLEGE (DUBLIN).

REPORT MOVED FOR.

MR. HATCHELL rose to move for certain Papers relating to the recent collision between the Dublin Police and the students of Trinity College, when

LORD NAAS expressed a hope that his hon. and learned Friend would not press his Motion in the unavoidable absence of the Attorney General for Ireland (who was now attending Her Majesty's levee), who was anxious to make a statement to the House on this subject. He suggested that the hon. and learned Gentleman should postpone his Motion until to-morrow. The Attorney General was in Dublin at the time of the occurrences to which the Motion referred; he had been consulted on the matter, he was conversant with the details of the transaction; and he was also in possession of certain documents which he wished to read to the House.

MR. HATCHELL said, he had intended to bring forward this Motion last night, but had no opportunity of doing so until nearly one o'clock, when very few Members were present, and he thought it most desirable that the statement of the Attorney General for Ireland should be made in a fuller House. He hoped the Attorney General might be able to attend in a short time, but he could not consent to postpone his Motion until to-morrow, for the business on the paper would probably occupy so long a time that he should find himself in the same predicament in which he had been placed last night. Very great excitement prevailed in Ireland, and especially in Dublin, upon this subject, and as the inquiry which the Government had determined to institute had been prematurely terminated he felt bound to press his Motion, in order that an opportunity might be afforded to the Government of allaying the existing anxiety. He must trouble the House with a very brief statement of the occurrences which took place on the 12th of March. On that day Lord Eglinton made his entry into Dublin; and a large number of persons—some of them students of Trinity College, but a great many of them entirely unconnected with the College, although inhabitants of Dublin—assembled in the enclosure between the façade of the building and College-green. There was a great deal of excitement, noise, cheering, and fun. The students and others had provided themselves with squibs, crackers, and oranges, and amused themselves by pelting with these missiles a number of the police, who were drawn up in front of the college. Among these force there were a number of mounted police, and squibs being thrown among the horses many of them became quite unmanageable, and plunged in such a manner as to endanger not only the safety of the riders but that of the surrounding crowd. He (Mr. Hatchell) was an eye-witness of some of these proceedings, which were continued for a considerable time. In the first instance the pelting was received with the utmost good humour both by the police and the crowd; but the joke was carried a little too far, and at last the police manifested considerable exasperation at the manner in which they

had been treated. One of the missiles thrown by the college lads, as he understood, struck the face of Colonel Browne, who commanded the police. Colonel Browne had been in the public service for many years, and persons of all parties who were acquainted with him regarded him with very high respect as a most useful and efficient public officer. He (Mr. Hatchell) hoped, therefore, that whatever cause there might be to lament Colonel Browne's conduct on this occasion, the services which he had formerly rendered to the public would not be forgotten. He certainly would be the last person to cast any censure upon Colonel Browne before the proceedings to which he was calling the attention of the House had been thoroughly investigated. It was stated, however, in the newspapers that Colonel Browne was struck by an orange or some other missile, and that he immediately recited from memory part of the Riot Act, and that he then called out to the mounted police, "God save the Queen! Charge!" The police, it was reported, then rode into the midst of the lads in the enclosure, and struck and wounded a number of the unarmed boys with their sabres. He was informed that great sympathy had been manifested in Dublin for these young men, one of whom was represented as having received a wound on the skull from a sabre, and as being in a very dangerous state. That there had been great exaggeration was, however, evident from the circumstance that a correspondent of one of the Dublin newspapers suggested that prayers should be offered up in the churches for the unfortunate lads who had fallen in the murderous charge of the 12th of March. Several of the police were severely injured, but it appeared that these injuries were inflicted subsequently to the charge upon the crowd; and there could be no doubt that many of the college lads had received severe wounds from the batons of the police. Some of those wounds might be dangerous, but although he had made inquiries on the subject he could not ascertain that any of them were inflicted by sabre cuts. Immediately after this occurrence, a petition praying the Lord-Lieutenant to institute an inquiry into the circumstances was placed at a cigar shop opposite the college, and passers-by were invited to sign it. A few days subsequently one of the Dublin evening newspapers, which was considered to express the opinions of the present Government, contained an advertisement stating that the Solicitor General for Ireland, (Mr. Hayes), and Mr. Stronge, a Stipendiary Magistrate for the district in which the college was situated had been appointed commissioners to investigate the occurrence. On the following day the Solicitor General and Mr. Stronge sat as commissioners; but on the commission being read it was found that it did not contain Mr. Stronge's name, and the Solicitor General was, therefore, the sole Commissioner. This circumstance excited considerable dissatisfaction; for it was a most unusual thing to appoint a law officer of the Crown alone as a commissioner to inquire into an occurrence of this nature. On the first occasion when the Solicitor General sat to hear complaints Mr. Stronge was present; but the views of these gentlemen, as to the manner in which the proceedings ought to be conducted, were directly at variance. The Solicitor General contended that the investigation ought to be conducted privately in a room at the Castle, the public press being excluded; but Mr. Stronge said, such a course was extremely unusual, and he did not remember any case in which it had been adopted. The Solicitor General was very anxious to meet the wishes of both parties, and desired to know whether they would agree to a private investigation. Some persons said, on behalf of the college, that they would on no account consent to such an investigation, and would take no part in it if it were conducted privately. On the other hand, the counsel who represented the police authorities declared that they would not submit to a public inquiry. Under these circumstances the subject was postponed until Friday, when further discussion took place, and the college authorities withdrew rather indignantly. Previously, Mr. Galbraith, one of the Fellows, had rather snubbed the Solicitor General, for, when the latter observed that it was quite open to the college authorities to go before a magistrate, Mr. Galbraith said, "We don't require your leave to go before a magistrate if we like to do so." On the Monday following [the day before yesterday], a further sitting took place, and then the whole question whether the proceedings should be public or private was again mooted. The college authorities still denounced a private inquiry, which they said would be a Star Chamber sort of affair; while the counsel for the police maintained their objections to publicity.

The Solicitor General at length decided that the investigation should be a private one. Then, referring to the two branches of inquiry which appeared to be pointed at in the commission, he said he took it that Mr. Stronge would be quite competent to enter upon the question of the disturbance of the public peace; and with respect to the charges against the police, as the representatives of the University had retired, and no evidence was forthcoming in support of those charges, he could not enter into them. That was the conclusion of the Government inquiry, and that was the position of matters at the present moment. His object in moving for those returns was to elicit a statement from the Attorney General for Ireland—who, he hoped, would soon be present from Court—for the purpose of quieting the public mind respecting this subject. So great was the excitement which existed in Dublin that at the University election the two candidates, Mr. Lefroy and Dr. Gayer, were called upon to pledge themselves, if elected, to support a Motion in that House for a public investigation. The same excitement prevailed out of doors, and the magistrates had the greatest difficulty in keeping the people quiet. No result having ensued from the steps which had been hitherto taken, the public were anxious to know what course the Government now meant to pursue. He hoped an explanation of that kind would now be afforded.

Motion made and Question proposed,—

"That there be laid before this House, Copies of the Report of the Dublin Police Commissioners to the Chief or Under Secretary for Ireland, on the recent riots at Trinity College, Dublin:

"Of Warrant authorizing an inquiry by the Solicitor General for Ireland and Mr. Stronge, J.P.:

"And, of Instructions (if any) to govern the inquiry."

LORD NAAS said, he was sorry that the hon. and learned Gentleman had not acceded to the request made to him before he commenced his statement. He (Lord Naas) had been in the House for a great number of years, and must say that he never recollected such an appeal as he had made on the part of the Government being refused. It was quite clear that this measure could not be satisfactorily discussed to-day, and he should, therefore, be obliged to meet the Motion with a counter one for the adjournment of the debate, in order to give his right hon. and learned Friend (the Attorney General) an opportunity of making, on a future occasion, a full statement on the subject. His right hon. Friend was in Dublin during the whole of these occurrences, took part in the consultations held between the members of the Government, and was perfectly prepared to defend the course of the Government in every respect. He (Lord Naas) might say generally that that course had not been taken without great consideration. No formal request had been made for an investigation by the authorities. It was perfectly true that a petition for an inquiry had been signed by a large number of persons, but in consequence of the determination expressed on the part of the Government, of their own accord, to open an investigation, it was not presented. For all practical purposes, however, the petition might be taken as embodying the opinions of a large and influential portion of the inhabitants. The question of inquiry was then discussed by the Government; and here he must say that these commissions are open to very great objections. Their legality was very doubtful, and it was perfectly clear that they could not examine on oath. This at the outset formed a very grave objection to any inquiry, more particularly to one of this kind. The Government, however, considered the matter; they looked to various precedents, and they found that so long ago as 1829 an inquiry was instituted by the Solicitor General of that day into an unfortunate occurrence which took place at Borrisokane, when the constabulary fired upon the people, some lives were lost, and serious excitement prevailed throughout the country. On that occasion the Government sent down the Solicitor General, then Mr. Doherty, to inquire upon the spot into the circumstances of the case. That inquiry was a private one. Some little dissatisfaction thereupon prevailed, and a gentleman who was refused admission on behalf of the public press held a sort of court in another room, and examined the witnesses as they left the room in which the Solicitor General was sitting, and published in the newspapers the information he had so obtained. Mr. Doherty made his report, and the consequence was that the Government at the ensuing assizes prosecuted more than one of the police for murder; they were, however, acquitted. It was thought that the Borrisokane inquiry furnished a precedent for adoption in this case, and the Government therefore commissioned the Solicitor General for Ireland to investigate the unfortunate occurrences which took place at Trinity College on

Friday week last. He sat, as had been stated; and it was his opinion that the question of privacy or publicity should not be decided upon his own responsibility, but according to the views of the parties immediately concerned. They, therefore, appeared before him, and a very strong representation was made by Mr. Lynch and Mr. Lawson, the counsel engaged on the part of the police, that as the circumstances to be inquired into might probably lead to proceedings in a court of law, and possibly to criminal prosecutions, both as against the police on the one hand, and the students on the other, the inquiry ought not to be a public one. On the other hand, the counsel for the College thought it ought to be a public one. The Solicitor General, on consideration, decided that the objections urged on behalf of the police were of so serious a nature that their request could not be refused, and that if the inquiry were held at all it must be held in private. Under the circumstances he (Lord Naas) thought the House would agree with him that the Solicitor General could have arrived at no other conclusion. So the matter rested. He was informed that informations had been laid before Mr. Stronge, the magistrate of the division in which these unhappy occurrences took place, and he believed the consequence would be that the whole affair would be brought as soon as possible to trial in a court of justice. Now, with regard to occurrences of this unfortunate description, he was sure it must be the opinion of every man who had experience of affairs in Ireland, that the sooner they were brought into a court of justice and decided by the ordinary forms of law the better. When the Provost and Fellows of Trinity College first waited on him he expressed a strong conviction on this point, and declared that, in his opinion, the case might well be left to the ordinary courts of justice. He pointed out to them that the course which they seemed to wish the Government to take would be likely to be attended with great inconvenience; he showed the impossibility of taking evidence on oath in any inquiry instituted by the Government; and that therefore there were grave objections to such inquiry. At the same time he added, "If the college authorities and a large number of the inhabitants of Dublin press for a Government investigation, the greatest weight will naturally be attached to any representations of that kind, and it will be for the Government to consider what course they will take." For his own part, he could not regret very much that the inquiry ordered had not been continued. The whole matter would now be tried in a court of justice; all parties would have the opportunity of coming forward, and the case would be investigated according to the strict rules of legal procedure. Whatever was the result, he was sure there could be but one opinion, that the Government had endeavoured to act with the greatest possible impartiality in the matter; that they had endeavoured to prevent this from being made either a party or sectarian question, to allow no one party to have any advantage over the other, but to deal equal justice to both.

MR. BAGWELL said, he could not regret that his hon. and learned Friend had pressed his Motion—a course which he had taken, not from any want of courtesy towards the Government, but because in all probability it would be impossible for him to bring it forward on the following day. The fact was that it would have been doing the noble Lord (Lord Naas) himself great injustice if he had not had the opportunity of making the statement which he had just submitted to the House—a statement which he thought ought to be satisfactory to every person who looked at this as a question of justice, and not as one of party strife or politics. In common with other gentlemen around him he was much satisfied with the explanation of the noble Lord. He thought, however, that they were establishing a dangerous precedent by trying to set up a kind of Star Chamber again. The time for such proceedings had passed away, and if justice was now to be administered at all, it ought to be administered publicly. Any investigation held with closed doors would only excite the jealousy of the people, would not advance the ends of justice, and moreover would not tend to the advantage of Government themselves. As a matter of policy, if hon. Members on that (the Opposition) side of the House had wished to show themselves hostile to the Government, they would have left this matter where it was. From the great amount of excitement existing in Dublin on the subject the Government would probably have occupied a much worse position in public estimation there, if the noble Lord had not answered clearly and aboveboard, as he had just done, the allegations made in public against them.

THE ATTORNEY GENERAL FOR IRELAND (Mr. WHITESIDE) who had now entered the House, said, that he felt obliged to the hon. and learned Member (Mr. Hatchell) for giving him and his noble Friend an opportunity of explaining the conduct of the Government. Everybody must regret the unfortunate occurrence at Trinity College. On the one side it was alleged that the police were guilty of an unprovoked outrage; on the other, that what they did was occasioned by the conduct of the students. Shortly after this painful occurrence a petition was got up and signed by 4,000 respectable persons in Dublin, praying the Lord Lieutenant to institute an inquiry into these unfortunate occurrences. The petition was not actually presented to the Lord Lieutenant, for his Excellency had himself resolved that an inquiry should take place, and after consultation with the Irish law officers as to the manner in which the inquiry should be conducted, had appointed the Solicitor General to institute it. The object for which this course was taken was to elicit such general information with respect to the riot as would enable the Government to provide against the recurrence of similar proceedings in future. Now, the most singular misstatements had been made as to what had really taken place on this point. Mr. Stronge, magistrate of the division in which the University stood, attended with the Solicitor General, not for the purposes of the general inquiry, but in order to take any information on matters of fact respecting the occurrences at the college. With that magisterial duty the Solicitor General clearly had nothing whatever to do. If any facts had been stated to him not impugning the general conduct of the police force, which was to have been the subject matter of his inquiry, but imputing a crime to A or B, naming and identifying the individuals, then it would have been for the magistrate to take the information as against such persons. The police were represented by Mr. Lynch and Mr. Lawson, two distinguished barristers, and the College was also represented by eminent counsel. The Solicitor General at the outset expressed his opinion that an inquiry of this kind ought in justice to all parties, especially the police, to be conducted in private. The parties separated on that day, apparently contented that this should be the course adopted. Meanwhile, however, the college authorities came to the conclusion that there ought to be a public inquiry. On Monday morning, Mr. Lynch, who had been one of the commissioners appointed to inquire into the Belfast riots (which inquiry, by the way, ended in nothing) said on behalf of the police, that the proceedings ought to be privately conducted, as a matter of simple justice to men who were officers of the law, against whom the Government ought not to incline, who should have the same opportunity as other persons had to prove their innocence if they could do so, and who ought at least to be assumed to be innocent until they were proved to be guilty. It was submitted that, when a criminal prosecution was pending, an inquiry conducted before a commissioner who had no power to administer an oath, who was clothed by the law with no authority to examine into the guilt or the innocence of individuals, but who was merely appointed by the Government to make such investigations as should, if possible, lead to the prevention of the like occurrences in future—that such an inquiry ought to be a private one. The Solicitor General, believing with the counsel who appeared for the police that publicity would operate to the prejudice of the persons whose conduct was impeached, when the case came on for trial, adhered to his original opinion that the proceedings should be in private; and that opinion had his (Mr. Whiteside's) entire approval. There were certain precedents which he might cite for the course taken. There was, for instance, the commission which had been appointed a few years ago to inquire into the conduct of the metropolitan police in Hyde Park. Now, he should state, with great respect for the authority of the gentlemen under whose advice that course had been taken, that he doubted very much whether a commission issued by the Crown in opposition to the ordinary practice under the common law of the country was perfectly legal; and he believed it was not denied by anybody that commissioners could not examine witnesses upon oath. He had further to observe that while the proceedings of the Hyde Park commission were publicly conducted no proceedings against the police were in that case pending, or had been threatened in a court of law, and so far that precedent was not applicable to the Dublin case. Then, again, it appeared that there was an inquiry into the conduct of the police at

Dolly's Brae in Ireland; but it was to be observed that a suit was instituted against the proprietors of certain newspapers, in which reports of the evideuce taken in that case had been published; and although the Court gave no decision upon the main point thus raised, in consequence of the case not having been brought before them in proper time, they ordered the newspaper proprietors to pay their own costs, and had thus shown that they did not by any means hold the right to publish the proceedings to be incontestable. The next precedent to which the attention of the present Irish Government was directed and the one which appeared to them the most applicable, was the inquiry into the Borrisokane riot in the year 1829. In that case the inquiry was privately conducted, and Mr. Doherty, the Solicitor General, under whom it took place, distinctly stated that he did not in any way pretend to assume the position of a criminal judge, and that his only object was to obtain such information as might serve to guide the conduct of the Government for the future, and afterwards, in opening the case at the assizes against the prisoners, explained to the jury the difference between such an inquiry and the regular trial of the police before a judge and jury :—

"Since the fatal occurrence of the 26th of June, (he said) an investigation has been held in the town of Borrisokane, and so industriously have reports been circulated as to the objects of that inquiry that I, as one of the persons deputed by the Government to make it, think it necessary to guard you against taking up any impression from anything which may have been reported as having taken place there. The inquiry was altogether extrajudicial, and was not instituted with the least reference to the guilt or innocence of the prisoner, or of any other person who may be put on trial; but instituted by Government simply for its own information, and for the sole purpose of enabling it to use such precautions as might seem necessary for preventing the recurrence of a similar calamity. Without pretending to detail all the objects which the Government had in view in sending down to inquire what it might be prudent and wise and proper to do in such an extraordinary case, it is right to apprise you, gentlemen, that those who conducted that inquiry, carefully abstained from entering into any investigation which might prejudge the present trial. Indeed, the Government would be ill warranted in the case of any individual to prejudice the case, and to throw the weight of its opinion into the scale which you, gentlemen, ought exclusively to hold."

This explained exactly the difference between the two forms of proceeding, and would, perhaps, justify the Government in

Mr. Whiteside

the eyes of those who censured them for not making this inquiry a public one, as demanded by the heads of the University. He should observe that there was no reason to apprehend that any evil consequences would follow from the course which that transaction had taken. The criminal court would meet in Dublin on the 9th of April next. The accused parties were liable to be tried on that day; and if the proper preliminary proceedings should be taken, and should be held by the magistrate to justify a criminal prosecution, it would be his (the Attorney General for Ireland) duty, however much he might respect the officer who commanded the police force, to conduct such a prosecution according to the established forms of a court of justice; for in this kingdom we did not live under police rule, nor under the rule of the sword, nor under the rule of the bludgeon. He would undertake to say that every prosecution that might be instituted would be conducted in the some temperate and impartial spirit which had marked the whole course of the Irish Government throughout that unhappy occurrence; and in endeavouring honestly and fairly to discharge his duty, he should be sustained by the conviction that in the judgment of that House no official could err who walked in the straight path of the constitution.

Mr. J. D. FITZGERALD said, he hoped that in any observations which he might make that he should imitate the example set him, and refrain from saying anything which would prejudice the trials now appointed to take place before a proper constitutional tribunal—before a Judge who would stand impartially between the two parties, and a jury who would hold evenly the scales of justice. He wished also to refrain from any comments on the painful occurrence of the 12th. Both as regarded the police and the University there was much to be regretted; but in his opinion, if especial blame attached to any one it was to the authorities of Trinity College. Such occurrences as these could not, he believed, have taken place either at Oxford or Cambridge, for the gentlemen charged with the maintenance of discipline in those seats of learning would have interposed long before the disturbance assumed a serious character. He believed also that on both sides in these transactions very great misrepresentation and exaggeration had prevailed. Perhaps on the one hand the amount of provocation given by the

students had been exaggerated, while it was assumed on the other hand that the police had acted without provocation at all. Again, he was happy to say that the injuries inflicted both on the police and the students were not by any means so great as had been represented. From private inquiries which he had directed to be made, he was happy to be able to state that no wound had been inflicted either by a sabre cut or a sabre thrust, and that if the police did draw their swords, they did not use them. No doubt severe injuries had been inflicted by the batons of the police, but none were the results of sabre cuts. Moreover, when the matter came to be investigated in the proper Court he believed it would be found that greater injuries had been inflicted upon the police than upon the students. He was happy to have learnt this for the sake of his gallant Friend (Colonel Browne) who commanded the police on this occasion, and for whom he had a sincere regard and esteem; and he only wished that the Dublin press had refrained from an amount of exaggeration and misrepresentation on both sides of the question which he feared would have a material effect in preventing an impartial trial hereafter. So extreme were the opinions expressed that, as his hon. and learned Friend (Mr. Hatchell) had stated, one of the Dublin papers, supposed to be the organ of the Government, inserted a communication to the effect that it was hoped prayers would be offered up in the churches for the poor students who fell in the "murderous charges" of Friday—charges described as more violent than those of Delhi. Passing, however, from this unfortunate occurrence itself, to the Motion directly before the House, he thought it would be satisfactory to the House to obtain the report made by the Dublin Police Commissioners alluded to in the Motion, unless, indeed, the noble Lord said it was a confidential communication, or was likely to prejudice one or other of the parties. With respect to the inquiry which had been ordered by the Government, he presumed it was instituted with a view to trace this unfortunate transaction to its origin, and to see how its recurrence could be prevented for the future. He agreed in thinking that the Commissioner had no right to administer an oath, or force parties to attend. But as to the inquiry itself, there were well-established precedents for such a proceeding. It appeared to him that the Hyde Park inquiry afforded a precedent which might be followed with advantage. In that case the Government selected three gentlemen of high standing, who conducted their investigation not in a hole or corner—not in a room in the Home Office—but in a public Court in Westminster Hall. The public had free access; the proceedings were published from day to day, and the Commissioners were thus the better enabled to arrive at the truth. This commission was not appointed with a view to criminal proceedings, but in order to ascertain how such occurrences might be prevented for the future, and the Commissioners made an elaborate report, which was followed by an official letter to the police, to which he would invite attention. Another precedent which the Government might have followed, was that of the inquiry into the Belfast riots, which the right hon. Gentleman (Mr. Whiteside) said would come to nothing. He (Hr. J. D. FitzGerald) was very sorry to hear this, for he thought there was in the evidence taken before that commission, abundant material upon which the Government might proceed. In that instance the Solicitor General was not sent down to Belfast accompanied by a magistrate; but two gentlemen, unconnected with either party, were selected; they examined witnesses in open court, and as the result of their labours, the House was in possession of a blue-book containing a great mass of material. All he could say was, that if their inquiry were to end in nothing, the Government which allowed the matter, which the evidence disclosed to pass by unnoticed, could not be doing their duty. In the present case, 4,000 citizens had called for inquiry, and he believed that inquiry was to have been directed to all the riotous proceedings which had taken place in connection with this lamentable affair.

Mr. WHITESIDE.—No. It was distinctly limited to the transactions of the 12th.

Mr. J. D. FITZGERALD was sorry to hear it, because the transactions of the 12th were followed by a series of disgraceful riots. He gathered his information of these from the public journals; and he would say, that if their statements were correct, the Government which took no cognizance of such events would not be doing its duty. A large portion of the city of Dublin appeared to have been for hours delivered up to a mob, without check of any kind. He certainly thought that a Government which did not further inquire into such a matter would fail to discharge their duty. Well, what was the course which the Go-

vernment pursued, when inquiry into those unhappy occurrences which had taken place in Dublin was ordered to be instituted? A Commissioner was appointed to investigate the case; but who was that gentleman? He was addressing an assembly of Englishmen, and he thought they would be somewhat surprised to learn that the Solicitor General for Ireland had been chosen to inquire into transactions which might ultimately form the subject of a criminal prosecution which he, as the law adviser of the Crown, might be called upon to conduct. They had, no doubt, heard that the duty of examining the accused was sometimes assigned, in a French court of justice, to the public prosecutor; but it was, he was happy to say, a thing almost unknown in this country that the conduct of a prosecution should be entrusted to a man who had, by means of an examination in which he had taken an active part, become cognizant of facts of which he might otherwise be ignorant. The information which he possessed upon the subject, he derived in a great measure from the public journals; and he found, by the *Dublin Evening Mail* of March 22, that upon

"The Saturday previous, at eleven o'clock, Edmund Hayes, Esq., Q.C., the Solicitor General, accompanied by Mr. J. C. Stronge, one of the divisional police magistrates, had sat in the *Nisi Prius* Court for the purpose of holding the investigation authorized by Government into the circumstances attendant upon the recent police demonstrations at Trinity College."

The Solicitor General upon that occasion said:—

"My object is to give his Excellency information upon that subject; but if this investigation were completely and entirely confined to that purpose, probably it might be said to have attained only one-half of that which the public expect from it. No doubt persons have been injured upon the occasion, and these injuries we have every reason to believe will exhibit an infraction of the criminal law upon the part of one side or the other."

He added:—

"I appear here not as a magistrate. I cannot take depositions upon oath; but, in order that this inquiry may not be fruitless in that respect also, I have obtained the assistance of the able and experienced magistrate who now sits beside me—Mr. Stronge. He is the senior magistrate of the division in which those lamentable occurrences took place, and upon him will devolve more particularly the conduct of that branch of the inquiry which is conversant with the criminal law."

Now, he had heard an hon. Member, in the course of the discussion in which the House was engaged, allude to the proceedings of the Star Chamber; but in his (Mr. Fitz-Gerald's) opinion the extracts he had just read conveyed the idea of a state of things which was infinitely worse. The Solicitor General proceeded to say that the case which it was intended to set up against the police should be proceeded with in the first instance, and urged, as a point of great importance, that "the inquiry should not be marred by any undue publication of the proceedings." He had then observed:—

"I generally find that the publication of proceedings which have the character of a preliminary investigation, such as this is, and especially before justice can be done by bringing those matters to a final determination—I generally find that the publication of such proceedings tends to nothing but injury. It keeps up the acrimony and bitterness which is going abroad, and gives opportunities probably for misinterpretation and misstatement. My anxiety, therefore, would be that, at all events for the present, our proceedings should not be published."

The learned Gentleman added:—

"Probably criminal proceedings may arise out of this inquiry, and it would be in the last degree prejudicial to the accused if their cases upon their trials—if any trial is to take place—should in any way be prejudiced by the statements made in the course of this investigation, and not upon oath."

In reply to Mr. Lynch, one of the counsel for the Commissioners of Police, the Solicitor General repeated it to be his determination to keep the inquiry secret, at the same time expressing it as his opinion that that would be the best way to keep the character of the police force unscathed. The learned Gentleman also stated in answer to Mr. Lloyd, who appeared on behalf of the College authorities, and who had observed that the magistrates' inquiry, at all events, ought to be kept perfectly distinct, that he had been turning over the matter in his mind, that it was a singular case, and that he had not been enabled to find any precedent for that species of mixed trial. The right hon. and learned Gentleman opposite, however, seemed to think that such an inquiry was justified by the precedent of 1829. He (Mr. Fitz-Gerald) nevertheless doubted whether one bad precedent could be justified by another equally objectionable. Now, in what, let him ask, did the precedent of 1829 consist? Some members of the police force had shot down several persons in one of those unhappy tithe riots which were formerly but too prevalent in Ireland. An inquiry into the matter was ordered by the Government of the day, and the Solicitor General for Ireland was intrusted with the conduct of the investigation. What was the result? Why, that the very same learned Gentleman who had had the police brought before him to be examined

upon that occasion deemed it to be his duty, when those men were subsequently placed upon their trial for murder, to enter into a lengthened explanation with respect to the objects of the preliminary inquiry, in order to disabuse the minds of the jury of any prejudice which they might have entertained in consequence of his having been engaged in conducting that investigation. Be that, however, as it might, the parallel inquiry which had recently been instituted in Dublin, and which had been so singularly carried on, had fallen to the ground. Was that, he would ask, a result which could prove satisfactory to the House of Commons? Had there ever been anything so feeble and so imbecile as the conduct by which the management of those proceedings had been characterized? The Solicitor-General for Ireland was determined to keep the inquiry private. Mr. Lloyd, who had acted upon the part of the college authorities, in consequence withdrew altogether from the investigation. Objection was taken to having the witnesses examined upon certain portions of the case in a separate room by Mr. Stronge, and upon others in another room in the presence of both the commissioners. The issue of the whole proceedings, in short, was what might have been anticipated from the mode in which it had been conducted. The college authorities having withdrawn from the investigation, it was adjourned until the next day, when nobody appearing before the court its sittings came to a termination. He for one had supposed that an inquiry so begun would have embraced the consideration of the riots which had occurred subsequently to the day upon which the Lord Lieutenant had made his entry into Dublin. It seemed, however, from the answer which the noble Lord the Chief Secretary for Ireland had returned to a question which had been put to him a few evenings before by the hon. and gallant Member for Tipperary (the O'Donoghue), that he regarded those riots as trifling matters.

Lord NAAS: My observations referred to the riots which took place on the night of Saturday the 13th instant.

Mr. J. D. FITZGERALD: He had taken his impression of the riots which occurred upon that occasion from the report contained in a Dublin morning paper, which had already declared the side which it intended to espouse so far as those transactions were concerned—that of the college authorities against the police—and he could only say that if that report were correct the riots in question were no trifling matters. The report stated that from three o'clock in the afternoon on Saturday, the 13th, until three o'clock on Sunday morning, the entire locality in the vicinity of College Green had been kept in a state of alarm by the marching, shouting, and hallooing of a large body of the students of the University and others, who seemed determined to make reprisals upon the police, and who were nearly all armed with bludgeons. It further appeared that about eleven o'clock at night, the students issued from Jude's Hotel, where they had taken up their position, and were received with party cries and rounds of Kentish fire. What that expression meant he could not undertake to describe, but the report mentioned that the entire mass—numbering not less that 3,000 persons, after having met with that reception, moved in the direction of College Green, apparently under the control of leaders, who gave them such orders as "stand close," "to the left wheel," &c. The cry "to the police station" was raised, and upon their arrival outside it, large volleys of stones were flung at the police who were assembled at the entrance, the consequence being that several members of the force were injured. The report went on to state that the students, finding the police could not be provoked to an encounter, returned to King William's Statue, around which they held a meeting which was addressed by a chairman of its own selection in a speech fraught with denunciation of the police and assertions of Orange principles. The result of all this ill-advised proceeding was, that they had managed to change what was before a popular cause into an unpopular one, and to put a portion of the City of Dublin for a short time in the possession of a mob. The junior Dean of Trinity College indeed, on the following Monday issued a notice to the effect, that he had reasons to believe that the outrages of Saturday night were not the work of the students, and appended to that notice appeared the very significant announcement, that as it was supposed there were detectives within the college walls any person of that description who happened to be caught would be nailed to the pump. A further riot took place upon the night of the 17th, but in that disturbance he did not think the college authorities could justly be said to be at all implicated. The police were upon that occasion assailed with volleys of stones, but

owing to the excitement which prevailed they abstained from taking any one into custody. Those, then, were not trifling riots. They were, upon the contrary, of a very serious character, and demanded the most complete investigation. Of one thing he was quite sure, that no one more sincerely regretted their occurrence than the noble Earl who was now at the head of the Irish Government. It must, however, be regarded as a misfortune that the advent of the new Administration should be marked by circumstances which would lead one to suppose that we were about to have a return of those Orange assemblies which he hoped had for ever departed. What he complained of was, that there had hitherto been no inquiry. The investigation into the circumstances which occurred on the 12th, had completely fallen through, and no further inquiry had taken place with respect to the subsequent disturbances. It had got into the public prints that the police authorities had protested against the secret inquiry. He therefore wished to ascertain from the noble Lord, or the right hon. Gentleman opposite—or if they, owing to the forms of the House, should not be able to speak again, from some hon. Member whom they might instruct to answer for them—whether the reports contained in the public journals to the effect that the police authorities protested against a secret inquiry were or were not well founded?—whether Colonel Browne did not protest against such inquiry upon the ground that he was an officer who had served Her Majesty throughout the Peninsular war, who had shed his blood at Waterloo, who had been thirty years in the public service, twenty of which he had spent in Dublin; who was beloved by his fellow-citizens; who believed that a grievous reproach had been cast upon him, and whose character could be cleared only by a public inquiry, in open court, before a jury of his country? That was the protest which he understood had been made, and a very manly one it was. Looking at the whole proceeding from beginning to end in connection with those unhappy riots, was he not, he would ask, justified in the opinion that they assumed something of a sectarian character? Had a fair and full investigation been instituted with respect to them through the medium of impartial men? or, upon the contrary, had not an inquiry been commenced which was in its nature unconstitutional, inasmuch as it was conducted by a public officer, upon whom, in the case of the institution of criminal proceedings, the duty of prosecuting the accused would fall, and who might therefore, in some respect, be regarded as standing in the position of a partisan? That was a point upon which he should with confidence appeal to every Englishman who heard him. He should not, however, dwell any further upon that subject, but would conclude with the expression of a hope that every effort would be made upon the part of Her Majesty's Government to put an end to a state of things which, if permited to continue, was calculated to give rise to those feelings of ill-will which they must all desire should be for ever extinguished.

MR. SPOONER: As the right hon. and learned Gentleman (Mr. FitzGerald) has appealed to us to know what our feelings upon this matter are, I will say that my own feeling, and I believe the feeling of the House, is, that he has taken a very unusual and a very unfair course. The Motion before the House was one for the production of certain papers. It was made in a most temperate manner, without any attempt to criminate parties, but upon a plain statement of the facts as they have come to the knowledge of the hon. and learned Gentleman who introduced the Motion. His address was replied to by the noble Lord the Secretary for Ireland, and by the Attorney General, in speeches in which there was a marked absence of anything like recriminatory charges; and therefore it was with some regret, although I confess with very little surprise, that I heard the late Attorney General for Ireland make the statements which he has just made, when he must have known that, by the rules of the House, both the noble Lord and the right hon. Gentleman would be precluded, having already spoken upon the question, from making a reply to his remarks. However, I shall give my noble and right hon. Friends an opportunity of speaking again, for before I sit down I shall move that the debate be adjourned. The right hon. and learned Gentleman began calmly enough, and avowed his intention to abstain from saying anything calculated to excite feelings of irritation; and he followed that up by a fierce attack upon the Government; and therefore how far the commencement and ending of his speech were consistent with one another, I shall leave it to himself to explain. I do not pretend to any special knowledge of the circumstances of this case, and therefore will not attempt to occupy the atten-

tion of the House by entering into details; but I can only say that the right hon. and learned Gentleman will invariably find that an assembly of English gentlemen will deprecate an attack made in the manner in which the right hon. Gentleman has just attacked the Government—an attack made without notice, and above all, made at a time when the Members of the Government attacked, except by taking advantage of the facilities afforded by the rules of the House, were perfectly defenceless. With respect to the case itself, I believe I am correct in saying that measures are being taken to have it fully investigated before the proper constitutional tribunals of the country, and therefore the right hon. Gentleman would have done well had he abstained from making the remarks in which he has so freely indulged.

Motion made and Question proposed, "That the Debate be now adjourned."

Mr. MACARTNEY said, that the right hon. and learned Gentleman seemed to impute it to the Government as an improper proceeding that such a Commission as this had been appointed; but in fact this form of investigation had grown into a great abuse in Ireland. Did the right hon. Gentleman know that when the Marquess of Anglesea and his political friends filled the office of Lord Lieutenant, no less than fifteen or eighteen Commissions of a similar character were issued? He must be by no means understood as approving of them, for he confessed that it had often appeared to him that not only did they cause a great deal of unnecessary delay, but that in many cases facts were suppressed which in the ordinary investigations of constitutional tribunals came out. As to the Belfast case, as to which the right hon. Gentleman had imputed blame to the Government for not having taken proceedings, the right hon. Gentleman himself was amenable to a charge of neglect of duty. The inquiry was ordered on the 10th of September, and was commenced before Messrs. Smith and Lynch on the 14th. They sat to the middle of October, and examined a great many witnesses, and a Report was made to his Excellency on the 25th December; notwithstanding which, up to February last, no steps in the matter had been taken by the right hon. Gentleman. These Commissions had been long felt in Ireland to be a serious grievance; they were, after all, only one-sided tribunals, and very different to those which were in operation in England, where the Commissioners had power to examine upon oath. At the same time it was not just that the Government should be blamed for adopting the same means of inquiry as had been adopted by late and former Governments.

Mr. WHITESIDE thanked his hon. Friend behind him (Mr. Spooner) for the Motion he had made, inasmuch as it afforded him an opportunity of putting the House in possession of the true statement of the case, so far as the charges of the right hon. and learned Gentleman opposite were concerned. The right hon. Gentleman was of opinion, and he had a perfect right to maintain that opinion, that the conduct of the Executive in Ireland was feeble and imbecile; that it wanted, in short, that strength and brilliancy which no doubt would be exhibited under the auspices of the right hon. Gentleman himself. The character which a man gave of himself was, however, always to be received with some degree of doubt and caution. A reputation earned by the display of splendid talents, undoubted eloquence, great exertions in the cause of justice, or for the good of one's country, would, he felt assured, be regarded by that House, with as high a degree of admiration as by any other assembly in the world; but whether the speech of the right hon. Gentleman entitled him to the character of an impartial critic it was not for him (Mr. Whiteside) to say. A lawyer generally looks to precedents, but it is clear that in the right hon. Gentleman's opinion the precedents set in past times in this matter ought not to be followed. According to the right hon. Gentleman, nothing had been done as it ought to have been in connection with the recent unhappy occurrences in Dublin. From beginning to end, not a step, it seemed, had been taken in reference to them in which some blunder had not been committed. The gist of the right hon. Gentleman's observations appeared to be, that if he had been in office he should have instituted an inquiry into the conduct of the police day by day—the examination, be it recollected, not being made upon oath—up to the very day of trial, and if the right hon. Gentleman had done so, he would in his (Mr. Whiteside's) opinion have deserved to be impeached. With respect to the remarks of the right hon. Gentleman in reference to the Hyde Park riots, he should beg the House to bear in mind that there was in that case no trial pending, and that no informations had been

taken against the parties implicated. The Commission in that instance was issued to inquire into the general conduct of the police force, and he wished the right hon. Baronet the late Secretary for the Home Department were present to inform the House whether, in the opinion of the law officers of the Crown, that was a legal Commission. It is not to be wondered at, that the Dublin newspapers should have taken up this matter and made it a subject of party vituperation, for wherever there are newspapers, a party war will rage; but there is an easy way of dealing with them in respect to this matter, for it has been laid down by the highest authorities, that the proprietors of a newspaper may be held responsible for the publication of *ex parte* proceedings, in which the statements are not on oath. In the case of the disturbances which had taken place at Dolly's Brae, for publishing the proceedings in connection with which a prosecution was instituted against a respectable journal—the *Dublin Evening Post*—the applicant's counsel insisted that Sejeant Berwick had no authority to hold the court, and that if any such authority did exist, it extended only to the making of a preliminary inquiry for the information of the Government, and conferred no right to the publication of a summary of facts professing to come from one side only. Mr. Martley, the present Judge of the Incumbered Estates Court in Ireland, in showing cause in behalf of the proprietor of the newspaper in question, had said:—

"In support of this conditional order the Court had been referred to several authorities, which certainly did lay down the proposition that if there was an impending prosecution; and persons published statements during the pendency of that charge, which were calculated to deprive the accused of a fair and impartial trial, the Court would interfere by way of criminal information."

He thought that Her Majesty's Government would not be entirely free from blame if they were to follow the questionable guidance of the right hon. Gentleman opposite under those circumstances. It was perfectly true that an attempt had been made to convert recent occurrences in Ireland to sectarian purposes, but he was prepared to avow, even at the peril of offending those who were the most sincere friends of the Government that Her Majesty's Ministers did not believe it to be consistent with their duty toward Colonel Browne or the police force under his command to allow general charges against them to be entered into under the operation of a general inquiry, to which there could be no limit except the discretion of the Commissioner, and from which nothing, in all probability, could be gained, except the crimination of both the parties concerned. The right hon. Gentleman, however, made another charge against the Government. He stated that it was their intention to permit the Belfast inquiry to end in nothing. Now, it so happened that he (Mr. Whiteside) had not been twenty-four hours in office when he wrote to the Crown Solicitor upon the Northern Circuit in Ireland, to ascertain what had been done by the right hon. Gentleman who was his predecessor in the office which he had the honour to hold in reference to that inquiry; and the answer he received was that there was not a single person to be prosecuted. The right hon. Gentleman, therefore, accused the Government of not trying somebody in connection with those transactions when, in reality, there was no one to try. For his own part he could assure the House that, if he found the informations in the case of the Belfast riots justified a prosecution, he should immediately instruct the Crown Solicitor to take the necessary steps for the institution of such prosecution. The right hon. Gentleman seemed to think the precedent of 1829 was ridiculous; but he could not refrain from telling him that the men by whom that precedent was set—such men as Chief Baron Joy, one of the most learned Judges who had ever sat upon the bench, and Chief Justice Doherty, whose eloquence would long live in the recollection of all who had come within its influence—would be remembered when the right hon. Gentleman and his labours had been completely forgotton. The right hon. Gentleman had stated that the inquiry should have been a public one; but what said Mr. Lynch, a Roman Catholic barrister of great eminence, who appeared on behalf of the police. He objected to a public inquiry, and the publication of unsworn evidence from day to day as unfair, and suggested that evidence should be taken privately, and a report made to the Lord Lieutenant; if the inquiry was open the public mind would be affected by the unsworn statements of witnesses whose evidence might be somewhat tinged by their imagination or feelings. Thus the counsel for the police resisted the demand of the University authorities for a public inquiry, and it was in consequence of their representation that his hon. and learned

Friend the Solicitor General thought it his duty to hold the inquiry in private. In what had the Irish Executive erred? He (Mr. Whiteside) believed that commissions of this kind were not quite legal. No one was compelled to attend before them, and the witnesses who were examined were not sworn; and yet it was now complained that an open inquiry was not held and the evidence published day by day, notwithstanding the fact that the men whose conduct would be affected by that evidence, were to stand their trials on the 9th of April next. As to the description given by the right hon. Gentleman opposite of the fearful state of excitement in which he alleges the people of Ireland had been thrown by these events, he should be sorry to be the occasion of dispelling from his mind any feeling of pleasure or satisfaction which such a state of things might impart. Nevertheless, he thought it necessary to inform the House of the real facts of the case, namely, that Dublin was never more happy nor contented than it was at present. Society there was never more agreeable. The Irish metropolis was now crowded with the gentry of the country assembled to do honour to Her Majesty's representative, the head of the Court, a nobleman who adorned the place he occupied as much by his many virtues as by his eminent position. Hon. Gentlemen had, of course, a right to differ from Her Majesty's Government, and to find fault with their particular line of policy, if they pleased. There was, indeed, one party who would vote them out of office to-morrow if they could. He hoped, however, they would have the justice and the candour to judge them not by the silly rhodomontades of daily newspapers, but by the manner in which the laws of the country were upheld. Although justice might be violated even by the police or the soldier, by whomsoever it is violated, the moment we obtain the required proof of the fact of such violation, the prosecution of the offending party will be carried out.

Mr. COGAN said, he thought it would have been much better if the little acerbity which had been exhibited in this discussion had been avoided. He could well understand the appeal on behalf of his friends put forward by the hon. Member for North Warwickshire (Mr. Spooner), for the House must have felt that they had the worst of the argument as far as it had gone. He did not think that the right hon. Gentleman the Attorney General for Ireland had improved his position by the second speech which he had made. That right hon. and learned Gentleman confined himself to a personal attack upon the late Attorney General, upon the good taste and judgment of which he left the House to decide. They had heard such strange and contradictory views expressed on this subject by the Members of the Government who had spoken, that it was hard to know what course had been or would be taken in the matter. He was surprised to hear the noble Lord the Secretary for Ireland describe the riot which took place subsequently to the arrival of the Lord Lieutenant in Dublin as a trifling affair, in which a few panes of glass had been broken; but that no arrests had been made. He (Mr. Cogan) believed it to be a violent Orange demonstration; that a violent meeting was held in the public streets at about three o'clock in the morning, and that the parties assembled displayed Orange flags and handkerchiefs, accompanied with what was called "the Kentish fire," and that so much tumult and disorder had prevailed through the night, that preparations were made by Colonel Larcom which indicated apprehensions of serious disturbances. He had been himself a student of Trinity College, and retained a deep affection for that institution; but he could not help observing in connection with the late event a sectarian desire to attack the police on account of the religion of a great portion of that body, an attempt which had been sanctioned by the organ of the Government in Dublin, the *Evening Mail*, which was conducted by a gentleman who was the brother of the law adviser of the Castle. That paper had for some time been attacking the characters of members of the police, and especially of one commissioner, Mr. O'Ferrall, solely on account of their religious opinions. He looked upon these proceedings as an attempt to revive once more the mischievous spirit of Orange ascendancy. The Government had not stated whether they could give the papers which were asked for; but after the discussion which had taken place it did not much matter whether they did or not.

Mr. VANCE expressed his regret at the attempt made by the hon. Member for Kildare to give a party character to the riot which in truth it did not merit. The recent affair in Dublin was merely an ebullition of youthful spirit on the part of the young students of Trinity College, and some strangers among them, and had no-

thing of a party or sectarian character about it. Those tumultuous proceedings were not unusual within the walls of Trinity College. He recollected in the case of an election there, when both of the candidates belonged to the party with which he was politically connected, similar riots and disturbances taking place. Conflicts with the police then took place; and it might have been equally said that those were party riots. The course taken by the opponents of the present Government in relation to the late affray reminded him of the case of the Stockport riots, when the same attempt to give them a sectarian character was made. The hon. Member for Youghal (Mr. Butt) then said, nothing could be more disgraceful than the Stockport riots except the use attempted to be made of them. He would say that nothing could be more shameful in the late disturbances than the attempt of a certain party to make political capital of them. The hon. Gentleman who spoke last stated, that a certain newspaper had endeavoured to set one portion of the population against another; but on the morning of the day on which this riot in Dublin took place, the *Freeman's Journal*, in commenting upon the expected arrival of the new Lord Lieutenant at the Irish metropolis, used this language:—"We understand that the young blood of the University is to make a demonstration to-day. It had better be careful, for the square caps, however well padded, are no match for the policemen's batons." The *Journal* then proceeded to say, that they would make allowance for the excitement attendant upon the novelty of the advent of a Conservative Lord Lieutenant, and that the students might crack their sweet voices in his honour, but that they would not be permitted to go further without incurring unpleasant consequences. His hon. Colleague had some time ago moved for an investigation into the conduct of the Dublin police, on the ground that they had in certain cases exceeded their duty; the House, however, in its wisdom, refused that Motion. Now he (Mr. Vance) submitted that what had since occurred was the best proof that that Motion had not been made unadvisedly. As to an inquiry into the late affair, he could not see what would be the use of an investigation, unless an oath could be administered. When the feelings of the people were unduly excited by cases of this description their judgment was generally carried away and influenced by prejudice and partiality, and unsworn testimony under such circumstances would be of no service. He protested against the attempt to give those riots a party tinge.

SIR DENHAM NORREYS said, that he thought the turn of the debate would be anything but satisfactory to the public. He felt that the new Government had a most glorious opportunity of inaugurating their reign by a wise and consistent administration of the laws without fear or favour for any particular class in the community. Without at all intending to express any opinion as to the merits of the case involved in the riots, he could not permit himself to adopt the mild view of the conduct of the students of the University which the hon. Member for Dublin (Mr. Vance) would have the House approve. He could not regard it as merely an ebullition of youthful feeling—that a large body of young men should put themselves wantonly beyond the law, and outrage the peace of society. He would ask, would such conduct on the part of the students of King's College be tolerated by the authorities of the metropolis.

MR. STANHOPE said, he had no knowledge of the transaction which they were discussing, beyond what he had read in the newspapers and had heard in the House, but he deeply regretted to find that there was a tendency to depart from the immediate question before the House, and to enter upon topics which must lead to an irritation of public feeling in Dublin. He thought no good could possibly arise from this debate which would compensate for the mischief it must cause. An investigation was about to take place, not only into the cause of the riot, but into the conduct of the Dublin police; and such a discussion as this was calculated to prejudice open inquiry into the matter. It was quite time that Government should intimate to its friends as well as to its opponents that violations of the law would not be permitted, and therefore he had read with great satisfaction the proceedings connected with a deputation of the students of Trinity College, which had waited upon the Earl of Eglinton, the Lord Lieutenant of Ireland, some two or three days after the riot. The noble Earl on that occasion addressed the deputation in a very distinct and marked manner. Calling them his young friends, he begged of them to divest themselves of any hostile feelings against the police, recurring to the late unfortunate affair at the college, and impressing upon them all the necessity of

obeying the laws of the country. The right hon. and learned Gentleman opposite (Mr. J. D. FitzGerald) commenced his speech by stating his opinion, that it was most unwise to trust to statements which appeared in the public journals; but immediately afterwards he founded a serious charge against the Government upon supposed facts which he read from a newspaper that gave a description of the riot. The right hon. and learned Gentleman said, that such an affray could not occur at Cambridge or Oxford; but if the right hon. Gentleman had had the misfortune to be engaged, as he (Mr. Stanhope) had been, in a "town and gown row," he would have witnessed something very like what had happened in Dublin. If the police were to interfere in such rows, they were very likely to be assailed very much in the same manner as the police had been assailed by the students at Dublin. Therefore it was not fair to the students of Dublin to say that such things could not happen here. The hon. Member for Kildare (Mr. Cogan) regretted that sectarian feelings had been excited; but the tone of his speech, as well as that of the right hon. Gentleman the late Attorney General for Ireland, was directly provocative of sectarian animosity. The riot of the 13th appeared to consist in the assembling of a body of young men, who, after parading the streets, held a meeting at night and made speeches which, probably, they would not have made in the day time. From what he had seen at the sister Universities of this country, he thought it was unfair to raise such serious charges against the students of Dublin on account of the late disturbances.

Mr. J. D. FITZGERALD said that nothing could be more fair or reasonable than the tone of the hon. Gentleman who had just sat down; and he believed that the noble Earl at the head of the Government in Ireland, if left to the dictates of his own mind, his sense of justice, of propriety, and of prudence would have induced him to discountenance all such "ebullitions" as those now complained of. He contended that it was not the privilege, but the duty of the hon. Members in that House to call in question the acts of the Government. It would appear, however, that there was to be an exemption from criticism in regard to the present Government or the right hon. and learned Gentleman the Attorney General for Ireland, inasmuch as any one attempting to cavil at his acts was sure to be denounced with personal vituperation. He passed by the abuse of the right hon. and learned Gentleman as wholly unimportant, and as a matter of indifference to him—he was, indeed, going to use another word, but that it might not be considered quite Parliamentary. He would pass by his abuse in perfect silence. He would appeal to the House if the case had been at all answered. He confessed that his abilities were very humble; but during the two years he had held the office of Attorney General for Ireland he had endeavoured, in an unobtrusive way, to lend his aid to the late Lord Lieutenant and Chief Secretary for Ireland in the preparation and conduct of useful measures for the preservation of the peace and the promotion of general prosperity. He believed that they had been successful in the attainment of these objects. The right hon. and learned Gentleman said that if he (Mr. FitzGerald) had instituted an open inquiry, under such circumstances, going on from day to day until the trial took place, he would deserve impeachment. There appeared by this declaration of the right hon. and learned Gentleman to be a beautiful difference of opinion existing between him and his colleague, the Solicitor General; for the latter while giving his opinion in favour of a private inquiry, stated that he would consent to a public one if it were desired, and that the proceedings should be published from day to day. He (Mr. FitzGerald) said that upon constitutional grounds it was most improper that a court of inquiry should be held by the Solicitor General, inasmuch as it would probably eventuate in criminal proceedings to be conducted by the same Solicitor General, and the only defence of the right hon. and learned Gentleman was an appeal to the precedent of 1829. He would ask what Her Majesty's Attorney and Solicitor General would have said if a similar course of proceeding had been adopted in regard to the Hyde Park riots that took place a year or two ago? He had said that the steps taken were feeble. A commission, the right hon. Gentleman held to be illegal, yet he had advised one to be issued. This commission sat three days, and did nothing. The right hon. Gentleman also boasted of the happy state of society in Dublin under the auspices of the present Lord Lieutenant. He (Mr. FitzGerald) had no doubt that every facility would be given to the citizens to enjoy themselves;

but it was rather unfortunate that though Lord Eglinton had been only twelve days in Dublin the city had been in a state of riot and confusion. The right hon. Gentleman twitted him with forming his opinions of the riot and its attendant circumstances from satements that had appeared in the public press; but, he would ask, how was he (Mr. FitzGerald), a private man, to obtain information on such a subject except from the columns of the public press? He would ask the noble Lord opposite (Lord Naas) if it was true that on the night of the 13th of March a large mob assailed two police officers and engaged in other disturbances, and that no step was taken to disperse them? He would also ask if there was any foundation for the rumour that notice was given to the authorities of the college that it was probable on the entry of Lord Eglinton a repetition of former riotous proceedings might take place, and that the answer was "then you should provide sufficient police force to preserve the peace." With respect to the statement of the right hon. Gentleman (Mr. Whiteside) that on making inquiry since he came into office as to the result of the commission of investigation into the Belfast riots he found there was nobody to try; he (Mr. FitzGerald) might state that when the Commissioners opened their inquiry at Belfast they told the auditory they had not come there with a view to criminal proceedings, and that what they wanted to ascertain was the cause of the riots. He would say, in conclusion, that he thought he had not over-stated the case which he had felt it his duty to bring under the notice of the House, and he called upon the noble Lord the Secretary for Ireland to justify this singular proceeding of the Solicitor General and Mr. Stronge, and to tell the House what prevented the inquiry which the public demanded being carried out.

LORD NAAS said, he thought the course pursued on this occasion by the right hon. Gentleman the late Attorney Gentleman for Ireland (Mr. FitzGerald) a most unusual one. It would be in the recollection of the House that, about two o'clock that day, the hon. and learned Gentleman the Member for Wexford (Mr. Hatchell) rose to move for papers on this subject. No Member of the Government at that time thought anything more was intended by the Motion than the production of the papers in question. The hon. Gentleman (Mr. Hatchell) made a short and temperate statement in introducing his Motion, and he (Lord Naas) replied to him. His right hon. Friend (Mr. Whiteside) who entered the House just after he (Lord Naas) had spoken, also made what he thought a temperate statement in reference to the Motion before the House. But no sooner had his right hon. Friend resumed his seat than up got the right hon. Gentleman opposite (Mr. FitzGerald), and produced a long indictment against the Government, taking exception to every act they had done in this transaction. If it was the intention of the right hon. Gentleman, on entering the House, to make that charge—and he (Lord Naas) presumed it must have been, from his coming there armed with documents and papers—he ought at least to have given the Government some intimation of such intention, and then to have brought the subject under the consideration of the House in a formal manner. He (Lord Naas) could state that the Government were prepared on that, as on every occasion on which their conduct might be impugned, to defend every step they had taken in this transaction. If the right hon. Gentleman thought the conduct of the Government in this matter was open to censure, he ought to make an explicit Motion to that effect, and take the sense of the House upon it. The right hon. Gentleman said the Government had been guilty of the most injudicious, if not, indeed, illegal conduct in this matter, and that the City of Dublin was given up for several days to a riotous assembly. One would have thought the right hon. Gentleman was comparing this transaction to the Bristol riots, or to those which had occurred more recently in a part of the manufacturing districts; but he (Lord Naas) contended that there was nothing in the riots of Dublin which deserved the character the right hon. Gentleman had sought to give them. With respect to the outrage said to have been committed during the Friday night, he (Lord Naas) had been informed by the police authorities that, instead of 4,000 or 5,000 people being collected together, there were not more than 400 or 500; that it was true that they shouted and halloed, and conducted themselves in a riotous manner; but that the mischief they had done was confined to four panes of glass which had been broken at one of the police barracks, and one pane of glass at another. Did that justify the assertion that there were serious riots? Then the right hon. Gentleman imputed to the Government that they did not take due

precautions in the matter. He (Lord Naas) said the Government did take precautions; but they did not do what the right hon. Gentleman would lead the House to believe they ought to have done—namely, to call out the military and parade dragoons, infantry, and great bodies of police in the streets, to the dread of the inhabitants, to say nothing of the tendency of such an exhibition to provoke a collision between the soldiers and the citizens. If the Government had done that, they would have taken on themselves a grave responsibility, and the consequence might have been a serious riot. He believed the precautions which the Government took on that occasion were perfectly successful; and, although the excitement consequent on the row, on the Friday between the students and the police was almost unprecedented, there was nothing in that excitement worthy the designation of a serious riot, or anything like it. Instead of finding fault, the right hon. Gentleman ought to have been the very first to say that the precautions of the Government were perfectly successful, and that, under all the circumstances, the peace was wonderfully and effectually kept. He (Lord Naas) would add that, in the outset of their official career, they were not prepared to follow the example of former Governments, in issuing almost endless Commissions. He believed the policy of such Commissions was very doubtful, and that they were generally the inventions of a weak Government to throw responsibility off their own shoulders, and to leave others to deal with questions which they themselves were not competent to undertake. With respect to the Belfast Commission, there was no object or end to be gained by a proceeding of so doubtful a character. It was an inquiry, not on oath, into circumstances with which the Government from which it emanated ought to have been perfectly well acquainted, and the Commissioners seemed, by the way in which they conducted the investigation, really not to know with what object they had been sent to make it. With regard to the Dublin Commission of last week, the conduct of the Government had been amply vindicated by his right hon. Friend the Attorney General for Ireland. If the Government had not issued that Commission what course could they have taken? It was literally the only course which, in justice to the College authorities and the police, the Government could have adopted. With respect to a question put to him by the right hon. Gentleman, he (Lord Naas) could only say that he was not aware that Colonel Browne ever sent in any statement as to the publicity of the inquiry, or as to the inquiry itself. He might have done so, but if he had, the circumstance was never brought under his (Lord Naas's) notice. It was the counsel for the police who requested the investigation to be private, and on them the responsibility rested in that respect. On the whole, he thought every dispassionate observer would see that the Government had been successful in their endeavour to prevent this matter taking either a party or a sectarian character, and he regretted to say that the first attempt to give it that character had been made in the House of Commons. He could not but think that if the right hon. Gentleman had reserved his remarks until after this matter had been judicially investigated he would have pursued a course certainly more in accordance with what might have been expected from one who had filled the honourable and responsible position of a law officer of the Crown in Ireland, and also more in accordance with what he (Lord Naas) believed to be the right hon. Gentleman's own feelings of justice and fairness.

MR. SPOONER said, he would withdraw his Motion for the adjournment.

LORD NAAS said, he had no objection to produce the warrant, but he hoped the hon. and learned Member would not press for the police reports, which were confidential.

MR. HATCHELL had no desire to press for the police reports. His object in bringing forward the Motion was not to embarrass the Government in any way, but to elicit some explanation from them in order to allay the irritation which had prevailed for the last week or so in Dublin; and, if it had not come on that day, it would have been postponed until after Easter, when it would have been of no avail.

Motion and original Question, by leave, *withdrawn*.

Copy *ordered*,—

"Of Warrant authorizing an inquiry by the Solicitor General for Ireland and Mr. Stronge, J.P., into the recent Riots at Trinity College, Dublin."

House adjourned at a quarter-past Six o'clock.

HOUSE OF LORDS,

Thursday, March 25, 1858.

MINUTES.] ROYAL ASSENT.—Militia Act Continuance.

PUBLIC BILLS. — 3ª Consolidated Fund (£10,000,000); Consolidated Fund (£500,000); Mutiny; Marine Mutiny; Commons Enclosure.

INDIA.—QUESTION.

In answer to a question from Lord MONTEAGLE,

The EARL of ELLENBOROUGH was understood to say, that any information which he could afford to their Lordships respecting the state of India he would be most happy to furnish previous to the Bill, for the government of that country coming up to that House from the other branch of the Legislature. All the accounts which were presented to the House, when the last Bill on the same subject was under discussion would be made up to the latest period and laid on their Lordships' table. On the 25th of November, an inquiry was ordered by the India Government into the causes of the mutiny, and the Commissioners were authorized, in the event of their not feeling themselves sufficiently informed, to give an opinion on the matter, to appoint a special commission to pursue the investigation further. He could not say, whether there was any report from the Commission, certainly none had reached England. A mixed Commission for inquiring into the mode of reconstructing the Indian army, to consist of one of Her Majesty's officers, an officer from each of the Presidencies, and several civilians, had been appointed. When that Commission would present its Report, he was wholly unable to state. He believed, however, the probability was that each Member would report his individual opinion, and then noble Lords would have to form their own opinions as best they could from the separate judgments of different authorities. He had always thought that the appointment of large mixed Commissions was a source of much delay in the transactions of public business, and he had no hope that any light would be derived from the labours of the present one.

THE ENGLISH ENGINEERS AT NAPLES.

THE EARL OF MALMESBURY: I know that your Lordships, in common with the country at large, take great interest in the fate of the engineers who have been for so many months imprisoned at Naples. I am happy to tell your Lordships that one of these men, who was set at liberty a few days ago, arrived this morning in England in a very improved state of health—and that there is every reason to hope that his health will soon be completely restored. Just before coming to your Lordships' House, I received a telegraphic despatch from Mr. Lyons, stating that he had so far effected an improvement in the condition of the other engineer, that he was now out on bail, and was living in the consul's house.

GOVERNMENT OF INDIA BILL.

QUESTION.

EARL GRANVILLE: I wish to ask the noble Earl opposite if he has any objection to state whether there has been any communication between Her Majesty's Government and the Court of Directors on the subject of the Bill which they propose to introduce into the other House to-morrow evening, and, if there has been any communication, whether it has been verbally or in writing; and if in writing, whether there would be any objection to lay the correspondence on the table of the House?

THE EARL OF ELLENBOROUGH: The House of Commons having by a very large majority—I believe a majority of 146—decided, after hearing Lord Palmerston's speech in introducing his India Bill, in which it was proposed that the government of India should be transferred from the Court of Directors to the Crown, that that Bill should be brought in, it became perfectly impossible that the Court of Directors could for any long period continue to conduct the government of India. The position of the East India Company became from that moment, with respect to the government of India, very little more important than that of any other body of English gentlemen. I have, therefore, had very little conversation or communication with the Chairman or Directors of the East India Company until to-day, when I placed, quite confidentially, in the hands of the Chairman and Deputy Chairman a copy of the Government Bill. I have had no communication in writing with the Chairs or Court.

EARL GRANVILLE: I quite agree with the noble Earl that the majority of the House of Commons having virtually

decided the question of transferring the government of India from the East India Company to the Crown, it became perfectly impossible to carry on the government of India through the medium of the East India Company; but I do not see how that circumstance should have made any change in the noble Earl's views with reference to communicating with the East India Directors. However, I am glad that Her Majesty's Government have adopted the course which they have followed, because it somewhat exonerates us from the charge which was made against us—that we ought to have communicated with the East India Company more fully and earlier than we did. If I recollect aright, when the noble Earl formed part of the Administration of Sir Robert Peel, he was said never to consult Sir Robert Peel, who was then at the head of affairs; and I must say that if we may judge from what has taken place within the last few days, he is pursuing a similar case with regard to the noble Earl now at the head of Her Majesty's Government. When my noble Friend below me (Earl Grey) presented a petition from the East India Company to this House a short time ago, the noble Earl accused the then Government of not consulting the Court of Directors upon the subject of the proposed change, and said we were not competent to legislate on the subject without the assistance of the Court of Directors. I think that it was then stated that the noble Viscount, then at the head of the Government, had six weeks previously sent information to the Court of Directors of his intention to propose a change in the government of India; and, as in the present case, the Bill itself was given to the Chairman and Deputy Chairman of the East India Company a day or two before its introduction. Well, my Lords, the noble Earl (Earl Grey) then stated that if the change which we were about to propose was a small one, it was an act of the grossest discourtesy not to have given the Bill sooner to the Court of Directors; and if it were a large change, then it was monstrous that the Court of Directors should not have the fullest opportunity of taking the matter into consideration. Now, my Lords, it appears to me that unless the Bill about to be proposed by the present Government be exactly the same as our Bill, the noble Earl and the Government have laid themselves open to precisely the same charge which was brought against us. If the Bill is exactly the same as our Bill, then, of course, there could be no question of communicating with the Court of Directors, and, indeed, no necessity for introducing a new Bill at all. But if the Bill differs from our Bill, whether in a smaller or lesser degree —although I do not wish to urge a charge against the present Government — still I think that they are as much open to blame as we were said to be on the former occasion. I merely state these matters, my Lords, because I find, with some degree of satisfaction, that the present Government, now that they have taken the place which we had the honour to occupy, in many cases follow in our steps, and in other cases where they accused us of doing little they themselves do still less.

THE EARL OF DERBY: I cannot admit that there is the slightest ground for the charge which has been made by the noble Earl either against my noble Friend, or against Her Majesty's Government. What was stated upon the occasion to which the noble Earl has alluded was that, if it were intended upon the part of the late Government altogether to do away with the East India Company, or to introduce any sweeping change, then that it was not fair not to give them some information previously with regard to the proposed change. Now, my Lords, that question of the removal of the East India Company from the government of India was, as my noble Friend has stated, practically decided by the vote of the House of Commons, and so far, undoubtedly we shall follow in the steps of the late Government as regards substituting another machinery in lieu of the Court of Directors. But, as I stated upon a former occasion, when I announced the intention of the Government to introduce a Bill upon the subject, although in some respect we shall follow the Bill introduced by our predecessors, yet we shall introduce certain important provisions, which we hope will render the Bill not liable to the serious objections, which were plainly intimated in the House of Commons upon its introduction against the Bill of the late Government.

EARL GREY: As I have been referred to as having presented the Petition from the East India Company, perhaps I may be permitted to say a few words upon the present occasion. Upon the occasion of presenting that Petition I referred to the correspondence which had taken place between the First Lord of the Treasury and the Court of Directors. In that correspondence Lord Palmerston informed he Court of Directors that it was the inten-

tion of the Government to introduce a Bill for placing the Government of India under the direct authority of the Crown, and of thus superseding the Company as the instrument of Government. The Directors asked to be informed upon what ground it was proposed to introduce such a Bill, and also what was the general nature of its contents:—and they received a short and most unceremonious answer. I then expressed an opinion, and I still retain it, that it would have been for the good of the public service, if it became necessary to make a change in the government of India, to consult the Directors of the East India Company, among whom were gentlemen of great experience, with regard to that change. I think that the present Government have made a mistake in not availing themselves of the experience of those gentlemen; and I protest against the doctrine of the noble Earl that, because the House of Commons have resolved by a large majority that it is expedient to legislate on the subject, that in the mean time, before any Bill is passed, the Court of Directors is to be looked upon as a non-existent body, having no more right to be consulted than any other body of English gentlemen. By the law of the land the Court of Directors are a part of the governing body of India, and I deny that they are to be passed by, or to be considered as entitled to no more consideration than private individuals with respect to any step that Parliament may take as to the future government of that country. I must add that I do not think the regularity or dignity of our proceedings is consulted by this sort of sparring between the late and the present Government, when there is no question before the House. It is utterly irregular, and contrary to the order of our proceedings upon a notice, not upon your Lordships' paper, but given privately by a noble Earl on this side to a noble Earl on the other, to interfere with other important business standing on the paper. I do trust that this irregularity will not become habitual in this House.

EARL GRANVILLE: I merely asked for information respecting a Bill intended to be introduced by the Government, and it is the constant practice in this House—and of no one more than the noble Earl opposite—to give a private notice of a question to the head of the Department to which it relates, and to put the question without any notice being on the paper.

EARL GREY: Nobody ever objected to a mere question for information being put without notice being inserted in your Lordships' paper; but it is a totally different thing to attempt to enter into the comparative merits of two Bills upon the same subject. It is always the practice to put a notice upon the paper when that course is intended to be pursued. I have invariably given notice of any question of mine which I thought might lead to a discussion.

THE EARL OF DERBY: I quite agree with what has been stated by the noble Earl opposite (Earl Grey) as to the irregularity of our present proceeding, and I am quite willing to take my share of the blame he has cast upon those who have taken part in this discussion. I only hope that he may succeed in his attempt to amend both sides of the House.

THE EAAL OF HARDWICKE said, that his noble Friend (the Earl of Ellenborough) had not said that no intercourse had taken place between himself and the Court of Directors on the subject of the Government Bill. What he said was, that no intercourse had taken place in writing, but that there had been some in conversation. The noble Earl opposite (Earl Granville) seemed to think that because the late Government had been charged with discourtesy to the East India Company, it was quite right to bring the same charge against the present Government.

House adjourned at a Quarter to Six o'Clock, till to-morrow, Half-past Ten o'Clock.

HOUSE OF COMMONS,

Thursday, March 25, 1858.

MINUTE.] PUBLIC BILL.—2° Galway Freemen Disfranchisement.

THE CASE OF THE "CAGLIARI."

QUESTION.

MR. GRIFFITH said, he would beg to ask the Chancellor of the Exchequer whether if, in the opinion of the Law Officers of the Crown, the capture of the *Cagliari* proves to have been illegal *ab initio*, it is the intention of Her Majesty's Government to demand and require from the Neapolitan Government full and ample compensation to the Engineers, Watt and Park, for the treatment, causing permanent injury to their mental and bodily health, which they, the subjects of Her Majesty, have received.

THE CHANCELLOR OF THE EXCHEQUER said, that the number of absolute questions which the Government were obliged to encounter was at present so great that they had come, as a general rule, to the determination to avoid as much as possible hypothetical questions. He hoped, therefore, that the hon. Gentleman would not complain of any discourtesy on his part if he expressed his inability to respond to the inquiry which had been addressed to him.

LORD JOHN RUSSELL said, he wished to know whether the opinion of the Law Officers of the Crown in reference to the case of the *Cagliari* has been received by the Government.

THE CHANCELLOR OF THE EXCHEQUER said, it was customary to give notice of absolute questions; but of course, as it was in his power to answer the question of the noble Lord, he would do so with great readiness. The Government had not yet received the opinion of the Law Officers of the Crown.

THE OFFICERS AT GREENWICH HOSPITAL.—QUESTION.

SIR GEORGE PECHELL said, he wished to ask the First Lord of the Admiralty if his attention has been drawn to the Memorial of the Captains, Lieutenants, and Masters of Greenwich Hospital, praying that in consideration of their wounds and services they may not be deprived of their half-pay, and whether it is intended to concede the claim they have set forth, and thereby place them (as regards half-pay) in the same position as the other Naval Officers of the Establishment.

SIR JOHN PAKINGTON replied, that he had given his attention to the Memorial referred to by the hon. and gallant Member and had endeavoured to trace as well as he could the origin of the difference which undoubtedly existed, as regarded half-pay, between the higher and lower Officers at Greenwich Hospital. He was bound to admit that he could find no sufficient reason to justify that distinction, and it was, therefore, the intention of Her Majesty's Government to allow the Captains, Lieutenants, and Masters of Greenwich Hospital half-pay, according to their respective ranks.

THE CRIMINAL STATUTE LAW.

QUESTION.

SIR H. KEATING said he wished to ask the Attorney General whether it is the intention of Her Majesty's Government to introduce the Bills for the Consolidation and Amendment of the Criminal Statute Law which were prepared by the Statute Law Commission, and announced by the late Government.

THE ATTORNEY GENERAL said, that the Bills to which his hon. and learned Friend referred constituted a very essential, though a very small portion of the consolidation of the entire Statute Law of the country, a work which had long been in active progress under the superintendence of the Statute Law Commission. Some of them had already undergone the consideration of the House of Lords; but there was also a great number of other Bills, which, though in an advanced state of preparation, had not yet been submitted to Parliament. The whole subject had received the anxious attention of Her Majesty's Government, and on a very early day after Easter it was his intention to move the first reading of the Criminal Law Consolidation Bill in that House. In the event of the House agreeing to read the Bills a first time it was his intention, probably on the Motion for the second reading, or after the Bills should have been read the second time, to move for the appointment of a Select Committee to consider, not only the expediency and practicability of the entire scheme of consolidation of the Statute Law, but certain other objects which had already engaged the attention of Parliament, and among others the necessity of some provision being made for the more simple and more accurate preparation of Parliamentary Bills. He hoped that the result of the labours of that Committee would be that the whole consolidation scheme would receive the sanction of that House at least, and that a Board would be appointed to carry into effect the Resolution of the House relative to the construction of Acts of Parliament.

APPOINTMENTS TO THE STAFF.

QUESTION.

VISCOUNT GODERICH said, he found it stated in the seventeenth paragraph of the Regulations issued in December last for the Staff College at Sandhurst, that after the 1st of January, 1860, no person was to be eligible to be appointed to the Staff without having gone through the Staff College, or passed the final examination there, except those Lieutenant Colonels who should have attained that rank

before the 1st of January, 1860. Now, as the House was aware, Captains in the Guards held the rank of Lieutenant Colonels in the Army, and he wished to ask the Secretary for War whether, under the seventeenth paragraph of the Regulations for the Staff College at Sandhurst, issued upon the 17th day of December, 1857, Captains and Lieutenant Colonels in the Guards, who shall have attained that rank before the 1st day of January, 1860, will, after that date, be eligible to be appointed to the Staff without having gone through the Staff College, or passed the final examination of that College?

GENERAL PEEL stated, in reply, that Captains in the Guards being Lieutenant Colonels in the Army, stood exactly on the same footing, and were entitled to the same privileges as all other Lieutenant Colonels, and, therefore, he thought they would be eligible under the Regulations to be placed on the Staff.

THE CAPE OF GOOD HOPE GARRISON.

QUESTION.

SIR DE LACY EVANS said, he would beg to ask the Secretary for War what number of regiments have been sent from the Cape of Good Hope Garrison to India, the dates of departure of each of those regiments to the latest account received thence, exclusive of any Regiments which may have been diverted from other destinations to India, such as New Zealand, Ceylon, China, &c.; and how many British Regiments there now remain at the Cape?

GENERAL PEEL replied, that the following Regiments had been sent from the Cape to India:—The 13th Foot on the 30th of August, 1857; the 95th on the 13th and 17th of September; the 6th on the 21st of November; the 80th, on the 14th, 20th, and 24th of November; and 230 of the Royal Artillery, in the month of August. The following additional Regiments were reported to have been despatched since:—The 85th and the 2nd Battalion of the 60th Foot. The total rank and file sent to India from the Cape amounted to 4,652. At the date of the last Returns—1st December, 1857—there remained at the Cape the 1st battalion of the 2nd Foot; the 45th; reserve battalion of the 12th; the 73rd; the Cape Mounted Rifles; 353 of the Royal Artillery, and 231 of the Royal Engineers; total rank and file, 4,230.

Viscount Goderich

PUBLIC WORKS IN INDIA.

QUESTION.

MR. CHEETHAM said, he would beg to ask the Secretary of the Board of Control, if it be the intention of Her Majesty's Government to constitute a Board of Public Works in each Presidency of India, distinct from those Boards now existing there, whose special duties should be the construction of Roads, of Works of Irrigation and Navigable Canals, and the improvement of the Navigation of Rivers.

MR. BAILLIE in reply said, that it was not the intention of the Government to adopt the course referred to by the hon. Gentleman, but inasmuch as their only object must be to make as efficient as possible their Departments of Public Works failed in discharging satisfactorily the duties required of them, of course, the Government would not hesitate to introduce the necessary changes.

MEDAL FOR THE ARMY IN INDIA.

QUESTION.

MR. KINNAIRD said, he would request that an answer might be given to the question which he addressed to the Secretary for War some days ago—whether a medal was to be given to those engaged in the siege of Delhi as well as those employed in the defence and relief of Lucknow.

GENERAL PEEL: Sir, I have great pleasure in informing the House that Her Majesty has been graciously pleased to direct that a medal shall be given to all the troops engaged in the suppression of the mutiny in India, with the addition of a clasp to the captors of Delhi, and another to the defenders and relievers of Lucknow.

LORD LIEUTENANT OF IRELAND.

RESOLUTION.

MR. ROEBUCK: I rise to move the following Resolution:—

"That in the opinion of this House, the office of Lord Lieutenant of Ireland ought to be abolished, and the office of Secretary of State for Ireland to be at once created."

The Resolution which I beg leave to submit to the House has been the subject of misrepresentation both as respects its object and the person who moves it. One hon. Member of this House has not thought it unworthy of himself to state to his constituents, that I am an enemy to Ireland because I have given notice of my intention to move this Resolution. That is somewhat hard on me, for I, unfortunately

for myself, have been a Member of this House for something like a quarter of a century, and never during the whole time have I done anything which could be marked out as opposed to the welfare or good government of Ireland. I have stood here side by side with Mr. O'Connell when he was fighting the battle for the people of Ireland, and I have voted for every measure proposed in this House for the amelioration of that country, and for the good government of Ireland and its inhabitants. I think that there are only two questions on which I have found myself opposed to the majority of the hon. Members for Ireland; and they are the proposition for the repeal of the union, and the question of tenant-right. How, then, I could be supposed to be an enemy to Ireland I cannot understand. Every object of my public life has been to lift her up, and to place her on a perfect equality with England, and to provide, as far as legislation can, for the happiness of her people. Now, to this end, I believe that my Resolution will conduce. I believe that the abolition of the office of Lord Lieutenant will elevate Ireland from the state of a province to the position she ought to hold as an integral part of the Imperial Government of this Kingdom. I want Irishmen to have the same confidence in Ireland that I have, for I believe that she is able to take her position as a great independent portion of the Empire of Great Britain and Ireland. No one more fully than I do admits that for centuries Ireland has been the subject of misgovernment. She has suffered from England more than almost any country has suffered from any other country. But all that has now passed away, and I believe that Ireland is at present treated in the way in which she ought to be treated—as an independent and component part of the Empire of Great Britain and Ireland, and that her happiness is as much cared for in this House as the happiness of England. If I saw any one symptom in any part of the House opposed to the statement I now make, I should be the first to signalize such a dereliction of duty; and I believe that in proposing the abolition of the office of Lord Lieutenant of Ireland, I am conducing to the dignity of that country and to the happiness of her people. I therefore beseech hon. Members for Ireland to dismiss from their minds any notion that I am now proposing anything to degrade their country, my only object being to assist her on in the bright course which lies before her. Having made these few remarks on a subject about which I ought not, perhaps, to have troubled the House, I now come to the Resolution I intend to move. I propose the abolition of the office of the Lord Lieutenant of Ireland, and in order to bring the House to concur in my views, I will consider that office under three aspects—first as regards its expense, secondly as regards social influence, and lastly with respect to political influence. In all these respects I shall be able to show that the office of Lord Lieutenant is mischievous to Ireland, and I appeal to the patriotism of Irish Members in the full hope and belief that they will support me on the present occasion, if I prove that that office does not really conduce to the benefit of Ireland. Now, as regards the expense, that is the least mischievous element; but I sincerely believe I am putting it at a low figure if I say that from first to last the office of Lord Lieutenant of Ireland costs the Government £50,000 a year. [An hon. Member expressed dissent.] I may be wrong, but if so let the hon. Member show the error. I believe that that amount of money is expended, and that it is expended for nobody's benefit. I have heard, indeed, the declaration that taxes taken from the people return again to the people in refreshing dews of expenditure. Now, I am not one who believes in those refreshing dews. I believe that every farthing taken from the people ought to be returned to them in the shape of service rendered, and that nothing ought to be paid for, but what is deserving of remuneration. A nobleman of wealth who is taken over to Ireland to represent most inefficiently the Sovereign of England, spends certain sums among the shopkeepers of Dublin, and in that consists the whole benefit of the office of Lord Lieutenant to Ireland. All I can say is, that I pity the mind of the man who considers as a national benefit the advantage which a few shopkeepers in Dublin receive from the expenditure of the Castle; but I can put against that the intrigue, the dissatisfaction, delay, and bad government which this tinsel Sovereignty, this miserable exhibition of power engenders. The presence of the Lord Lieutenant may, indeed, induce certain persons to buy certain coats, waistcoats, and breeches to go to Court in, and the tailors of Dublin may derive some benefit from that expenditure. You may have, too, a Lord Lieutenant who exhila-

rates the people of Ireland by his dancing propensities, and he may give them good music and good parties; but should such matters be taken into consideration when talking about the government of a great people? I say then, first, that the office of Lord Lieutenant of Ireland is objectionable on account of the expenditure. In the next place I will ask what are the social benefits derived from it? I appeal to every gentleman at all acquainted with society in Dublin, and I ask whether he does not believe in his heart that that society is really injured by the existing institution of a Lord Lieutenant of Ireland? Intrigue, heartburning, and all sorts of evil arise from that institution. He is not and cannot be the sovereign of Ireland; he is merely a pageant, and the society of Dublin is really influenced by the underlings of the Irish Court. A man goes to Dublin, and a certain number of his family are attractive. Some can sing, some dance, and others are pretty. They are invited to the Lord Lieutenant's balls; but, if there arrive in that city a worthy man not having any of these advantages, then the underlings bar his approach to the Court and he is not invited. Now, if society in Dublin were like society in great cities, such as Leeds, Liverpool, Glasgow, and Manchester, it would be dependent on itself, and would not be influenced by the distinction accorded or denied by upstart underlings; but every man in Ireland knows that much heartburning is thereby created. The going to the Castle does not depend on worth or wealth, but on intrigue and the mere *ipse dixit* of a certain underling. Socially considered the office of Lord Lieutenant is attended by no benefit, and the money expended on him I would rather see expended on public works in Ireland than on a useless and idle pageant. Then, what is the case politically? Let us understand what the Government of Ireland is. Nominally, it is subject to the Home Office in England; but there are two persons who interfere with the direct management of Ireland —the Lord Lieutenant and the Chief Secretary of the Lord Lieutenant. The Lord Lieutenant is not a Cabinet Minister; he may be a Member of the other House, but he is not responsible to Parliament. The Chief Secretary is responsible to Parliament, and if he were the real governor of Ireland I should say it was a very good institution; but now he can always say that he is not the governor, and can point to the Home Secretary, and to the Lord Lieutenant, whose secretary he is. Thus by dividing responsibility you destroy it, and you have no real responsibility for the government of Ireland. I believe that if you were to concentrate all this power into one hand, and leave him who possessed it to exercise it before the world as the Governor of Ireland responsible to Parliament, you would do much for the good government of the country. You would do away with the tinsel and idle pageantry by which the Lord Lieutenant is surrounded; you would do away with the Chief Secretary, but you would have in this House a person really responsible for the government of the country. What then do I propose to substitute for the existing system? I would take away from the Home Secretary the power he possesses over Ireland; and I would do away with the Lord Lieutenant and the Chief Secretary. Now, if I had followed my own wishes, I should have said that I believe that, in consequence of the system of good government now instituted in respect to Ireland, the business of that country has become so small that it really could be done by one person, appointed to administer the Home affairs both of England and Ireland. But I am told that English affairs might, under some circumstances, so far engross the attention of the Secretary of State that he would be unable to give due consideration to Irish business. To forestall that difficulty I propose the creation of a Secretary of State for Ireland. I believe no inconvenience would arise from our having a Secretary of State for Ireland as well as a Secretary of State for England. We have a Secretary of State for the Colonies, and a Secretary of State for War, and we shall probably have a Secretary of State for India, all in the same Cabinet; and I see no reason why we should not have a Secretary of State for Ireland. There are feelings existing among the Irish people which I desire to conciliate, and I believe those feelings would be conciliated by the appointment of a Secretary of State for Ireland. There is—and I do not wonder at it—a feeling prevalent amongst Irish people that they are not thought of as worthily as they ought to be by the people of England. When we remember that for centuries the Irish have been subjected to misgovernment, we cannot expect that the recollection of that misgovernment, and the feelings to which it has given rise, should be at once and for ever effaced. No one admits more wil-

lingly than I do that Ireland has been misgoverned for centuries; I think the Irish people and their leaders have had reason to complain of England; but, in order to remove the feeling of injustice which has been excited, I would propose at once to create a Secretary of State for Ireland in the place of the triple-headed Government which now exists. Now, how am I to be met on this question? One hon. Gentleman (Mr. Blackburn) has given notice that he intends to move the omission of the latter portion of my Resolution, providing for the appointment of a Secretary of State for Ireland. That is the proposal of a Scottish Member, and I believe the reason for it is that the people of Scotland desire to have a Secretary of State for that country, and because they have not such an officer they say Ireland shall not have one. I think this dog-in-manger sort of proceeding is puerile and despicable. Another hon. Gentleman (Mr. S. B. Miller) intends to move "the previous question." That is the mode in which a Motion I made last year for abolishing the office of Lord Lieutenant was met, and I then stated to the House what the effect of adopting that proposition really was; I will now repeat what I stated then. By adopting the Motion for "the previous question" the House will declare that it does not regard the present as a proper time for expressing an opinion on this subject. Now, what are the circumstances of the present time? Ireland is at peace; the union between the two countries is more complete than it has ever been; if you could adopt such a course as I propose with safety at any time it may be adopted safely now, and nothing can be gained by postponement. My object is to effect a cordial union between the people of England and of Ireland. You have taken away from the Irish people that of which they were justly proud—their separate Legislature. I can fully sympathize with the feelings of Irishmen, who look back with regret to the period when their own Legislature was distinguished by a splendid array of intellect and eloquence. Of that source of pride they have been deprived, wisely, as I think; and as we have so far done violence to the sentiments of the Irish people, why should we stop half-way, and hesitate at depriving them of a mere pageant — a badge of slavery — for the Lord Lieutenant is not the sovereign of Ireland, but the mere satrap of England? I say to Irish gentlemen, and to the Irish people, "Be one with us; make yourselves worthy to be our friends, our brethren; and render Ireland, in reality, a portion of that great empire of which it forms a component item." I would have an Irish county placed in the same position as an English county. With the improved means of communication and transport which have become so general of late years, why should it be more difficult to govern Waterford than it is to govern Northumberland, or, still more, the distant counties of Scotland? You can now travel from this metropolis to Dublin in twelve hours, and you can send a telegraphic message hence to Dublin in a few minutes. In what, then, consists the separation between Ireland and England, except in that small channel of water that flows between them? Even that channel can now be crossed in five hours as certainly as if the traveller were performing the journey by railway. The communication between Dublin and London is, in fact, as certain, and more rapid than the communication between London and Edinburgh. These are my reasons for wishing at once to abolish the office of Lord Lieutenant, and to substitute a Secretary of State for Ireland, and I cannot understand, if hon. Gentlemen wish to allay the heartburnings which have arisen from long centuries of misrule—if they wish to consider themselves not merely Irishmen, but subjects of this great British empire—on what grounds they can object to my proposition. I beg to move the Resolution.

MR. GILPIN seconded the Motion.

Motion made, and Question proposed,—

"That, in the opinion of this House, the office of Lord Lieutenant of Ireland ought to be abolished, and the office of Secretary of State for Ireland to be at once created."

MR. S. B. MILLER said, that he was not surprised that the hon. and learned Gentleman, the Member for Sheffield, had introduced his Resolution by disclaiming any hostility towards Ireland, seeing that he had no connection whatever with that country, or any identity of sentiment or sympathy of feeling with her people. Nevertheless, he had taken upon himself to call upon the House to express its opinion that the office of Lord Lieutenant, which had not only been in existence for centuries, but under which the executive government of Ireland was at this moment carried on, ought at once and for ever to be abolished. And how did he propose to carry out the plan? By a declaration of this House, unaccompanied by any com-

prehensive, well-arranged, or well-digested measure, which would enable any one to arrive at the conclusion that the office he proposed to substitute for the Lord Lieutenancy would better contribute to the preservation of order, and the welfare of society in that country. Supposing this sweeping Motion to be agreed to, what was the probability that effect would be given to it by any such well-considered measure as he had described? His Amendment raised the question of time, and in his opinion most justly so, for was it to be expected that Her Majesty's Ministers, who, it might be said, had scarcely taken their places, could devote themselves to the preparation of a well-digested scheme for establishing an efficient Administration in Ireland, whilst so many other matters of much more pressing importance crowded upon their attention? If, then, they were not to look for any prompt and immediate practical result from the adoption of the Resolution, was it, he asked, a sound, a prudent, or a just step, by such a Resolution to place the existing form of government under the ban of extinction, and by leaving it for months under sentence of condemnation paralyze the arm of the Executive in Ireland? He could not persuade himself that the House would agree to the proposal, emanating as it did from a private Member of the House; but that they would be of opinion that any measure for so essentially altering the Government of Ireland must come from Her Majesty's Ministers themselves, after they had given it a full, fair, and candid consideration, and carefully balanced its probable results. When a measure of that nature came before the House, and they were made acquainted with the exact nature of the substitute proposed for the existing system, then they would be in a position to form a just and correct estimate; but until that period arrived, he must enter his earnest protest against this piecemeal, this experimental, legislation, at the instance of a private Member of the House, who was altogether unconnected with the country with respect to which he proposed to legislate. If, when the Motion was brought forward last year, and there was a Government in power which was confident in its strength, that was not deemed a fitting time for its adoption as introductory to future legislation, surely this was not the fitting time, when we could not reasonably anticipate that the Government could direct its attention to the means of giving the Resolution effect within any moderate period. He called upon hon. Members, therefore, whatever their opinions might be as to the expediency or inexpediency of abolishing the office of Lord Lieutenant, to concur with him in declaring that the present was not the fitting time or the fitting manner in which to take a step of the sort. In saying this, however, he reserved to himself the right of exercising his unbiassed judgment hereafter, when the question was introduced in the form in which it ought to be, by the Government of the country for the time being—namely, as a measure which should be perfect in all its parts; not merely substituting a Secretary of State for the Lord Lieutenant, but adjusting and readjusting the relative duties of the Secretary of State, and the Under Secretary for Ireland, if that office should still be continued; and determining whether the Under Secretary should be resident or non-resident; whether the country should be governed on the spot or be handed over to subordinates. The hon. and learned Member had stated three grounds in support of his Motion, the first being that of expense. Well, here again they were encountered by one of the difficulties which necessarily arose out of the mode in which the subject had been brought before the House. For in the absence of the materials for ascertaining whether the present expenditure amounted to the sum stated, and of the means of instituting a comparison between the present expenditure and the last, of maintaining a Secretary of State for Ireland, an Under Secretary, and a staff of officials, it was impossible to say whether there would be any saving or not. It was, in short, a mere matter of speculation as to whether the hon. and learned Member might be right; but facts might lead to a totally different conclusion. The hon. and learned Member next referred to the position of provincial dependency in which Ireland was placed by the presence of a Lord Lieutenant. He must express his surprise at the frequency with which that expression was made use of in reference to this subject, as he (Mr. Miller), for one, felt no provincial dependency in having a Lord Lieutenant residing in that country, with full power and authority to give effect to the Executive Government by his personal presence there. For his part, he regarded the Viceroyalty as the last remnant of that self-government to which the hon. and learn-

ed Member had adverted, and which very many people in that country conscientiously believed, had been guaranteed to the Irish people as a consideration for the surrender of the essential part of self-government which had been so readily given up by them. Next, with regard to the political influence of the office in Ireland, upon that question he would refer to an authority which would be readily recognized in that House. When the Bill of the noble Lord, the Member for London went up to the House of Lords, one of the greatest men who had ever been engaged in the service of this country, and who was well and intimately acquainted with the circumstances of Ireland, said that if that measure for the withdrawal of the Lord Lieutenant should be adopted, there must still be a central authority in Ireland; but that the Government were much mistaken if they thought that any authority they could form, unless it succeeded to the powers which were conferred by law, usage, and prescription upon the representative of the Sovereign, would be equally capable of carrying any of the operations to which he referred into execution. If, then, the Government proposed by the hon. and learned Member for Sheffield was to be a resident Government, he asked where would be the essential difference, for it would retain all the evils which attached to the present system, without having the authority or power which was conferred by law, usage, and custom for giving effect to the Executive Government of the country. On the other hand, if there was not a resident Government in Ireland, the result would be the handing over of the management of its affairs to subordinate authorities, exposed to all those evils of local influence and prejudice to which people in obscure stations were generally the most susceptible, but to which the man of rank and station, who filled the office of Lord Lieutenant, might be supposed to rise superior. He asked the House, then, on behalf of that country which was now making more progress than its most sanguine well-wishers could at one time have anticipated, repose from this experimental legislation, and protection from the revival—the incessant renewal—of Motions of this nature. Let the hon. and learned Member for Sheffield find some other field in which to act in his capacity of public prosecutor, and allow Ireland, at least for a time, to remain in peace. After his failure upon the last occasion, and, as he anticipated, his failure also upon this, he trusted the hon. and learned Gentleman would leave that country to the tender mercies of the Government of the Crown, to be dealt with by them as they might think fit. He fully recognised the right of every hon. Member of this House to suggest alterations in the laws, but he repeated that he deprecated the perpetual renewal of this question, as unnecessarily creating a large amount of uncertainty in the minds of men, and as calculated to interrupt the social and moral progress of Ireland; and so feeling, he would conclude by moving the previous question.

COLONEL NORTH seconded the Amendment.

COLONEL FRENCH thought the Amendment which had just been moved was just as objectionable as the original Motion. What was the previous question? In the able work of Mr. May, on the forms and usages of Parliament, it was stated to be an ingenious device to avoid giving any opinion on the question before the House. Now, he looked upon it as something more —namely, as a tacit admission that you were unable to contest the force of the proposal under discussion. He was surprised that such a Motion should have emanated from the Ministerial side of the House, because the Government had left the country in no doubt as to what their policy would be on this question. Lord Eglinton had declared that the abolition of the Lord Lieutenancy would be a great and permanent injury, not alone to Dublin, but to the country in general, and he did not believe that any satisfactory executive Government could be established in its place. His Lordship added that he was happy to be able to announce that those views were also entertained by his colleagues. Under the circumstances, why should the hon. Gentleman, by a Motion of this kind, prevent the Government from honestly stating their views in opposition to the Motion? If, too, the hon. Member complained of perpetual annoyance from these discussions, he was surely taking the very best means of renewing that annoyance by refusing to come to a decision on the subject. He had no complaint to make of the spirit in which the hon. and learned Member for Sheffield had submitted his Motion to the notice of the House; but he might observe that it had been supported by the self-same assertions —he could not call them arguments—by which a similar proposition had upon five previous occasions been pressed upon the

attention of Parliament. In 1824, 1830, 1844, 1850, 1857, the hon. and learned Gentleman had stated that the divided authority which existed in the case of the Lord Lieutenant and the Home Secretary was calculated to work injuriously, but he had not informed the House what practical inconvenience had been the result of the machinery by means of which the affairs of Ireland were at present administered. He stated that the maintenance of the office could only be regarded as a badge of subjection. If the people of Ireland thought so, he would have been supported by petitions praying for its abolition, but not one had been laid on the table of the House. He stated that as the communication between Dublin and London now takes place in a few hours, there was no longer a necessity or pretence for keeping it up—that by doing away with it, Ireland would become, in reality, what at the Union she became nominally, an integral portion of the united empire, and that, in getting rid of the absurdity of a mock and tinsel loyalty, you would at the same time destroy a focus of corruption, and root out a nest of secret and incorrigible jobbers. All this had been stated before without convincing Parliament of the expediency of agreeing to the Resolution of the hon. Member, and he knew no reason why it should be received more favourably by the present House of Commons than it had been by preceding ones. The objects which the hon. and learned Gentleman had in view in effecting a change in the locality of the Irish executive seemed to be to render its working thereby more English, more efficient, and more economical. Now, so far as the question of making it more English was concerned, he doubted whether the Motion of the hon. and learned Gentleman would be productive of any substantial results, inasmuch as, with the exception of the office of Lord Chancellor and Chief Secretary, every post of importance connected with the Irish Government was occupied by either Englishmen or Scotchmen, notwithstanding the fact that natives of that country were quite as well qualified for the discharge of the duties of situations of public responsibility. The Lord Lieutenant of Ireland, Lord Eglinton, was Scotch; The Under Secretary, Colonel Larcom, was English; the Commander in Chief, Lord Seaton, was English; the Archbishoprick of Dublin, the great prize in the church, was filled by an Englishman, Doctor Whately; the Inspector General of Constabulary, Sir D. Macgregor, was Scotch, the Chief of the Revenue Police, Colonel M'Laghlin, at its abolition, was Scotch; the two Chief Commissioners of Poor Laws, Messrs. Power and Senior, were English; the Paymaster of Civil Services, Mr. Grey, was English; the head of the Metropolitan Police in Dublin, Colonel Browne, was an Englishman. He did not blame the present Government for this—it was a system which they found established. Since the Union, out of eight Chancellors but three were Irish; out of twenty Lord Lieutenants but two, Lord Wellesley and Lord Bessborough, were Irish; and out of twenty-seven Chief Secretaries but five were Irish. Indeed, one of the complaints which he had to urge against the noble Lord at the head of the late Government was, that he carried this system to a greater pitch (himself an Irishman) than other Ministers had ventured to do. On his succeeding to the Government he found an Irishman, Sir J. Young, Chief Secretary; he replaced him with a Scotchman; and when the right hon. Gentleman the Member for Stroud, resigned the office the noble Lord offered it in succession to another Scotchman, the noble Lord the Member for Haddington, to the Member for Wolverhampton, and to the Chairman of the Ways and Means. In justice to the noble Lord, it should be stated, that when by the desertion of his Scotch and English friends he was compelled to abandon the magic circle of exclusion, and to appoint an Irishman, he chose one to whom no objection could be made, his right hon. Friend the Member for Kerry. In upwards of fifty years' official experience the noble Lord must have been aware how well Irishmen have served the State—how deeply he was indebted to an Irishman, Sir H. Pottinger, for the settlement of China and the Cape. He knew that the only general in our service now living, who had commanded in extensive campaigns, and who won a general action, was an Irishman, Lord Gough. He fought seven pitched battles, Maharagpoor, Moodkee, Ferozeshah, Sabraon, Chillinwallah, and Googerat, and won them all. The persons by whom the discovery of the north-west passage was completed were three Irishmen, M'Clure, M'Clintock, and Kellet. And of the eight great men by whom our empire in India was saved, four of them, the two Laurences, Montgomery, and the iron soldier of the

Colonel French

Punjab, Nicholson, were Irish. Havelock Wilson, and Outram were English, and Neil was Scotch. It was customary to talk of the misgovernment of Ireland; but if Ireland was or had been misgoverned, to whom was the blame attributable? to the Governments of England and to their alien nominees in Ireland. In the administration of matters left to their own control, the Irish challenged inquiry and defied both criticism and censure; the administration of the various public departments in Ireland, might very well bear comparison with the management of similar departments in this country. The Irish Judges were as learned as impartial, and as independent as the English. For more than half a century, by means of the Assistant Barristers' Courts, justice was administered to the people of Ireland cheaply, expeditiously, and on the spot; the system had lately been adopted here in the County Courts in all but its economy. In Ireland the fiscal affairs were far better managed. Nearly 50,000 miles of road were kept in repair for £400,000 a year; they had no debt. In England, 26,000 miles of road were bankrupt for eight millions. The poor laws, though lately introduced into Ireland, were as efficiently and as economically administered as they were here. The Irish railways were constructed cheaper, more economically managed, and paid a better dividend than the English. The only railways in Ireland that did not pay were those which were managed in London; and the results of the late monetary crisis, proved that their banking system in Ireland was on a sounder basis than that of this country. Rendering the administration of Irish affairs more English would not render them more efficient. Neither did he think that upon the score of economy anything would be gained if the proposal of the hon. and learned Gentleman were carried into effect. The salary of the Lord Lieutenant was about £20,000; the expenses of his household about £3,600; those connected with the Chief Secretary's office £12,000; amounting in all to a sum of £35,600 per annum. He found, however, that the expense of maintaining the Home Office here was £24,400, the Colonial £29,160, the Foreign £67,189, and the War £140,000, and taking these as the basis of his calculation, as well as taking into account the necessity which there would be for constant communication between England and Ireland, he could not help thinking that the office of the proposed Secretary of State would not cost the country less than £30,000 per annum. Then there would be the necessity of providing a suitable building for the discharge of the duties of the new functionary, which would cost at least £100,000, as well as making compensation to the holders of existing offices. There was also the opinion of the late Sir Robert Peel, that if the Lord Lieutenancy of Ireland was to be abolished, an annual grant to the amount of the salary should for some years be given for the improvement of the city of Dublin, so that upon the score of economy the policy of the proposal of the hon. and learned Gentleman was somewhat more than doubtful, while there could be no doubt that if it were carried into operation the interests of the city of Dublin would be seriously affected. This city has already had sad experience of the consequence of drawing closer the bond of union between the two countries. In 1800 there were resident in Dublin four Archbishops, one Duke, three Marquesses, forty-one Earls, twenty-one Viscounts, nineteen Barons, and twelve Bishops, whose annual incomes exceeded £2,000,000 a year. At present there were but three Peers, church or lay, who had houses in Dublin; their united incomes did not exceed £20,000. He would ask the hon. Member for Armagh how, if he evaded discussion upon this occasion, he would propose to meet the next suggestion which would follow if the present Motion were successful? There would speedily be a Motion for the abolition of the Law Courts, and the same arguments which applied to the present Motion would apply to that proposition. The only new feature in the debate would be, judging from a speech lately made by him, the course which the Member for Stroud would take. He did not allude to that speech in which he so clearly stated how the course pursued by the noble Lord, the Member for Tiverton, rendered it impossible for him to continue at the head of the Liberal party and could only lead to his expulsion from office—a speech in accordance with his political principles, and highly creditable to his political foresight; but to that to his constituents, in which he stated that he resigned an office conferring large emoluments and extensive patronage solely because there was literally nothing for him to do. Had he stated that it was one in which he did not do anything, it would be more in accordance with public opinion in Ireland. The common descrip-

tion of the Government of Ireland, when he was there, was—Carlisle did the dancing, Horsman the hunting, and Larcom the business. He (Colonel French) from his own knowledge could state that a harder-worked man than Colonel Larcom was not in the service of Her Majesty. It was rather surprising to hear that the Secretary for Ireland had no duties to perform, and he (Mr. French) was not able to speak with authority upon that point; but the late Attorney General for Ireland was present, and could, perhaps, inform the House that there were some important duties which the Irish Secretary might be expected to perform. He not only disputed the right hon. Gentleman's (Mr. Horsman's) assertion that there were no duties attached to the office; but also his statement that in resigning it he gave up large emoluments and extensive patronage. Those who had filled that office had ever found that the expenses of entertaining company, and other circumstances, completely swallowed up the whole allowance made, large as it undoubtedly was, and, certainly, no one could be more hospitable or munificent in his entertainments than the right hon. Gentleman himself. With regard to patronage, he had always understood that the Irish Secretary had only the disposal of a few appointments, chiefly in the police and post office. He would, however, state the cause which rumour assigned for the retirement of the right hon. Gentleman, who would have an opportunity of denying it if it was incorrect. It was said that there was a vacancy in the postmastership of a small town in Kilkenny—Callan—and, upon the recommendation of the townspeople, the name of a certain person was suggested to the right hon. Gentleman by the county Members. The right hon. Gentleman said he would send the name to the Postmaster General for confirmation; but Lord Carlisle, instead of appointing that person, gave the appointment to the owner of the town. Whether that was the course usually adopted towards the right hon. Gentleman he could not say; but the fact was that the owner of the town was Lord Carlisle's nephew. If the circumstances were as he had stated, it was not at all surprising that the right hon. Gentleman should have declined to continue in the office of Irish Secretary. When, however, the right hon. Gentleman talked of the utter inutility of the office, he should remember the different opinions which had been expressed by Sir R. Peel, by Lord Glenelg, the late Lord Ellesmere, Lord St. Germans, and the Duke of Wellington, the last of whom, for military and civil reasons, strongly objected to the abolition of the office, and declared that the proceedings he found on coming into office necessary to adopt, could not have been carried out, without in Ireland an officer with the power or authority of the Lord Lieutenant. The hon. Member for Sheffield had not recollected that the wishes of the people of Ireland must on such a question as this be consulted. He had overlooked the many important functions attaching to the office of Lord Lieutenant—that there were more than forty Acts of Parliament in the Administration of which the Lord Lieutenant is personally mixed up. That the noble Lord the head of the late Government had pointed this out, and declared it to be impossible to carry it on by correspondence—that the noble Lord stated the difficulty of finding a sufficient substitute obliged the Government in 1850 to abandon their Bill. This was a question of sufficient importance to be met by a direct vote, and it was one which should only be made by the Minister of the day, who had provided some other means for carrying on the Government of Ireland, who could explain what the substitute was to be—who could on the part of Her Majesty promise periodically to hold Courts in Dublin, who could give them an assurance that their Law Courts would be maintained, and who could carry in that House the compensation to which Dublin was entitled. Until this proposition was made by the Government, and justified by some sufficient scheme to supply the void which its adoption would cause, he should certainly decline to consider the question, and could only meet the Motion by a direct negative.

Lord NAAS, who was indistinctly heard, said he should endeavour to show to the House that the object which the hon. and learned Member for Sheffield had in view was not so easy of attainment as he appeared to imagine, and that there were many difficulties attending the consideration of this question, which, as it appeared, had not presented themselves to his mind. He himself should support the Amendment of the hon. Member for Armagh, upon the ground that it would be unadvisable to effect so great a change in the government of Ireland without being quite certain that the system of government and mode of administration to be substituted, would be sufficient for the pur-

pose, and would effect a decided improvement. Although the hon. and learned Gentleman had remarked upon certain inconveniences and anomalies, which arose from the present system, yet he had failed to show that the mode of government of Ireland, which he proposed to substitute, would remove those inconveniences or get rid of those anomalies. In dealing with this question, it would be as well to dismiss from consideration the financial part of it, for, whether the cost were £20,000 or £50,000, he was sure the House of Commons would never begrudge the amount, if it was thought to be necessary for the proper administration of Irish Government. He should also dismiss from his consideration the suggestion which had been made, that the abolition of the office of Lord Lieutenant would injuriously affect the trade, the commerce, and the interests of Dublin. Those interests, no doubt, were deserving of consideration; but if it could be shown that a proposed change would be for the advantage of Ireland generally, and the country at large, the interests of a particular class ought to not be allowed to prevent it. The objections which he saw to the present Motion arose from difficulties connected with the administration of the Government of Ireland, the importance of which the hon. and learned Gentleman by no means appeared to have appreciated. It would be well for the House to consider the system of Government which now existed in Ireland. It was all very well to say how beneficial it would be, both for this country and for Ireland, if there existed a perfect similarity between the two, in respect to laws, institutions, and the system of administering the Government; but there were considerations which rendered such a consummation extremely difficult. The administration of the Government of Ireland, as compared with that of England, was essentially different, for while local self-government was the pervading spirit of administration here, that of Ireland might be said to be an eminently central system. The influence of the Government, as administered in Ireland, pervaded all the departments of the State, and prevailed through all its ramifications. It would require considerable discretion, ability, and care, to do away at once with a system which had obtained so long in Ireland, and had, upon the whole, worked advantageously. Though that was not the proper place to do so, it might be curious o trace the history of the mode of government in Ireland, and to show how a central system always prevailed—how, after the Conquest, Norman institutions were engrafted upon those of Celtic clanship and chieftainry, instead of being, as in England, engrafted on the Saxon system which was eminently self-governing; then, how for many years English influence and interests were maintained by the military prowess of the Knights of the Pale—how rebellion and forfeitures continued that system for many generations—how the penal laws continued it—and, lastly, how it came to be that the only problem to be solved in Ireland was, not how to govern Ireland, but how to govern the dominant class that governed the rest of the population. When the whole of the Irish people were admitted to equal rights and privileges, it was found necessary to adapt the system of government to the altered state of things. But still the system was, and continued now to be, a central system. He might be permitted to remind the House what the mode of government was, which had been established since the beginning of this century, how it differs from that pursued in England, and how the office of Lord Lieutenant was a part and parcel of the whole system. In 1827, by an Act of the 7th and 8th of George IV., courts of petty sessions, to the number of 600, were remodelled, and the effect of this remodelling was to bring them more under the control of the Government. Then, in 1836, stipendiary magistrates, of whom there were now 71, were appointed throughout the country. Those magistrates were in constant communication with, and received their orders from the Government, and administered their functions under the immediate supervision of the central power. Again, the constabulary was a force which in its organization was altogether peculiar to Ireland. The first regular police force in Ireland was established in 1814, but the constabulary, as it now existed, was organized in 1836. It is now wholly paid for and controlled by the State, and is commanded and regulated by an Inspector General. This important functionary has an office in Dublin Castle; he is in daily communication with the executive Government, and is obliged to consult on all occasions and matters of importance with the Chief or Under Secretary. That constabulary force had been embodied for upwards of twenty years, and he believed its existence had been an unmixed blessing to the country. Again, there were the Assistant Barristers, who performed the duties of the Chairman of

Quarter Sessions in this country, and were directly appointed by the Government, and acted in communication with them. There was also the Poor Law system, of the Board of which both the Chief and Under Secretaries were members. Again, public prosecutions are conducted almost entirely under the direction of the Crown. Those facts showed how the influence of the Government of Ireland pervaded every department of the State, and ran through all its ramifications, and how difficult it would be to alter the existing system. Of that central system the Lord Lieutenant was the mainspring and head, and his duties were neither light nor few. He had in reality most important functions to perform, requiring the exercise of as much ability, prudence, and care as those which devolved on any member of the Executive Government of this country. He was regularly consulted in all the important matters of administration in the departments which he (Lord Naas) had enumerated; and he believed that no man who had been at any time connected with the Government of Ireland would deny that the influence of the Lord Lieutenant was perceptible in the whole of the government of that country. He was responsible to the country and Parliament for the preservation of the public peace, and large powers were given to him for that purpose. This was a duty fraught with anxiety. The noble Lord who recently presided over the government in Ireland with so much ability, could testify how much firmness, prudence, and consideration was required to put an end to the miserable state of things which existed at Belfast last year. Again, when a general election occurred in England it was usual to remove from the places of election to a distance the troops stationed in the neighbourhood. In Ireland the custom was exactly the reverse. At the last general election more than 20,000 armed men were put in motion in that way by the Government, and the Lord Lieutenant was responsible for the proper discharge of so delicate and difficult a duty. The Lord Lieutenant had also to discharge duties similar to those performed by the Home Secretary in England. On him devolved the exercise of the prerogative of mercy; many matters of a minor nature were continually brought under his notice, and an alteration could hardly take place in a gaol, or a convict be discharged, a prisoner be removed, or a lunatic provided for—[*A laugh*]—without his direction. Hon. Gentlemen might laugh, but still what he stated were facts. He did not mean to say that the Lord Lieutenant was obliged to look into every individual case, but he did so whenever any difficulty arose or anything unusual occurred. He (Lord Naas) thought he had said enough to show that the duties daily devolving on the Lord Lieutenant were important, that they required great ability and experience, and frequently demanded the exercise of the nicest judgment. There were three modes in which it had been from time to time proposed to substitute a different form of Government in Ireland from the present. The first of these was, that the office of Lord Lieutenant and Chief Secretary should be abolished, and that the whole government of Ireland should devolve upon the Home Secretary, with an additional under Secretary of State for the Home Department. That was not the proposal of the hon. and learned Member for Sheffield, but it was one that had been repeatedly brought forward and urged upon the House by those who supported the principle of what he might call ultra-centralization. Now, he thought it quite impossible that any one man, however great his talents and experience at the Home Office, could be charged with the performance of such duties as the government of Ireland necessarily demanded. He believed that the business of the Home Office was quite sufficient to occupy the attention of the ablest man, and he was sure that if the scheme was adopted, it would be found impossible to transact in a satisfactory manner the affairs of Ireland. Her interests would inevitably be left to the care of a subordinate or irresponsible officer. The second scheme, which was in some degree that of the hon. and learned Gentleman, was that the office of Lord Lieutenant should merge into that of Secretary of State, with all the departments of his office in London, where consultations could take place between the Irish Minister and Irish representatives; and it was alleged that the former, being a Member of the Cabinet, would be in a position to advance Irish interests more powerfully with his colleagues. He was far from saying that it would be impossible to carry out this plan, or that it was one which might not be attended with many advantages, but it was one that could not fail to cause much inconvenience. The personal intercourse between the heads of Departments and private individuals that took place at the Castle of Dublin on questions of the utmost importance to Ireland were

of great advantage in promoting the interests of that country; and though it might be said that the principal inconvenience caused by this scheme would be the two or three days that would elapse before communications could pass between Dublin and London, yet those personal interviews would be rendered almost impossible, and the same facilities that now existed for considering important questions would no longer exist. He did not say the objections to the scheme were insurmountable, but still they were such as ought to receive the most anxious consideration of the House. The third scheme proposed was to dispense with the office of Lord Lieutenant; to appoint a Secretary of State with the municipal part of his office in Dublin, to be worked by an Under Secretary during the Session of Parliament, that all regal state and splendour should be given up except when there were visits of the Sovereign, but that the Secretary should reside in Ireland during the recess. This plan, he need hardly say, would necessarily require much correspondence, as the Secretary of State would be separated from his offices, and great difficulty and confusion in the transaction of business would be the consequence. These different schemes were all open to very serious objections, and he thought they ought to be well considered by the House before an alteration so important as that now proposed was adopted. In bringing forward this Motion the hon. and learned Member had failed to prove that there were any great evils in the Government of Ireland which demanded such a change. No one would deny that Ireland had improved within the last ten years in a most extraordinary manner. Indeed, the progress she had made was little short of miraculous, and he believed that the Government of the country had had something to do with that improvement. He should be sorry to attribute to human laws or institutions these good gifts which Providence had vouchsafed to his country; but, at all events, it was quite clear that no pernicious or blighting influence had been exercised on the part of the Government that retarded or interfered with the great improvements that had taken place. So far from that, the Government of Ireland had gone with the times; the officials intrusted with the management of her affairs had done all in their power to promote her interests; and he believed the improvement of the country had been on the whole advanced by the judicious measures taken, and the deep interest in her welfare manifested by those who had held the office of Lord Lieutenant. It had been said the Castle of Dublin was a seat of intrigue. As far as he had been able to investigate the matter, he did not believe there was any solid foundation for the stories told of political intrigue. There may have been intrigues formed in the Castle, but are there none in Downing Street? And he did not believe that the class is more numerous in Ireland than here in Downing Street. The noble Lord the Member for London, in his speech in introducing a measure for the abolition of the Lord Lieutenancy in 1850, said the existence of the office tended to keep up party spirit—that the most illustrous men were unable to conquer the faction by which they were opposed, that the illustrous Wellesley was insulted, that the gallant Anglesey was called Algerine Anglesey, that Lord Haddington was called a partisan, and that the gentlemen of Ireland refused to attend Lord Normanby's Court. Nothing of the the kind has occurred of late years. He was sure the noble Lord who lately held the office of Lord Lieutenant, would bear him out in saying that during the whole time he was in Ireland he had been received with the greatest kindness, respect, and hospitality by men of the most opposite opinions, and he might confidently say the same thing with regard to the noble Lord who now held that office. If they looked at the list of noblemen and gentlemen who attended his first levee, they would find it made up of persons belonging to all sects and shades of politics. There was a strong feeling in Ireland that the Castle was neutral ground—a place where all parties might meet and enjoy each other's society; but though he stated those opinions, he was far from wishing to conceal his belief that a party was growing up in Ireland in favour of the change proposed by the hon. and learned Gentleman. Public opinion in Ireland was daily gaining strength. It is more moderately, and therefore more forcibly expressed, than it used to be, and the Irish people now paid less attention to party politics and more to practical questions. This question was, among others, much discussed in Ireland, and he thought it might safely be left in the hands of the Irish people, but whether the people of Ireland were in favour of this change or not, of one thing he was certain, that it would never be forced upon them by the votes of English Members in that House. If anything would render the consideration of this

matter distasteful to the feelings of the Irish nation, it would be an impression on their minds that their opinions and desires were not sufficiently consulted on so important a question. He trusted, therefore, that the House would not give ear to the Motion proposed by the hon. and learned Member for Sheffield, and would not force upon an unwilling people a change in the administration of their affairs which it was possible they might at no distant day themselves demand.

SIR GEORGE LEWIS: There was much in the speech of the hon. and learned Member for Sheffield in which I concurred; while, on the other hand, there was much in the speech of the hon. Gentleman who moved the previous question from which I cannot but altogether dissent. In particular I differ from the view which he takes of the office of Lord Lieutenant, as resting on a compact between Great Britain and Ireland, that office being, in his view, as I understood him, stipulated for in the Act of Union. It is dangerous to maintain a negative without more opportunity for examination than has occurred since the hon. Gentleman made his speech, but I will nevertheless venture to affirm with considerable confidence that there is nothing in the stipulations of the Act of Union which relates to the office of Lord Lieutenant. My hon. Friend (Mr. J. D. FitzGerald), who is familiar with the Act, confirms me in this assertion. Many subjects are treated of in the Act of Union, but the office of Lord Lieutenant is not included among them, although there is a provision by which the Crown is enabled, although not compelled, to keep in existence a separate Privy Council for Ireland. The argument I deduce from that silence is directly the reverse of that of the hon. Gentleman the Member for Armagh (Mr. Miller), because if it had been the policy of Mr. Pitt and those who framed the Act of Union, that the Lord Lieutenancy should be retained and should be regarded as perpetual, they would have inserted in the Act of Union a stipulation to that effect. I must therefore draw the inference that it was not the intention of the parties to that Act that the office of Lord Lieutenant should be a permanent and perpetual office, and they therefore did not make the same stipulation as was made with respect to the Established Church of Ireland. The reason for that exception is quite apparent. Before the Union, Ireland was a dependency of this country, and I subscribe to the view of the hon. and learned Gentleman (Mr. Roebuck) in considering the office of Lord Lieutenant as a relic of the provincial and subordinate character of Ireland. The Government of Ireland before the Union resembled in some respects that of the colonial governments. Ireland had a separate Legislature, with a Viceroy at its head. The Viceroy was an essential Member of the Parliament, and a message from the Lord Lieutenant was delivered to the Irish House of Parliament as a message from the Crown is delivered to the Parliament of England. The office of Lord Lieutenant, before the Union, was thus an essential component of the constitution of Ireland, and it was impossible that any question could then arise as to the abolition of that office. When the Union was carried into effect, the office of Lord Lieutenant was allowed to continue after the Irish Parliament had been abolished. The character of the office, however, was essentially altered, for he became merely the head of a number of administrative offices. At that time steam navigation was not discovered, vessels beat about for a week in winter between Holyhead and Dublin, communication was interrupted, and difficulties would have arisen if there had been no undoubted head of the administrative departments in Ireland. Moreover, many difficulties of another kind would have presented themselves which do not now exist, For example, there were separate Exchequers for Ireland and England, a state of things which was subsequently abolished by the consolidation of the English and Irish Exchequers. In addition to the difficulties existing at that time, there have been created since the Union various independent departments in Ireland. There has been, for instance, a department of police created, and a large force of police exists, which discharges many of the duties heretofore performed by the military. The head of this police is in Dublin. There is also a department for the administration of the Poor Law; and these constitute two important departments of administration in Ireland which have a local character, and which must be administered by their respective heads if the office of Lord Lieutenant did not exist. On the other hand, certain revenue departments, such as Customs, Excise, and Stamps, which were formerly administered by revenue boards in Dublin, are now drawn to a centre in London, so that the separate revenue boards are swept away, and the whole of the revenue service is consolidated. In that respect an argument for dispens-

ing with the superintendence of the Lord Lieutenant has accrued since the Act of Union. By the increase of intercourse, too, by railways, steam navigation, and the electric telegraph under the sea between Ireland and England, great facilities exist for carrying on the Government of Ireland which did not prevail when the Act of Union was passed. Therefore we should not be considering the entire change in the character of the office of Lord Lieutenant, and the alteration which the administrative departments of Dublin have undergone since 1800, if we looked to the permanent continuation of the office of Lord Lieutenant. It has now become an anomaly, and has lost all those peculiarities which rendered it for a time not only expedient, but, as I believe, absolutely necessary. This House must, I think, come to the resolution to consider the office as temporary, and as only existing because it is a less objectionable and more convenient mode of administration than that which it is proposed to substitute for it. Therefore, with regard to the first part of the Resolution of the hon. and learned Gentleman, I should be prepared, under certain circumstances, to assent to it. But then his Resolution contains a second branch, which provides not only for the abolition of the Lord Lieutenancy, but the substitution of a department of a Secretary of State charged with the affairs of Ireland. Looking at the mere question of expense, there would be, I think, no very great saving from the substitution of the department of a Secretary of State for that of a Lord Lieutenant. The hon. and learned Gentleman puts down the cost of the Lord Lieutenant at £50,000 a year. He did not give the items, and I am at a loss to know how he produces so large a result. The salary of the Lord Lieutenant is £20,000, and allowing £5,000 for the household, and some expenses for the maintenance of the buildings in Phœnix Park and the Castle, the office of Lord Lieutenant may cost £30,000. But the office of Chief Secretary must exist in some form or other. The cost of a Secretary of State, two Under Secretaries, and the establishment necessary for the office of a Secretary of State, will not be much less than £15,000 or £20,000. In a transition of this kind there must be certain pensions attending the change, and it is certain that, for some time to come, the economy from such a change would be extremely small. If the change ought to be made, it must be made not on grounds of economy, but of improved administration. I come now to the question, whether it is expedient to abolish the office of Lord Lieutenant, and to substitute the department of a Secretary of State charged with the affairs of Ireland. There is certainly a precedent for this in the former appointment of a Secretary of State charged with the affairs of Scotland. In a constitutional point of view, therefore, the proposal is free from objection; but the question is, whether it is on the whole advisable. The proposal is one which was made some years ago by my noble Friend the Member for the city of London, when he was at the head of the Government, to abolish the Lord Lieutenancy. I believe I gave my vote for that measure. Since that Bill was before the House, we have created a fourth Secretary of State, by dividing the Colonial and War Departments; and the question arises, whether it is expedient to constitute a fifth Secretary of State. That appointment somewhat alters the position of the question, and moreover since that time, the state of Ireland has become more tranquil, and less ground exists for the institution of a separate department for Irish affairs. Looking to the matter as it rests at present, I am not disposed to accede to the proposal for the creation of a fifth Secretary of State, charged with the affairs of Ireland, in substitution for the Lord Lieutenant. What would be the position of a Secretary of State for Ireland? He would necessarily be a Member of the Cabinet. During the recess would he be required to visit Ireland, to have a residence in Dublin, to entertain there as would become a person in his position, and would he not be necessarily called to attend the meetings of the Cabinet which take place during the recess for preparing the measures of the ensuing Session? If he is to reside in Ireland during the recess and to entertain in Dublin, why then his position to a considerable degree would resemble that of the officer whose post we are now asked to abolish. On the other hand, if the duty of residence is expected of him, he must go away in an inconvenient manner, and perform duties which he would be incompetent properly to discharge, if he had also to attend the meetings of the Cabinet. Therefore I see a difficulty with regard to the proper and convenient discharge of his duties in the constitution of the chief officer as Secretary of State for

Ireland. I confess it seems to me that we must look to the abolition of the Lord Lieutenancy, and that this House ought to be prepared to press whatever Government may be in power at the time, for the abolition of that office, whenever it may be possible to govern Ireland without the existence of a separate Irish department. I do not think myself that the time is very distant when it will be possible from the Home Office to give all those general directions which, in the comparatively tranquil state of Ireland, it will be necessary to issue for the superintendence of Irish affairs. The main departments in Ireland will still retain their local character. The police, the Poor Law Department, will be governed from Dublin, and the same rule will apply to prisons, lunatic asylums, and other branches of local government, although there may be certain important questions upon which reference will be necessary to the home Government. Whenever the time shall come when the government of Ireland may be conducted upon the same principle as the government of Scotland, when there will be no necessity for daily superintendence by a local head such as the Lord Lieutenant, then I think the Lord Lieutenancy ought to be abolished without the substitution of such a department as my hon. and learned Friend contemplates. But until that time arrives—and I am not prepared to say that it has arrived at this moment—it appears to me better to retain the present organization, which, at all events, has historical recollections on its side, which has assumed a form, to a certain extent, acceptable both to the people of Dublin and the general population of Ireland, and which has therefore recommendations that any new department, constituted for the separate government of Ireland, would want. As long as Ireland requires a separate department, it seems to me, on the whole, desirable to retain the Lord Lieutenancy; but when the time shall come (and I do not believe it is very distant) when it is possible to govern Ireland without a separate head of a department in Dublin, then, in my opinion, the Lord Lieutenancy ought to be abolished. I will merely add that I shall give my vote for the Motion of the previous question, of which the hon. Member for Armagh has given notice.

MR. BLACKBURN said, that the Amendment of which he had given notice, to leave out the latter part of the Motion, which pledged the House to support the appointment of a Secretary of State for Ireland, would accomplish precisely that which the right hon. Gentleman the late Chancellor of the Exchequer suggested ought to be done, and he thought therefore that if any justification were required for having placed that notice on the paper, it would be found in the speech of the right hon. Gentleman. The hon. and learned Member for Sheffield, when he alluded to that Amendment, looked out for the motives which he presumed had actuated him, and, as was the custom of the hon. and learned Gentleman, selected the worst which could actuate him. The hon. and learned Gentleman had imputed to him a dog-in-the-manger spirit—that because he could not get a Secretary of State for Scotland, he would not allow a Secretary of State for Ireland. Many well-intentioned but weak-minded persons wished to see a Secretary of State for Scotland. He was never one of them, and for exactly the same reason he did not desire to have a Secretary of State for Ireland. The real and substantial reason for abolishing the Lord Lieutenancy was to make the three Kingdoms truly a United Kingdom. The hon. and learned Member told the Irish Members to forget that they were Irishmen. He said by no means let them forget that they were Irishmen, but let Irish Members and Scotch Members remember that Ireland and Scotland were integral parts of the one great British kingdom. He quite agreed with the noble Lord the Secretary for Ireland (Lord Naas) that this Motion must be carried with the consent of the Irish Members, but he did not think that it was not to be debated in that House. He rather thought from what had passed to-night that Irish Members were coming very much to the opinion that instead of the Lord Lieutenancy being an advantage to Ireland it was a positive loss. [Mr. VANCE: No!] He heard the "no!" of the hon. Member for Dublin, but the interests of Dublin were not exactly the same as those of Ireland. The expenditure for the Viceregal Court might benefit the shopkeepers of Dublin, but not the rest of Ireland. He did not think that Dublin was the making of Ireland, but that Ireland was the making of Dublin, and he deemed it a mark of derogation, as if the interests of Ireland were provincial, to have a Lord Lieutenant governing the country. The noble Lord in rather an Irish fashion, called the govern-

ment by a delegate of the Queen, self-government. [Lord NAAS: Central government!] He thought that the noble Lord said it was self-government; but if the noble Lord was in favour of a centralizing government, it meant the abolition of the Lord Lieutenancy, and that was precisely what should be done. There should be one Home Office for the British Empire, with Parliamentary Under Secretaries in three separate departments, if necessary, for England, Scotland, and Ireland. The right hon. Gentleman the late Chancellor of the Exchequer said that it was only a question of time. He thought that there was no time like the present, and that what ought to be done should always be done now. There had been a change of Ministry, and the present Government should show that there were an efficient Administration, ready to pass measures which were only waiting for some Government to take up. In another great dependency they were about to make a change in the form of government at a period of disturbance, but that objection did not apply to Ireland. The country was perfectly tranquil, and he did not believe there ever was a more popular Lord Lieutenant than the present. It was the very time to make a change. There was no dislike to the individual who filled the office, and the abolition of the office would rest upon the merits of the question, as it would be rather against the merits of the individual. He hoped that the Gentlemen on the Treasury bench would not promise a change next year, when they were to have another great change by a Reform Bill, but would be prepared to show they meant to do that about which others were content to talk.

MR. ESMONDE said, that as no proposition for the abolition of the Viceroyalty had yet come before the House unaccompanied by a scheme for creating an office in substitution of that of the Lord Lieutenant, the observations of the hon. Gentleman who spoke last went for nothing. He (Mr. Esmonde) was sure that the hon. and learned Gentleman the Member for Sheffield had not been at any pains to ascertain what had been the feeling of eminent statesmen on this subject. There were a host of authorities arrayed against the abolition of the office, chiefly those who had discharged the functions of the Irish Secretaryship. Sir Robert Peel, who had filled that office, had declared on many occasions that if a separate Secretary of State were to be appointed for Ireland his absence from the country, which would be unavoidable, as he must have a seat in Parliament, would be most injurious to the transaction of business. Mr. Goulburn had said, that the only substitute for the Viceroy would be a Secretary of State, who would be obliged to reside in England; and in that case he asked, how the Secretary was to know anything about the condition of Ireland? It had been said that jobbing and intrigue of the worst sort prevailed at the Irish Court. As a Member of Parliament, and as a country gentleman, he had necessarily many communications with the Castle of Dublin, and he must say he never saw any reason to arrive at such a conclusion. But let the House hear what Sir Robert Peel said with regard to that. That great statesman gave it as his opinion, that in the absence of the Secretary of State in this country, the greatest license would be afforded to intrigue. Mr. Canning had expressed the same opinion almost in the same words. The right hon. Gentleman the late Chancellor of the Exchequer had intimated at the time of the Union, no engagement was entered into to keep up the Lord Lieutenancy. But if the honour of public men was to go for anything, that statement did not present the actual facts. Mr. Pitt, in supporting the measure, held out to the people of Ireland that, though the Parliament would be done away with, there would still be the head of the executive in Ireland. He said that the metropolis of Ireland had no reason to feel alarm for its prosperity, for it would still continue to be the residence of the Viceroy and the seat of Government. Sir J. Newport, who had upheld liberal opinions when they were not fashionable, had said, that there could be no measure by which the feelings of the people of Ireland would be more likely to be exasperated than the abolition of the Viceroyalty; and Mr. Martin expressed a similar opinion in the same debate. Mr. Hume's opinion had been quoted in favour of the present proposition; but it should be borne in mind that when the late Mr. Hume made a similar Motion to this, he based it on the ground that there was a deficiency of revenue in Ireland; and he expressly said, that if there had been a surplus revenue, the people of Ireland might reasonably have remonstrated against any change; but as the case stood the people of England had a right to complain of the expense of the present arrangement. Now, however, the revenue, which was then £4,000,000,

had risen to £7,000,000, and he had a right under the altered circumstances of the case to quote the opinion of Mr. Hume in support of the retention of the Lord Lieutenant. He feared that in bringing forward this subject, the hon. and learned Gentleman the Member for Sheffield had not consulted the feeling, either of the Irish representatives, or the Irish people. He assured the House that the unsettled state of this question had done much injury to property in Dublin. He had been assured by a Gentleman well conversant with that city, and who had once represented it in Parliament, that nothing would be more disastrous to the trade and prosperity of the city than the abolition of the Viceroyalty. The rateable property of Dublin was now £600,000 a year, and he was assured that it would be reduced one-third if this proposition were carried into effect. Indeed so intimately was the existence of the Court connected with the prosperity of the city that houses were let at a certain yearly rent so long as the office of Viceroy should be continued. Not long ago, a very numerous meeting of Gentlemen was held in Dublin, by which this proposition was unhesitatingly and unanimously condemned. He agreed with what the noble Lord the Member for London had said on a previous occasion, that whatever were the merits of the change it ought to be made at the instance of the Executive Government, and not of a private Member. Believing that it was opposed to the wishes of the people of Ireland, and that it was a violation of the compact made at the time of the Union, he should give it his strenuous opposition.

Mr. CONOLLY said, that one most important element in the consideration of the question had up to that moment been studiously kept out of the discussion, and that element was the feeling of the Irish people; but perhaps it was not unnatural, as the Motion had proceeded from an English Member, that the question should have been regarded in an English or Scotch, rather than in an Irish point of view. It was principally for the purpose of supplying the omission to which he referred that he then rose to trespass for a few moments on the attention of the House. He believed the Irish people generally were strongly opposed to the abolition of this time-honoured office. He thought that a more bald or inconclusive argument than that which had been addressed to the House by the right hon. Member for Radnor he had never heard. Because, forsooth, the Exchequer of Ireland had been merged in that of England, and because the Parliament no longer sat in Dublin, there was no need for a Lord Lieutenant; because centralization had been carried to this extent, therefore everything was to be centralized; but he looked round the world and saw many places in which viceroyalty was considered necessary, and where Parliaments were not present. Then the right hon. Gentleman said that a less objectionable and more convenient mode of administration might be substituted, but he had failed to indicate the mode alluded to. It was proverbially more easy to destroy than to create, and, although the destruction of this time-honoured edifice had been proposed by many, no architect had come forward sufficiently skilful to suggest even a plan for a new construction. A good many phrases were usually made use of in the course of these discussions which had very little meaning; such, for instance, as that the maintenance of the Lord Lieutenancy was desired only by the shopkeepers of Dublin. He denied that the interest in this question was confined to the people of Dublin. Dublin was the metropolis of Ireland; it was the pride of Irishmen to maintain the splendour of their metropolis; and he was persuaded that the more this institution—which was dear to the affections of the Irish people—was attacked the more would they rally round it, and prove their attachment to the Sovereign by their endeavours to preserve intact the Viceregal Court in Dublin. Ireland no doubt had had a large infusion of the English and Scotch element, but it was a well-known fact that emigrants to countries became in time more national in their instincts than the natives themselves. Such was eminently the case with regard to the United States of America. He believed that the infusion of strangers had done good in Ireland. The race had become mixed, but the national sentiment remained intact, and it was only natural that Irishmen should be glad to see members of the most distinguished families in the empire governing their country in their own capital and in the name of their beloved Sovereign. He should further observe that what might be called the *personnel* of the establishment had been for the most part, and more especially within the last few years, eminently satisfactory. Party feeling prevailed to a great extent in Ireland—he was himself a strong partisan; but he felt convinced that it was

most desirable that the administration of the country should be committed to some one who was in no way connected with local prejudices and passions. The duties of the office had been most successfully fulfilled by the late Lord Lieutenant, and he believed that the present Lord Lieutenant also owed much of his great popularity to the conviction which prevailed throughout Ireland that his high functions would be discharged with impartiality. He thought, too, that if the office had in modern times fallen into any disrepute, that arose from the fact that even within his recollection gross partiality had been shown in the discharge of its duties. But as long as the business of the office was conducted in a pure and lofty spirit the people of Ireland would rally for its maintenance, and he was sure that the Imperial Parliament would not disregard their wishes.

MR. DODSON said, it appeared to him that the present time was eminently suited for legislation, as the Government was not hampered with arrears of business or promises. For himself he was opposed to the maintenance of the Vice Royalty, as he believed that the existing system under which the Irish administration was divided, between the English Secretary of State for the Home Department and the Lord Lieutenant of Ireland, was but a double Government, possessing all the weakness and irresponsibility inseparable from such an arrangement. Indeed, there was a third Government in the case whenever the Irish Chief Secretary was, as sometimes happened, a member of the Cabinet, and decided in that capacity on the course which should be taken by his supposed official superior. The Lord Lieutenant himself was in his (Mr. Dodson's) opinion a complete anomaly. He had none of the immunities of a constitutional monarch, for he might be vilified and abused to any extent; he was something of a colonial governor, but he did not possess the authority of such an officer; he was a party Minister without a seat in the Cabinet, and he seldom or ever appeared in Parliament to explain his conduct or defend his policy. Such a state might have been necessary when it was first established, but every year diminished the number of excuses by which its continuance could be defended. It should be remembered that with the present facilities for travelling it was easier for an Irish gentleman now to pay his respects to real royalty in London than it was for his grandfather to go through the same ceremony before sham royalty in Dublin. Then again, there was nothing at the present time to prevent Her Majesty from frequently visiting Ireland; and he would put it to Irish gentlemen whether they would not prefer one week of the sunshine of true sovereignty in Dublin to twelve months of the moonlight of the fictitious sovereignty of a Lord Lieutenant. [MR. VANCE: No!] He felt sure that if the smiles of royalty beamed on the hon. Member he would change his opinion. He regretted that the hon. and learned Member for Sheffield had encumbered his Resolution with a proposal for a fifth Secretary of State, to which he himself was most decidedly opposed. He was aware that many persons contended that the Home Office of this country was already overburdened with business; that it would be most unwise to transfer it to the administration of Ireland; but he could not help thinking that much of the labour of the Home Office arose from an unnecessary and a mischievous interference with the duties of local bodies throughout the country; and much good would result, both to England and to Scotland, if the necessity of giving a general superintendence to the conduct of Irish affairs were to afford a check to that evil. With these convictions, he should give his best support to the Motion of the hon. and learned Member for Sheffield.

MR. GROGAN said, he must congratulate the hon. and learned Member for Sheffield that he had at last obtained a second hon. Gentleman to accompany him into the lobby. Hitherto, with the exception of the hon. Member who seconded his Motion, no one had spoken in its support. He (Mr. Grogan), however, had observed with mingled feelings of gratification and dissatisfaction the course which the debate had taken. He was glad to hear that the Viceregal Government was not at present to be disturbed, but he regretted the intimation which had fallen from the Government, that it must be taken only as a temporary arrangement. On the part of the citizens of Dublin he deprecated those constant reopenings of the question, and he put it to the House whether, after so many leading statesmen had tried to find a substitute for the Lord Lieutenancy and had failed, it was right that this great question should be continually tampered with by gentlemen who were totally devoid of responsibility. He hoped that the hon. and learned Member for Sheffield, satisfied with

having expressed his kind wishes for the welfare of the Irish people, would no longer attempt to thrust upon them a change which they did not desire. It was a subject of great satisfaction to him as an Irishman that the House had arrived at the conclusion that the abolition of the office of Lord Lieutenant was not to be carried into effect in opposition to the feelings either of the Irish Members or the Irish people. There could be no doubt, he thought, that there was almost an unanimous opinion in Ireland in favour of the rentention of the Lord Lieutenancy. Numerous petitions had been presented in that sense both upon that and upon former occasions, while not a single petition had ever come before the House in favour of the abolition of the office. It might be urged that Dublin was principally interested in this question ; but it should be remembered that Dublin was the metropolis of Ireland, and it would be admitted that whatever affected the metropolis of a country generally, ramified in its effects to the remotest extremity. He was satisfied, he repeated, that the office of Lord Lieutenant might be regarded as permanent, but, at the same time, he could not agree with many of the arguments which had been urged on both sides of the House. The late Chancellor of the Exchequer, while arguing for the abolition of the office, had stated that after the Vice Regal court had ceased to exist, several important establishments would still remain in Dublin, mentioning among others the head quarters of the police and the office of the Poor Law Commissioners. Those institutions were, no doubt, very useful and important elements of the internal administration of the country ; but the people of Ireland would prefer the Government of a Lord Lieutenant, the direct representative of their Sovereign, to that either of the police or of the Poor Law Commissioners. It had also been contended, that the Lord Lieutenancy ought to be abolished, because other important institutions, such as the Revenue and Stamp Offices had already been transferred to England. But that was the very system of which the people of Ireland complained. They were of opinion that centralization had been carried a great deal too far, and they believed that the administration of Irish affairs could not be conducted in England with the same efficiency and success as in Ireland. The strangest argument of all had been used by the last speaker. It was to the effect that the business now transacted by the Lord Lieutenant should be thrown upon the Home Office, in order to render that department, already overwhelmed with work, unable to intermeddle in the management of local affairs in England. Now, it was because the Irish people wished to be left to themselves and appreciated the advantages of local Government, that they objected to be deprived of a resident administration and handed over to an office in London. The case of Scotland had been cited ; but was it a fact that the Scotch were happy and contented under the present system? Was it quite clear that if an option were given to them, they would not be glad to have a Lord Lieutenant ? He had heard the direct contrary, and it so happened that the present Lord Lieutenant of Ireland, a Scotch nobleman, took an active part in an agitation got up some time ago for the vindication of Scottish rights and the alteration of the existing system of Government north of the Tweed. The hon. and learned Member for Sheffield had talked of Ireland being part and parcel of England. That was a fine phrase, but was it borne out by facts ? Was that the policy adopted during the Irish famine, when poor Irishmen coming over to this country in search of employment, were pitilessly shipped back to their own shores; or was it followed when the Irish rate-in-aid had been extended to the wealthier Irish districts, while England had been carefully exempted from the burden ? Where was the identity of interest in that case ? He did not deny, however, that England had contributed largely on the occasion. It was the House of Commons which proposed to tax one portion of the country for the benefit of another. Let the hon. and learned Member, instead of uttering empty words and promises, endeavour to obtain for the Irish people some of the advantages which they ought to derive from their Union with England, and thus earn for himself their respect and gratitude. He did not believe that the people of Ireland, or at least any large portion of them, would ever be unanimous in favour of abolishing the office of Lord Lieutenant. Then there was the difficulty of creating a fifth Secretary of State. He might give an illustration of the benefit derived from the presence of the Lord Lieutenant in Ireland. A man was sentenced to death. Almost on the very day on which he was to be executed, fresh evidence was produced in the man's behalf—he was re-

Mr. Grogan

spited—further and conclusive evidence of the man's innocence was furnished, and his life was saved. But for the presence of the Lord Lieutenant he would have suffered death. He dissented altogether from the views of the hon. and learned Member for Sheffield, and he hoped that a strong expression of opinion on the part of the House would induce the hon. and learned Member in future to abstain from constantly originating these discussions, which only served to unsettle the public mind of Ireland.

MR. BAXTER said, that he agreed with the hon. Gentleman who had just sat down, that a measure so important as the abolition of the Lord Lieutenancy of Ireland ought not to be carried through the House without the sanction and concurrence of the Irish representatives; but, unless his recollection failed him, the majority of the representatives for Ireland supported the Bill introduced by the noble Lord the Member for London in 1850, and the hon. Member for the county of Donegal (Mr. Conolly) if he was not mistaken, not only voted, but spoke in favour of that proposition. He was, therefore, at a loss to know what was the opinion of the Irish representatives on this subject. The hon. Members for Donegal and Waterford had fallen into the mistake of supposing that the hon. Member for Stirlingshire (Mr. Blackburn) proposed no substitute for the office he wished to abolish. On the contrary, the best proposition on this subject yet offered to the House was that suggested by that hon. Member — that there should be one principal Secretary of State for Home Affairs, with three Under Secretaries, one for England, another for Scotland, and another for Ireland, well acquainted with the laws and practices of the respective countries, and who would be responsible for legislation in respect to them. Nevertheless, he was prepared to vote for the Motion as it stood on the paper, if the Irish Members thought that there was business enough connected with their country for one Secretary of State, though he was opposed to the creation of such an office for Scotland. He agreed with the last speaker, that it was time that this question was brought to some definite issue, and he did not think that the House of Commons stood very well with the people in respect to it. On three different occasions his predecessor in the representation of the Montrose burghs (the late Mr. Hume) proposed a Motion similar to the present. It was received with approbation by the Liberal party in that House; and then the noble Lord the Member for London took the question under the wing of his Government in 1850, and carried it in the House of Commons; and yet the House last year—this Liberal House—presented the spectacle of following the Minister out into the lobby against the proposition. He saw nothing inopportune in the present time for the consideration of the question. From all that he had heard and read, he concluded that no man was prepared to stand up for this office in all respects; and whenever any Motion upon the subject had been introduced, he had observed that it was met by the previous question. Even those who were opposed to the present Motion had occasionally complained that the Lord Lieutenant interfered with the elections—that sometimes he exercised his office with great partiality; and that wise and beneficial measures were from time to time thwarted by what was called the backstairs influence of Dublin Castle. He was not prepared to say how far these statements were true, and whether the Lord Lieutenant meddled with and spoiled everything, or whether he was a mere nonentity, as some described him to be, whose only duty was to keep the good people of Dublin amused with dinner parties and dancing; but in either case he would support the Motion. One strong and valid reason in the minds of the Irish Members against such a Motion as the present was, that its success would withdraw the expenditure of a very large sum from Dublin. Such a consideration might influence the Members for Dublin in favour of this mock monarchy; but did the people in the north of Ireland approve the institution? It would appear strange if the House of Commons, after deciding by a large majority against the system of double government for India, should refuse to abolish a similar system of double government with respect to Ireland, which was open to all the objections of the shifting of responsibility which had been so successfully urged against the existing system in the case of India. The same complaint of divided responsibility existed in Scotland; and he had consequently given notice of a Motion for the appointment of an Under Secretary for that part of the United Kingdom, who should be in future responsible for Scotch legislation. He supported the Motion on another ground, which ought not to be treated

lightly in that House. Many hon. Members in that House had made speeches on the hustings in favour of financial reform; and now, when they had an opportunity of carrying their eloquence into action, would they shrink from abolishing a totally useless expenditure? He dared say the Chancellor of the Exchequer was not listening to him, but thinking of his forthcoming budget; and if a deficiency had been left to the right hon. Gentleman as a legacy by his predecessors, the difficulty of his position entitled him to sympathy; but any Government that wished to be popular in the country, or to retain office for a lengthened time, ought in the first instance to look into the national expenditure. He hoped that the right hon. Gentleman—whom he believed to be an excellent Liberal—would signalize his return to power by a revision of the Estimates, and he recommended him to begin by lopping off this unnecessary outlay. Such a step would at once strengthen the hands of the Ministry of which he was so distinguished a Member, and be applauded by wise and good men on both sides of the Channel.

Mr. DOBBS said, as he was one of the few Irish Members who thought that this office ought to be abolished, he hoped he might be allowed to make a few observations upon the subject. He considered that the government of Ireland, by means of the Lord Lieutenant, was the government of that country by an inferior officer and in an inferior manner. All history showed that government by a deputy was inferior to government by the immediate action of the supreme power in the State, whatever that power might be. It must necessarily be deficient in prestige for want of greatness, deficient in power for want of dignity, and generally deficient in administrative talents, because the persons employed were usually young, inexperienced men, or men of inferior abilities. Ireland bore her fair share of the burdens of the State, and was therefore entitled to participate with the rest of the Kingdom in the benefits of a good Executive; but there could not be a good Executive Government in Ireland until they had there the same Government as they had in England and Scotland. As to the effect which it was alleged by the hon. Member for Dublin the abolition of the office of Lord Lieutenant would have upon the Irish metropolis, he believed that such an impression was most erroneous. Such an argument, he thought, was not only erroneous, but insulting to the people of Ireland. Dublin was a large seaport, containing 300,000 inhabitants, and contributing a million sterling per annum in Customs duties to the Imperial Exchequer. It boasted the third university in the United Kingdom, was the seat of the superior courts of law, and possessed all the various institutions consequent on its pre-eminence as the capital of a country with a population of 6,000,000 souls. It was absurd, therefore, to say that such a city would sustain a heavy loss and have its property destroyed from the withdrawal of a Lord Lieutenant. The Lord Lieutenant was usually a nobleman of high rank and fortune, with an official income of £20,000 a year, and an establishment consisting of a number of officers and functionaries constituting his household. Every person must be aware of the great improvement that had taken place in Ireland within the last few years. There had been a great increase of wealth in the country. Belfast had improved enormously. Cork, Waterford, and the other cities had also improved; but Dublin itself had improved the least of all. And yet it was said that that city would be seriously injured by the abolition of the office of Lord Lieutenant. Having expressed his opinion upon the abstract question of the removal of that high functionary, he would now come to the consideration of the particular Motion of the hon. and learned Member for Sheffield. The question, first of all, was, whether or not the proposition of his hon. and learned Friend would remedy the evil complained of? If he (Mr. Dobbs) were right as to the injury arising from the government of Ireland by means of the Lord Lieutenant, on the ground that it was an inferior kind of government, as compared with that of the other parts of the United Kingdom, he submitted that that evil would not be remedied by the proposition of the hon. and learned Member. It could only be remedied by a complete amalgamation of the English and Irish Executive. He wished to place the government of Ireland under the Home Office. The magistrates of Mayo and of Suffolk should be appointed and removed on the same principles and by the same authority, and that authority a Cabinet Minister; and when a question arose in the county of Cork, it should be taken cognisance of by the Home Office in the same manner as if it had arisen in Yorkshire. The patronage of Ireland should be administered on

the same principles and by the same man as was the patronage of England. When important questions arose in any part of Ireland, the Home Government should take cognizance of them in the same way as if they arose in Yorkshire or Lancashire. Now, the proposition of the hon. and learned Member for Sheffield did not touch any of these points. His hon. and learned Friend proposed to create a Secretary of State for Ireland, but such a measure would not remove those objections to the system which at present existed. The same difference between one part of the empire and the other would thus be perpetuated. What was wanted was a complete amalgamation between the two Executives. Therefore, although he approved of the abolition of the office of Lord Lieutenant as an abstract question, he must vote against the Motion of his hon. and learned Friend. He concurred in opinion with the noble Lord the Secretary for Ireland that they could do nothing satisfactorily in this matter until the people of Ireland declared themselves in favour of the change. When the people evinced a feeling in favour of the change, then the Government of the day, whoever they might be, would be compelled to make the change. He ventured to prophesy that that result would soon come about. He recollected some years ago, when the Repeal bubble was agitated, any man who spoke of the abolition of the office of Lord Lieutenant would have been denounced as a fool or a madman. He had, however, since then observed a change gradually going on. The north of Ireland was in favour of this change, and he believed that even in Dublin the feeling in support of the abolition of the viceroyalty was gradually gaining ground. The measure would be ultimately carried by the desire of the people themselves, and would, he was sure, complete that Union between England and Ireland, which he hoped would never be dissolved.

MR. C. FORTESCUE said, that although he was about to vote for the previous question he did not apply to it the interpretation which was put upon the Amendment by the hon. Gentleman by whom it had been proposed. It might be imagined, from the hon. Member's speech, that he desired the perpetual maintenance of the Lord Lieutenancy. He (Mr. Fortescue) was not anxious for the perpetuation of that office, but as he could not go the length of supporting the Resolution of the hon. and learned Member for Sheffield he would give his vote for the previous question. Every Member of that House, and especially every Irish Member, must feel the responsibility of dealing with the subject. Although he had little love for the institution itself, he could not but remember that it formed an ancient and vital ingredient of the Government of Ireland, and was interwoven with the habits, the feelings, and the traditions of the country. The reign of law and order in Ireland had not existed for so long a period as to justify the House in dealing, without the utmost caution, with an institution which was regarded by the people of that country as the emblem of authority and law. This important change had been proposed in a very moderate speech by an hon. and learned Gentleman whose general political liberality he (Mr. Fortescue) could not impugn, but who was more famous for destruction than for construction, and who had not brought the subject before the House in a manner which he thought calculated to insure the confidence or conciliate the feelings of the Irish people. When they saw a sweeping proposition of this nature made by a private Member of that House, and a Member of rather a destructive character, he did not think they were likely to regard it with much favour. It was scarcely to be expected that a private Member, and especially an English Member, could be intimately acquainted with the actual working of this institution, or with the feelings of the Irish people on the subject, and he must certainly be free from that sense of responsibility which would be felt by any Minister of the Crown who submitted to Parliament so important a proposition. The hon. and learned Gentleman recommended that a Secretary of State should be substituted for the Lord Lieutenant; but as he was not in a position to give any pledge that a substitute would be found for the Lord Lieutenant if the office were abolished, he (Mr. Fortescue) did not feel justified in supporting the Motion. They could not but remember the fate of the proposition for appointing a Secretary of State for Ireland when brought forward as part of the noble Lord's (Lord J. Russell) Bill in 1850. In that Bill there was a power given to Her Majesty to appoint such an officer, but it was by no means imperative, and though a deputation waited upon the noble Lord he objected to give any distinct promise that if the Bill was carried, that power would

be acted upon. It was his opinion that the proposed change was one which was not worth making. Unless they removed from Dublin every vestige of the executive power, they would do nothing to improve the existing state of things. The late Sir Robert Peel was utterly opposed to the appointment of an Irish Secretary of State, believing that there would be a rivalry between the English Home Secretary and the Irish Home Secretary, who would be influenced by the pressure of the respective parties of each. He (Mr. Fortescue) could not but think that this fear had been greatly exaggerated. For his own part, if they were to abolish the Viceroyalty of Ireland he believed the proposition of the hon. and learned Gentleman was the only safe one to adopt. He wished he could believe that the evils of misgovernment in Ireland had been so far surmounted that that country could be treated legislatively in the same manner as England. It was but recently that Ireland could be said to be an united body politic. A generation or two ago the Irish population was made up not of one nation but of two nations on one soil, and it could not be concealed that strong, and very unfortunate, traces of the differences which had so long existed were still perceptible. Then again, it was impossible not to see that for the Government of Ireland much especial knowledge was required. It was a mistake to suppose because a man was well versed in English administration, that therefore he would be a good administrator for Ireland. On the contrary, the very fact of his being well acquainted with this country might induce one to believe that he would be likely to apply his supposed knowledge in an unfortunate manner. The differences which existed between the two countries were extremely great, and although it might be true that an assimilation of the law would in some cases be advantageous, yet on the other hand it might prove a great evil. Remembering the differences in the working of the Poor Laws and of the criminal law in the two countries, the nature of the County Courts in Ireland, the operation of that wise and beneficial institution the Incumbered Estates Court, the relations between landlord and tenant, and the position of the Established Church, it was evident that the administration of Irish affairs could not safely be tumbled into the Home Office, and that a knowledge of English affairs was not a safe guarantee for the good Government of Ireland. This conviction was forced upon him against his will, for he wished, indeed, he could bring himself to think that the administration of the whole of this empire could safely be intrusted to a single department. He wished, as far as was consistent with safety and justice, to carry to the furthest possible extent the Union and equality of the two countries. He believed the time would come for such a change, but he much doubted whether that time had yet arrived. Feeling this, he was compelled to exercise caution in giving his vote upon a proposal which merely issued from a private Member of Parliament. At the same time he must not be understood as expressing any particular love for the Lord Lieutenancy. As an Irishman, he never thought of that office without some feelings of shame and inferiority. He hoped the day would come when nothing would be interposed between the Irish people and the Imperial Crown. The Lord Lieutenant was popularly supposed to be the representative of Royalty; but the fact was that, however estimable, however highminded and good-intentioned the Lord Lieutenant might be, it was impossible for him to be anything but a party man. He admitted that party feeling did not rage as it once did in Ireland, but still, in the very nature of things, the Irish Viceroy must be a partisan. He concurred in the suggestion that, instead of the Lord Lieutenant, it would be desirable to have a Secretary of State with a seat in the Cabinet, occasionally residing in Ireland, and keeping himself *au fait* of Irish questions. Such an appointment would concentrate responsibility and tend very much to effective legislation for Ireland. Entertaining these views, he could not vote directly against the Motion, and so tend in any way to perpetuate the existing system; but, at the same time, he thought they ought to be tender of the feelings of the Irish people, and he certainly should not at the present moment attempt to press the Government to make at once so vital a change. He should wait for the time when, as he hoped, some Government would bring in a measure, not only to destroy this ancient and effete institution, but establish in its room fresh machinery of administration, which would confer far greater benefits upon Ireland, both as to local legislation and legislation in this House, than the present imperfect machinery could supply.

MR. VANCE said, he regretted that the hon. and learned Gentleman (Mr. Roe-

buck) had not left this matter in the hands of the Government instead of endeavouring to obtain a hostile vote against an office which he would be the last to abolish if he knew the country better. He had, however, ingeniously discovered an apple of discord, a bone of contention to throw between the two countries, which had led to great jealousy and misunderstanding, and which, if persisted in, would estrange and embitter the feelings of the population of Ireland against England. For his part, he was sorry also that the Motion had not been met by a direct negative instead of the previous question; because then the matter would have been brought to an intelligible issue. Agitation of this subject was most injurious both to Ireland and to the city of Dublin. His (Mr. Vance's) first objection to the Motion of the hon. and learned Gentleman was that there was a contract made at the time of the Union to retain this office. The right hon. Gentleman (Sir G. C. Lewis, had stated that the Lord Lieutenancy was not mentioned at all in the Act of Union. But if it were not mentioned, declarations to that effect had been made by the most eminent statesmen of that day, Mr. Pitt and Lord Castlereagh, and by every man who was then high in office. The right hon. Gentleman had admitted that the Privy Council of Ireland was mentioned in the Act of Union, and what would the Privy Council be without the Lord Lieutenant? In some countries it was not considered necessary to pass laws against offences repulsive to human nature, and which were never likely to happen. There were countries in which there were no laws against parricide or regicide; and it may have been thought quite unnecessary to provide for maintaining the Lord Lieutenancy. It was held on all sides that the consent of the Irish people must be obtained before any change was made. If that consent were tested by the result of the last division on this question, it would be found that only five Irish Members voted for the Motion of the hon. and learned Member for Sheffield. All those hon. Members came from the county of Antrim. One of them was the present hon. Member for Carrickfergus (Mr. Dobbs), and how it was that any jealousy was felt by the town of Belfast he (Mr. Vance) did not know; but such a jealousy did exist. The wonderful prosperity of this town had been contrasted with that of Dublin; but whilst the customs of the port of Belfast last year amounted to £3,000, those of Dublin amounted to £20,000. In Belfast there were no private streets, no public squares; it was a mere mercantile town, without the advantages of Dublin as respected trade. The question had been brought before the House on various occasions, and on every one of them those in favour of abolishing the Lord Lieutenancy had based their case upon different grounds. Sometimes they had advanced the ground of economy; at other times it was complained that the Lord Lieutenant brought over persons who became dependents of the Castle and a burden to the people. Then, again, it was said, that the whole institution was unpopular, and upon the present occasion a mixed ground had been taken up. As regarded the question of economy which had been touched upon by the hon. Member for Montrose (Mr. Baxter), the people of Ireland did not look to the public money which was spent in Ireland in consequence of the existence of the office; but the fact was that a great number of the nobility and gentry were by reason of that institution induced to spend their private incomes in Ireland, and they were quite able to take care of themselves without the protection of the political economist who had succeeded the late Mr. Joseph Hume. Then the hon. and learned Member for Sheffield (Mr. Roebuck) brought forward the question on social grounds. He said that there were endless heartburnings on the part of those who did not have the *entrée* to the Castle. Why, the fact was that every person of any rank had an unlimited *entrée*. This sufficiently appeared from the Vice Chamberlain's advertisements. Every one was admitted that had been presented—and no preference was given to one lady or gentleman more than to another. It was therefore untrue that heartburnings were occasioned by any exclusiveness on the part of the Lord Lieutenant. It had been further said that compensation must be given to people for doing nothing in future. But there was one community to which they must grant compensation—it was the city of Dublin itself. Sir Robert Peel himself admitted that the city of Dublin might need compensation if the Lord Lieutenancy were abolished. Then it had been said that there were other towns in Ireland improving while Dublin remained stationary. But the population of Dublin had increased between the census of 1841 and that of 1851 by 20,000 persons, and that was of itself an improvement; and new buildings

were being erected in every part of the city. The city of Dublin would fall into almost utter destruction if the office of Lord Lieutenant were abolished, and rents would be decreased 60 per cent. It had been stated that the Union would bring no injury to the city; but it had occasioned a depreciation of house property, and almost a bankruptcy of the whole community. They had gradually recovered, but now it was proposed to tear away the last fragment of the nationality and dignity of Ireland. One effect that would result would be a general absenteeism. Sir Robert Peel had said that splendid as the Court of England was it would be rendered more splendid by the attendance of Irish ladies and gentlemen, but then this additional splendour would be acquired at the expense of Dublin. The nobility and gentry would be attracted from their residences and country houses, and not only Dublin but Ireland would sensibly feel the injury. And although Sir Robert Peel voted with the noble Lord in 1850 he expressed sentiments that were strongly against the change. The hon. Member for Louth (Mr. Chichester Fortescue) said he should prefer a Secretary of State occasionally resident in Dublin to a Lord Lieutenant at Dublin Castle, because whoever might fill the latter office was regarded as a strong partisan in Ireland, whereas a Secretary of State would not be liable to that imputation. But if an independent nobleman, acting as the representative of his Sovereign, was a partisan, what would a mere Secretary of State be? He certainly could move only in a partisan circle; whereas the Lord Lieutenant, whatever might be his politics, was always the most popular man in Ireland. As to the trade of Dublin, he might observe that it was dependent upon the influx of strangers; and, therefore, if the office of Lord Lieutenant were abolished, the trade of the city would suffer to an extent almost impossible to conceive, and he felt sure that the House would not like to see Dublin fall into ruin and decay. It was not true that in Dublin different opinions were entertained as to the Lord Lieutenancy. An aggregate meeting of its inhabitants was lately held on this question, at which not a single voice was raised against the office. It would be impossible to imagine the dissatisfaction and discontent, and he might say the disloyalty, which would arise if such a change were brought about. He should deeply regret bringing the sentiments and feelings of the Irish people into collision with the House or the Legislature at a time when it was known they were most loyal and contented.

MR. EVANS said, he hoped the House would bear with him while he made a few observations in explanation of the vote which he should give that evening. He would briefly state the reasons why he thought it his duty to vote in favour of the Motion of the hon. and learned Member for Sheffield, but he wished first to congratulate the House on the conciliatory tone of the debate, with the exception of the severe and uncalled-for observations upon the right hon. Gentleman the Member for Stroud, of which he hoped no notice would be taken by that right hon. Gentleman. With regard to the office of Lord Lieutenant, he would venture to say that it was useless. He knew it had been said that there were many important duties to be performed by the Lord Lieutenant, and the office, therefore, ought not to be abolished; but he could not understand why they could not be discharged with equal satisfaction by a Secretary of State. He hoped that if the Lord Lieutenancy were substituted by a Secretaryship of State no man would be selected to fill that office who was not only able, but thoroughly conversant with Irish affairs. However expedient it might have been to govern Ireland in times past through the medium of the Lord Lieutenancy, the means we possessed of rapid communication with Ireland in these days rendered unnecessary that cumbrous and costly machinery. It was at present difficult to ascertain who was really responsible for the government of Ireland; but if a Secretary of State were appointed authoritative answers might be obtained in that House from an official intrusted exclusively with the administration of Irish affairs. He objected to the continuance of the Lord Lieutenancy because it was anti-national and (without meaning any offence to Irishmen) almost a badge of former servitude. As to the state of opinion in Ireland, they were not so certain that the real state of feeling was as the noble Lord the Chief Secretary seemed to think, for it appeared to him (Mr. Evans) that there was a growing feeling in favour of the office being abolished. Again, he objected to a continuance of the office on the ground of expense. The saving might be small, but it would be appreciable. He knew that

questions of economy were not popular in the House of Commons, whatever they might be upon the hustings, but he conceived that it was the special duty of the House of Commons to effect a saving in the expenditure, if it could be properly done. He would not propose, nor would he approve of, any rash economy; and with regard to the expenses which were necessary for maintaining the army and navy in efficiency at home, and for insuring respect abroad, he would cheerfully agree to vote them. If, however, it could be shown that any item of expense was useless, and in particular pernicious, it was the duty of the House to do away with it. Another reason why he should give his support to the Motion was this, that he certainly desired to see England and Ireland—not merely in name, but in reality—a United Kingdom—and any measure which might tend to knit together the two peoples ought to meet with the approbation of all well-thinking men of both countries. The proposed change would bring this country and Ireland into closer contact with one another, and thus, perhaps, eventually lead to the result that, while Irishmen imbibed in some degree those business habits in which they were deficient, the people of England might acquire some of those brilliant qualities for which our fellow-subjects at the other side of the Channel were distinguished. He should, therefore—because he believed the office of Lord Lieutenant to be useless and, to a certain extent, anti-national, because also he was of opinion that its maintenance entailed an unnecessary, though, perhaps, a small expenditure upon the nation, and prevented that complete union which every one in that House must desire to see subsist between the two countries—vote in favour of the Motion of this hon. and learned Friend the Member for Sheffield.

MR. PATRICK O'BRIEN said, rising as he did at that late period of the debate, he trusted that he would receive the indulgence of the House, and for two reasons—in the first place, that when he did address the House, he never intruded upon them for any lengthened time; and next, that he stood before them, not merely as a resident of Dublin, but as the representative of a county far distant from that city, who were likewise opposed to the principle of centralization. He (Mr. O'Brien) did not agree in the opinions expressed by his hon. Friend the Member for Louth (Mr. Fortescue), and by the hon. Member for Dublin (Mr. Vance), that Mr. Roebuck, being a private Member, was thereby disentitled from bringing forward his Motion, recollecting, as he did, that many of the greatest questions, whether of Reform or of Free Trade, had been successfully introduced and passed by independent Members. As an instance, he might mention the names of Mr. Villiers and Mr. Cobden—names ever identified with the Repeal of the Corn Laws. But what he would say was, that Mr. Roebuck must be indeed a daring and ardent man, if, with a Government arrayed against him, who had many allies from the Opposition, he could hope to effect what the noble Lord the Member for London could not effect, although backed by a majority of that House. He must also differ with his hon. Friend the Member for Carrickfergus (Mr. Dobbs) when he inferred that because the trade of Belfast and of Cork was increasing in a greater ratio than that of Dublin, that that circumstance must be attributed to the presence of the Viceroy. He (Mr. Dobbs) might have as logically inferred that because Liverpool and Newcastle had beaten Bristol in imports and exports, that Bristol must necessarily have been governed by a Lord Lieutenant. He agreed with his gallant Friend (Colonel French) that it was not by a vote upon the "previous question" that that Motion ought to have been met, but by a decided negative; an opposition such as was given to it that night, but continued uncertainty, and could serve no purpose but to continue an annual agitation, and enable many to make of this question a hustings cry. He would not descend to defend this institution upon any mere question of time, nor would he make an *ad misericordiæ* appeal upon behalf of Dublin shopkeepers to the charity of that House. But he would say that the abolition of the Viceroyalty was antagonistic to the wishes of the large mass of the Irish people, who, looking back upon old guarantees, and at the language used in 1799 by Mr. Pitt, by Lord Castlereagh, and by Lord Kilwarden, were alone entitled to pronounce upon this subject, and he, therefore, rested his opposition to the measure upon the fact that it was against the will of the people. The noble Lord the Chief Secretary (Lord Naas) had made a speech exciting in his breast conflicting emotions. He was delighted at the noble Lord's conversion, but regretted to find it was to last but for a time, and that this ancient institution might yet receive the dagger of the noble Lord. The popular will in this case was evidenced not alone by the votes of their

representatives, but likewise by the fact that there was no demand for this measure, not a single petition being presented calling for this course of action. And here let him appeal to that section of the House forming the principal portion of those who followed Mr. Roebuck upon the question—he meant the English Radicals—and ask them were they consistent in the course which they were pursuing. Were this a discussion upon the affairs of Australia, of Canada, or of any other distant colony, they would at once exclaim that the people of these colonies knew their own business best, and that they would bow to the popular opinion within that colony; but yet, with strange inconsistency, they deny to Ireland that free action which they willingly extend to infinitely smaller communities. Again, do they not recollect the letter of George III. to Lord Sidmouth, then Mr. Addington, cited by the noble Lord the Member for London, in his speech in 1850, where that Sovereign, amongst other things, intimates that when the Lord Lieutenant should be removed, Ireland ought to be ruled by a military governor; and are they (the Radicals) prepared to say that, in the absence of the new Irish Secretary in London for more than half the year, attending his official and Parliamentary duties, Ireland should be handed over to the ignorance, both political and social, of some old general, whose life may have been passed either in Van Dieman's Land or in the plains of Hindostan? But what case has been made for this change? In such a matter the onus must lie upon the aggressor. The objections in reference to past transactions, in connection with former chief governors, cannot now apply. Of Lord Carlisle's popularity it would be unnecessary for him to speak; and, whatever may be the shortcomings of other members of the Irish Administration, all admired the candid and conciliatory bearing of Lord Eglinton. The people of Ireland, when they heard of notice of this Motion having been given, had a right to ask "the reason why;" and he (Mr. O'Brien) could supply them with an answer—Centralization. That system which, joined with absenteeism, of which it is the handmaiden, had taken so much capital from the shores of Ireland, and destroyed so many of her institutions; had removed the Board of Excise, had filched away her customs, Crown and quit rents, towards embellishing London parks and making London bridges; and if this Motion were successful (which he knew it would not be), would end by making of the Castle a barrack, and of Phœnix Lodge an hospital. He trusted the House would respect the feelings—call them prejudices if they would—of the Irish people.

MR. BENTINCK said, he did not intend to delay the House in coming to that decision, which he thought ought to have been arrived at long before in reference to this question. He had heard the speech of the hon. and learned Member for Sheffield (Mr. Roebuck), the speech of the hon. and gallant Member for Roscommon (Colonel French), and that of his noble Friend the Secretary for Ireland (Lord Naas), and he confessed that, at the conclusion of those speeches, he looked upon the question as disposed of. He could not, therefore, but express his regret that one night of the important time of that House should have been occupied by a discussion which appeared to him so utterly unsatisfactory and so entirely uncalled for. The speech of the hon. and learned Member for Sheffield was characterized by great ability and extreme conciseness. He began by endeavouring to enlist the good opinion of the Irish Members, and the confidence of the House, by reminding them that he had invariably joined the late Mr. O'Connell in all his attempts to bring about peace and good government in Ireland. As an Englishman, it struck him (Mr. Bentinck) that that was a somewhat singular mode of obtaining the confidence of the House in the hon. and learned Member's ability to deal with Irish questions. The hon. and learned Gentleman seemed to him to treat the question on two grounds. The first was that of expense, and he endeavoured to show the large saving which could be effected by the abolition of the office of Lord Lieutenant; but it had been shown that evening that, so far from a saving being effected, additional expense would be incurred; therefore it was obvious that he (Mr. Roebuck) had not gone deeply into that point. The point, however, on which the hon. and learned Gentleman spoke with the greatest anxiety was that of the formation and misconduct of the household of the Lord Lieutenant. He called that household "upstarts," and "menial upstarts." [MR. ROEBUCK: No, not "menial."] Well, if the hon. and learned Member had not used that particular adjective, he had certainly used one equally expressive. He (Mr. Roebuck) stated that those Gentlemen had under their control the hospitality and festivity of the Viceregal Court, and admitted no one who

could not either dance, or sing, or play. That certainly was hardly a fit subject for the consideration of an Imperial Parliament; but the extreme eagerness which the hon. and learned Gentleman had displayed, to hold them up to the disapprobation of the House, almost disposed him (Mr. Bentinck) to think that, some time or other, he had received some slight at the hands of those gentlemen. Whether the hon. and learned Gentleman wanted any of those qualifications which alone found favour in their eyes, he (Mr. Bentinck) could not say; but certainly he seemed as if he considered himself aggrieved by them. The hon. and learned Gentleman said that the Irish counties were now more easily governed than formerly, in consequence of the improvements in science and the increased facilities for communication between the Metropolis and those counties; but he (Mr. Bentinck) should rather ascribe the improvement to the fact that the hon. and learned Gentleman and his political friends were no longer able to assist in tranquillizing Ireland. He believed, certainly, that it was not so easy to govern Ireland some years ago, when the hon. and learned Member was endeavouring to assist Mr. O'Connell to tranquillize Ireland. He (Mr. Bentinck) believed that discussions of this kind should be discouraged. The hon. and learned Member for Sheffield could not govern Ireland himself; both sides of the House would agree in that; and it really was a serious question for what purpose such discussions were brought forward, except it was to waste the time of the House.

Mr. BAGWELL said, that the question appeared to him to be one of serious interest, amounting to no less than a discussion as to the best mode of governing Ireland—a subject which appealed alike to the feelings of every Irishman, and he felt quite sure to the attention of every Member of that House. Now, it was, in his opinion, impossible to establish a parallel between England and Ireland, for, however intimate the intercourse between the people of the two countries, they always remained essentially distinct in religion and in feelings. The races of the countries had not amalgamated. The Celtic and the Anglo-Saxon races had not mingled. The Anglo-Saxon had no doubt become Celtic in his feelings, but the races remained apart, and he was afraid there was little prospect of their speedy amalgamation. What was the state of government in Ireland? In point of fact, Ireland was governed by a body of 12,000 police, who were under a central authority in Dublin. There was nothing like this in England. Then there were stipendiary magistrates, whose appointment had conferred great benefit on Ireland, but who would not suit English institutions. It was impossible to amalgamate the two Governments, and Parliamentary legislation showed this by the frequency with which Ireland was specially excluded from the operation of important statutes. Thus it had not been thought fit to extend the Divorce Bill to Ireland on account of its being distasteful to the Roman Catholics. He thought the more this question was raised the more it would embitter the feelings of the Irish people, and he should therefore oppose the Motion.

Lord JOHN RUSSELL: Sir, it would seem from the course that the debate has taken, that the hon. and learned Member for Sheffield, stands charged with something like presumption in bringing forward this question of the abolition of the Lord Lieutenancy of Ireland; but I own it appears to me that if the hon. Member has a strong opinion upon that subject he is only performing his duty when he brings it before the House. If the hon. and learned Gentleman had introduced the question, and no one had participated in his opinion, and there was no chance of success attending it hereafter, a discussion of the subject would have been no doubt an idle waste of the time of the House; but I think that every step which has been taken in the debate to-night shows that the question is worthy of being considered, and not only that, but that the Motion is one which is likely ere long to succeed. It appears to me that when hon. Members lay down as an abstract proposition that there must be a separate administration for Ireland, they altogether lose sight of the fact that circumstances change, and that with the change of circumstances a very different policy may be adopted. I cannot deny that at the time of the Union the circumstances fo Ireland were peculiar, and that those circumstances rendered it necessary to have an Executive Government in that country; but it appears that those circumstances are now so much changed that it is a matter at all events worthy of consideration, whether it would not be better for Ireland herself that a separate Executive should no longer exist. I remember when this question was debated many years ago, that Sir Robert Peel gave it as a conclusive reason against the abolition of the Lord Lieutenancy that it was

necessary to have a Lord Lieutenant in order to consider the applications for the exercise of the prerogative of mercy in cases of capital convictions that came before him, and that too much time would be consumed in emergencies of that kind if those applications had to be referred to England. But we know that, owing to the inventions of later times, the journey between the two countries is now made so much more rapidly that there could be no difficulty, if there were a Secretary of State for Ireland resident in London, in his giving a speedy opinion upon a question of that kind, and that there could be no such loss of time as was then supposed to be involved. In itself, I imagine there can be no doubt that it would be better to have one Administration for the whole of the United Kingdom. I know, at least, that it was the opinion of one of the wisest statesmen of this country, Lord Somers, when the Union with Scotland took place, although the Privy Council of that country was a time-honoured body, and had all the recommendations which have to-night been given to the Lord Lieutenancy of Ireland, that the Union could not be complete unless there was one administration; and he added, "Wishing to have the Union complete, I am not, therefore, in favour of continuing the Privy Council." So, it appears to me, unless you have some reason, such as the distance of the West Indies or of Canada, you ought not to have a separate administration for an integral part of the United Kingdom. On the other hand there is a difficulty, and no doubt a considerable difficulty, in saying what should be put in the place of the Lord Lieutenant. When I introduced a Bill, some seven or eight years ago, it was carried by a great majority on the second reading in this House. I proposed that there should be a Secretary of State for Ireland, but many hon. Gentlemen felt an objection to that proposal, as they thought it was keeping up a separate administration, although it was not to be in a different place; and I think there is great force in the objection which has been made to-night by my right hon. Friend the late Chancellor of the Exchequer. However, that is not now the question, and there are other ways in which the difficulty might be solved. For instance, in the Home Office, there are many functions attached to that Department which do not properly belong to it, but which have been added to it of late years, and which might be conveniently separated from that office; so, if it could be done, I think it would be much better that there should be one Secretary of State, who should administer affairs for England, Scotland, and Ireland, than that you should have two Secretaries of State for that purpose. But that again might require the erection of a separate Department, or the increase of the Department of the Board of Trade, the Board of Health, and other Departments in which those functions may be properly exercised, and that would be a matter for the Executive Government to consider. This brings me, of course, to the question, what vote I shall give to-night. If I had found that the Government were altogether prepared to oppose a proposition of the sort—if I had found that the noble Lord the Chief Secretary had said that this office was one which must be perpetually maintained, and that the administration of Government in Ireland could not be carried on without it—I should, I own, at any risk, be disposed to support the proposition of my hon. and learned Friend. The noble Lord said nothing of the kind. He told us of the advantages there were in personally communicating with the Government on the spot; but let me suggest to the Chief Secretary, with regard to the business carried on by the Lord Lieutenant, that, although there is that personal communication with him in Dublin, there is a great disadvantage in the want of personal communication here; for instance, there is a question on which the aid of the Exchequer in England is required. Representations are made by deputations from parties concerned in that local question to the Lord Lieutenant. He receives them favourably. He is always disposed to favour the interests of Ireland; but he transmits his representations here in writing. He is not able to give all the reasons so well as the Irish gentlemen would have given them in a conversation had they come over here, and although those gentlemen had the satisfaction of receiving a most favourable answer from him, and were most delighted at their reception, they find, when the matter is considered here by the Chancellor of the Exchequer or the Home Secretary, that they take quite a different view, and that the proposition which they thought accepted is totally refused. Now, I believe that if there were no local authority or Lord Lieutenant in Ireland, and if those gentlemen who had an object to gain which was really a public object, and in which the interests of the public were involved, came to London and laid their representations directly before some De-

partment of the Government, they would have a much better chance of success. But this question, and the mode in which the difficulties are to be solved, is a matter entirely for the Executive Government, and as the present Government are not disinclined to consider the question, I am certainly disposed to leave it in their hands, and support the previous question. The noble Lord the Chief Secretary tells us he thinks there is a change of opinion in Ireland upon this subject, and that he believes those persons who were formerly indisposed to change are disposed to it now; and he seems to think that the time is not far distant when hon. Members for Ireland generally will be inclined to look on this change with favour. I think there would be great disadvantage in coming to a vote in this House which might be considered by the representatives for Ireland as intended in any way to hurt their feelings and go against their wishes. For my own part, I would rather see the question fairly and calmly discussed, and put again to the representatives for Ireland to consider it; and I think that, in that way, if the Government, on their part, will endeavour to discover a practical mode of dealing with the question, we may arrive in no very long period at a solution more satisfactory to all parties than a vote of this House, carried on the proposition of an individual Member, against the wishes of the present Government, and, as I collect from my right hon. Friend, against the wishes of the late Government also. In the meantime, I am perfectly satisfied there is no great evil in leaving the government of Ireland in the hands of the present Lord Lieutenant, who appears to me disposed to rule in a spirit of enlightened justice.

MR. WALPOLE: I would not trouble the House with any observations on this subject did I not think it would be unadvisable that either the House or the country should be carried away with the notion, which some expressions which fell from the noble Lord the Member for London might seem to favour, that the present Government see their way to any proposal for making the change suggested by the hon. and learned Member for Sheffield. I agree in every word that fell from my noble Friend the Secretary for Ireland; I think the view of the case he took was so temperate, so fair, and so reasonable, that it was the proper course for the Government to take. I think that, at this time, having reference to the specific proposal of the hon. and learned Member for Sheffield, and considering the extreme difficulties with which the subject is surrounded, especially in finding a proper substitute for that which we are asked to abolish, it is the wise and right course for the Government to vote for the previous question rather than to meet the Motion with a direct negative. The noble Lord the Member for the city of London most properly said that this is a question which the Executive Administration should deal with; and, in order to determine what ought to be done with the present Government, you must, in the first instance, endeavour to see whether the substitute you intend to provide will or will not do more than counterbalance the inconveniences which the existing system is supposed to possess; for, even supposing all the faults which are alleged against the present system to exist, though I think these have been greatly exaggerated, that is no reason why it should be done away with unless the substitute you provide for it be such as will do more than counterbalance those evils. Now, I am anxious that the House should clearly understand our position with reference to this matter. I believe that the Lord Lieutenancy of Ireland is infinitely better than the specific proposition of the hon. and learned Member for Sheffield, and I think it is infinitely preferable in three points of view. In the first place, it is so on account of the local knowledge which is brought to bear on the minds of the Executive with reference to the local affairs of Ireland. In that respect, the existence of the office of Lord Lieutenant is infinitely superior to the establishment of any office which has not the same facilities for access and intercourse, and the same means of attending readily to complaints that may be urged on the part of those resident in Ireland, or the same power of determining on the spot, and at the moment, matters of great importance, that must, on the spot, and at the moment, be attended to. In the second place, it is not merely the local knowledge that is an immense advantage in the present system, but the fact that that local knowledge is possessed by a person who, by his position, is greatly above all partialities, and yet is still a local authority. This is an advantage possessed by the Lord Lieutenant greatly superior to any that you could derive from a Secretary of State resident in this country. The advantages of a local authority resident in Ireland were strongly illustrated by my noble Friend the Chief Secretary when he pointed out the duties

which the Lord Lieutenant has to discharge. I read those duties only yesterday, as contained in the appointment of the Lord Lieutenant, and in the instructions which accompany that appointment. Anybody who looks at those duties will find that, as the conservator of the peace, he is bound to hold constant communication with 600 petty sessions, with seventy-one stipendiary magistrates, with a vast number of assistant barristers, and with the Judges of the land on the subject of criminal jurisprudence; regulating all these matters, hearing complaints that are made with reference to them, and holding, in short, just as the Secretary of State does in England, a superintending power over the whole administration of justice in Ireland. But, in addition to these, he has great duties to discharge, as representing the Crown upon the spot. He is at the head of, and exercises a controlling power over, the army in Ireland; he is the temporal head of the ecclesiastical establishment in that country. To use the language of the appointment and instructions, "all the duties and all the powers and functions which are vested in the Crown," and may be exercised by the Queen herself, are vested in the Lord Lieutenant, with the one exception of pardoning treason when the life of the Sovereign has been attacked. With all these duties thrown upon the Lord Lieutenant, it has struck my mind most forcibly that no appointment of any Secretary of State can adequately supply the local authority with reference to them which you must have in Dublin, to be exercised there by a power superior to every other power, and containing within itself all the means of exercising that power. If you have the Secretary of State for Ireland here in England, you know that during the whole of the Session of Parliament he must be away from his proper place, leaving the whole of those matters to which I have referred to be dealt with by a subordinate officer; or, if they are not intrusted to a subordinate officer, then the duties that ought to attach to the office will be neglected, and to that extent the welfare and prosperity of Ireland will suffer. In the third place, I think, not merely that the local knowledge which the Lord Lieutenant possesses, and the local authority which he exercises, but also the power he has of attending to the local interests and wants of the people, is far greater than any that you could place in any other hands. The question before the House is a specific proposition that a Secretary of State should be appointed for Ireland. Now, the noble Lord the Member for London knows that when he made that proposition in 1850 he carried it by a large majority on the second reading. I had the honour of voting in that majority. [Lord J. RUSSELL: Hear!] I voted in that majority for this plain and obvious reason, that I thought it very justifiable, supposing you found an adequate substitute, to abolish the office of Lord Lieutenant; but that is a question which depends on the wishes of the people of Ireland, and also on the efficiency of the substitute you intend to provide. Now, the more that question was discussed in 1850 the more strongly it came out that there were many inconveniences in appointing a Secretary of State, and I believe the noble Lord himself at last saw that a substitute was not to be easily found. In the course of that debate Sir Robert Peel reminded the House of the principles which had been established in Ireland with reference to the Irish Exchequer. You had found the benefit of consolidating the two Exchequers into one, and he argued powerfully and satisfactorily that the same reasoning which made it advisable to consolidate the two Exchequers into one made it equally desirable that you should consolidate under one controlling head the administration of all the affairs of the Executive Government. If you have two Secretaries of State, whose duty it is to superintend the whole affairs of the empire, you will weaken instead of strengthen their functions. If, again, you have a Secretary of State for Ireland, and another to whom all the other home affairs of the country are intrusted, you will find that in regard to legislation, they might be proceeding on different tacks. Unless you have one Secretary of State to superintend the whole domestic affairs of the kingdom, both as to the administration of justice and the legislation to be recommended, this will happen,—either that matters of legislation will be neglected because disagreements may ensue, or you will have two kinds of legislation at the same time—the one applicable to Ireland, and the other to England, when you ought rather to assimilate the law between the two countries. It has, therefore, always struck me forcibly that another Secretary of State for Ireland would embarrass rather than strengthen and improve the functions of the Executive in that country. In addition to that, you must remember that the Secretary of

State for Ireland must be for a great part of his time resident in this country. Being thus resident in this country, unless you can get some one to represent him in Ireland of equal authority, it will be difficult, if not impossible, to provide for cases of emergency that might occur. I do not say this to discourage any improvement in the administration of affairs in Ireland; but since there are great advantages in the local knowledge, the local authority, and the attention to local interests which you obtain through the Lord Lieutenant, and since, by the constant communication between the Lord Lieutenant and the Home Secretary, you have one pervading mind regulating the affairs of Ireland, you had better not part with those advantages until you have ascertained upon something like probable, if not certain, grounds, that you can provide a substitute under whom they may be preserved. These are the reasons that make me hesitate to assert that the present or any Government sitting on these benches can say at this moment, or indeed at any specific time, until these difficulties are maturely weighed, and got over, that we ought to abolish an office which has hitherto in many respects answered admirably, and which ought only to be replaced by such a substitute as will retain these advantages, and superadd others which the present system does not possess. After all, the question before the House is, whether you will have local power in Dublin or central power in London. That question will lead to the further consideration whether you can provide a substitute which will enable you to govern Ireland as wisely and temperately as you are enabled to do by means of that local information which the governing authority now possesses, which enables you to exercise that authority promptly and with vigour, which secures an administration of affairs through the kingdom which renders them uniform throughout, which insures the best means of becoming acquainted with the wants of the people, and gets rid of the difficulties that would arise from a system of conflicting and yet co-ordinate authority.

VISCOUNT PALMERSTON: I will only trouble the House for a few minutes, but I wish to state very shortly the reasons why I shall vote for the Motion of the previous question. I think that any one who has attempted to give his mind to the principle of administrative improvement might, in the first place, be led to think that it would be advantageous to abolish this office and make another arrangement for administering the affairs of Ireland. When, however, such a person should have looked a little deeper into the local circumstances and had reflected upon the national feelings concerned, he might be led to think the question more difficult than at first sight it had appeared to be. The arrangement proposed, as far as regards the distribution of administrative functions, is simple and practicable. I at one time thought that it might be advantageous if the Lord Lieutenancy of Ireland were abolished, and if an office of Secretary of State for Ireland were substituted. Further reflection has, however, satisfied me that this would not be a necessary or advantageous arrangement. I am convinced that the Home Office by a better distribution of its functions, and by transferring some of them to other departments, might perfectly well transact the Irish business, with the addition, perhaps, of another Under Secretary of State. So that, as far as the organization of the administration is concerned, I see no insurmountable difficulty in the way of the proposed arrangement. There are also many things belonging to the present time that diminish the difficulty which former years opposed to such an arrangement. I remember being in Dublin when the sailing packet afforded the only means of communication between the two countries, and I recollect being told that for six days no English mail had arrived. Now, by means of electric communication, six minutes suffice where formerly six days were not sufficient. Therefore, the improvements of modern times give facilities of communication both for persons and information which render the change proposed more easy than at any former period. However, there are other circumstances which lead one to pause. The case of Scotland has been brought forward as an analogous case. It has been urged that as it is not necessary for Scotland to have a separate Executive, it is not therefore necessary for Ireland. But we ought to remember the great internal differences that exist between Scotland and Ireland. In Scotland the people have some small differences of ecclesiastical discipline, but they are for the most part united upon all questions of religious doctrine. Ireland presents a different picture, and the religious differences which prevail there must give rise to many questions and embitter those questions to a greater degree than in any other part of the United Kingdom. There is no doubt an advantage in having a local authority to settle those questions when they arise, without trouble and inconvenience, and

there is a great advantage in their being settled by the high authority like the Lord Lieutenant, who does not usually belong to the country, who is not engaged with the parties peculiar to the country, but who comes with impartiality to judge between the two, instead of being settled by an officer of inferior authority belonging to Ireland, who would be necessarily engaged on one side or the other. Then I say that there are some circumstances which counterbalance the advantage of that unity of administration which is of great benefit in itself for the general interests of the country. But, after all, I am of opinion that the decision of this question ought to be governed by the feelings of the people of Ireland. If the people of Ireland agreed with some of those who have spoken this evening in the opinion that the continuation of this image of Royalty, instead of being an honour to the country, is really a barrier interposed between them and the real Sovereign—if the people of Ireland thought that local circumstances rendered it desirable that this office should be abolished, I should be prepared to vote for abolishing it, and for substituting some other arrangement. But if, on the other hand, as I am rather led to suppose, the opinion and temper of the Irish people induce them to cling to this mode of government rather than wish to abolish it, I think that no consideration for the mere saving that might be effected—no consideration of the advantages, undeniable, though they may be, of unity of administration, should counterbalance the wishes of the peple of Ireland. I think that Parliament ought to defer to those wishes, and if the people of Ireland are in favour of retaining the office of Lord Lieutenant, I think the office ought to be preserved.

Mr. ROEBUCK said, he had been accused of great presumption in that he, an independent and humble Member, had dared to bring this question before the House, and it had been said that it was a singular mark of his audacity that he had done so. But did the House remember the authority that he had in support of his Motion? First and foremost he could quote the authority of the noble Lord now sitting at his right hand (Lord J. Russell), who in 1850 introduced a Bill expressly abolishing the office of Lord Lieutenant of Ireland, and appointing a fourth Secretary of State. Who voted for that Bill? It was supported by the late Sir Robert Peel, by the present Home Secretary, by the noble Lord now Secretary for Ireland, by the whole of the present front Opposition bench, and by a great number of Irish Members. Yet after this, hon. Gentlemen turned round on him and said that he was opposing himself to the feelings of the people of Ireland. How was he to judge? In 1850 a great majority of the Members for Ireland voted for this very measure. They had undergone a famine. They had suffered from the want of a good Government in Ireland, and under the pressure of these circumstances the noble Lord (Lord J. Russell) brought in his Bill. There was a parallel case which struck him as singularly suggestive. India was now suffering under a double Government. That was what Ireland was suffering under in 1850, and just as the noble Lord (Lord J. Russell) rushed with his Bill to remedy the error in the Government of Ireland did the noble Lord the Member for Tiverton (Viscount Palmerston) rush with his Bill to remedy the evils of the Government of India. Some seven or eight years had passed over since the famine in Ireland, and if seven or eight years passed favourably for India, the noble Lord (Viscount Palmerston) would, like the noble Lord (Lord J. Russell) vote for the previous question with regard to a measure for a change in the government of India. He asked the noble Lord at his right hand (Lord J. Russell) had anything else happened to change his opinion? He was not in 1850 a man unversed in politics. He was not in 1850 a new Member, and at that time it might be supposed he had arrived at years of discretion. When the noble Lord brought in his Bill, no doubt he thought he was bringing in a measure to remedy the evils in the Government of Ireland. He had had long experience of Ireland. The late Sir Robert Peel had had experience too, and both of them concurred in voting for the Bill to abolish the Lord Lieutenancy. And yet he was now charged with audacity in following the steps of the noble Lord. He had no doubt there was some truth in the imputation. But there was another consideration. The "previous question" had been moved. He was the victim of "previous questions." Last year he brought forward the plain and simple proposition to abolish the Lord Lieutenancy of Ireland. He was then met with the hue-and-cry that he proposed no substitute. The hon. Member for Yarmouth moved "the previous question," and the whole of the Ministerial bench went out with him. The noble Lord (Lord J. Russell) he believed, gave authority to a gentleman to quote his opinion strongly in

favour of the Motion. Upon that occasion the Attorney General (Mr. Whiteside) was wonderfully eloquent, as he always was, and never was heard more capital abuse of an office than that of the Lord Lieutenant. But the right hon. Gentleman saved himself by saying, "My learned Friend is quite right, but he has proposed nothing in its place, and I shall vote for the previous question." He had now proposed something in its place, and the right hon. Gentleman would still vote for the previous question. The right hon. Gentleman the Secretary of State for the Home Department (Mr. Walpole) and also the late Chancellor of the Exchequer (Sir G. C. Lewis) objected to the multiplication of Secretaries of State. "Four," said the right hon. Gentleman (Sir G. Lewis) "is a very good number, but five is a very bad number." If five were a bad number, how came the Government, of which the right hon. Gentleman was a distinguished Member, to propose a fifth Secretary of State for the government of India? The Secretary of State for the Home Department talked of the Lord Lieutenant as very much better than a Secretary of State, because he was a local authority. He asked the right hon. Gentleman, could the Lord Lieutenant do anything in Ireland? Was he not obliged to have recourse to the Home Government, and were not the cool and cautious answers of the Chancellor of the Exchequer and the House Secretary continually overturning the expectations raised by the civil and courteous replies which had previously been given to deputations by the Lord Lieutenant? The fact was, that the Lord Lieutenant was an idle pageant, and the very thing which he said at the commencement came at the close; they had three men governing Ireland—the Home Secretary, the Lord Lieutenant, and the Lord Lieutenant's Chief Secretary. Then, he wanted to know why they refused on this occasion to vote for that of which they all in their hearts approved? Because it was inconvenient to the present Government, as it was to every other Government to do so. He was told by the noble Lord who was Secretary to the Lord Lieutenant (Lord Naas), "Wait a little; time will bring about results; and you will find that more and more of the people of Ireland will be with you, and you will be able to carry your measure." He had never listened to a speech with greater pleasure than he had listened to the speech to-night of the noble Lord—clear, calm, finished, and perspicuous; nothing could be better, but he recollected other speeches delivered by the noble Lord when in a different frame of mind, and with the noble Lord's permission he would refresh his memory. This was spoken upon the second reading of the Bill in 1850, and he quoted from *Hansard*, vol. cxi., p. 1438. These were the noble Lord's words:—

> "Looking back, as he did, upon the history of Ireland, he believed that that history was but one continued scene of misgovernment. He looked upon the office of Lord Lieutenant as the chief feature of that system, and now that it was proposed to abolish that office, he could but rejoice at the change."

At page 1439 he found these other words:

> "As an Irishman, he could not view with any feeling of alarm a measure which might have the effect of drawing closer the bonds of union between England and Ireland. If Irish influence were really to be felt, if Irish interests were really to become powerful, it was not by provincial but by Imperial influence that those ends were to be obtained. As members of the Imperial senate Irishmen could far better minister to the welfare of Ireland than by backstairs intrigue in the Castle of Dublin."

The noble Lord had given an elaborate description of the Lord Lieutenant's beneficial influence. It might be said that second thoughts were best. But second thoughts were not always best. Second thoughts might come under very peculiar circumstances, and he rather thought the noble Lord owed his recent inspiration to the peculiar circumstances in which he was now placed. He thought that he had brought forward this Motion in a spirit and temper which could excite no feeling against him. But the hon. Member for Norfolk (Mr. Bentinck) assailed him in a mode which he did not deserve. There was such a thing as a bucolic state of mind, and he would leave the hon. Gentleman with the remark, that argument to some minds was like throwing seeds upon a rock. He had done his duty in bringing forward the Motion. He believed that he was following great authorities, though, in fact, it would appear that he had more faith in those authorities than the authorities themselves. He hoped that the next time it was brought forward it would be supported more efficiently, and any failure now he should refer to himself and not to his subject. It was his fault that the question failed to-night, as he could not believe that the noble Lord and those who followed him upon that occasion were so thoroughly without reason and experience that they did in 1850 what they were ashamed of in 1858. He begged to state that he intended to cut off the second part of his Motion if the previous question

should be negatived, and he therefore hoped hon. Gentlemen who were opposed to another Secretary of State would not vote for the previous question under the impression that the Motion would stand without alteration.

Whereupon *previous Question* put, "That that Question be now put."

The House *divided;* Ayes 116; Noes 243; Majority 127.

List of the AYES.

Agnew, Sir A.
Ayrton, A. S.
Baines, rt. hon. M. T.
Barnard, T.
Beaumont, W. B.
Black, A.
Brocklehurst, J.
Brown, Lord J. T.
Bruce, H. A.
Buchanan, W.
Buckley, Gen.
Butler, C. S.
Byng, hon. G.
Caird, J.
Cheetham, J.
Clay, J.
Clifford C. C.
Clifford, Col.
Clive, G.
Colvile, C. R.
Cowan, C.
Cox, W.
Craufurd, E. H. J.
Crawford, R. W.
Crook, J.
Crossley, F.
Dalglish, R.
Davie, Sir H. R. F.
Dent, J. D.
Dillwyn, L. L.
Dodson, J. G.
Duff, M. E. G.
Dunbar, Sir W.
Duncombe, hon. Col.
Dunlop, A. M.
Ebrington, Visct.
Ellice, E.
Evans, T. W.
Ewart, W.
Ewing, H. E. C.
Ferguson, Sir R.
Finlay, A. S.
Foley, J. H.
Foley, H. J. W.
Forster, C.
Gilpin, C.
Glyn, G. G.
Goderich, Visct.
Grey, R. W.
Griffith, C. D.
Hall, rt. hon. Sir B.
Hamilton, Capt.
Hanmer, Sir J.
Hardcastle, J. A.
Horsman, rt. hon. E.
Hutt, W.
Jackson, W.
Kershaw, J.
King, hon. P. J. L.
King, E. B.
Kinglake, A. W.
Kinnaird, hon. A. F.
Langston, J. H.
Lindsay, W. S.
Locke, John
Lowe, rt. hon. R.
Mackinnon, W. A.
Mangles, R. D.
Massey, W. N.
Mellor, J.
Moffatt, G.
Morris, D.
Napier, Sir C.
Nicoll, D.
North, F.
Ogilvy, Sir J.
Paget, C.
Paget, Lord C.
Paxton, Sir J.
Pease, H.
Pechell, Sir G. B.
Pilkington, J.
Price, W. P.
Proby, hon. G. L.
Ramsden, Sir J. W.
Rawlinson, Sir H. C.
Raynham, Visct.
Rebow, J. G.
Ricardo, O.
Ridley, G.
Robartes, T. J. A.
Russell, H.
Russell, A.
Scholefield, W.
Shelley, Sir J. V.
Smith, J. A.
Smith, J. B.
Smith, A.
Somerville, rt.hn.Sir W.
Stapleton, J.
Stirling, W.
Sykes, Col. W. H.
Talbot, C. R. M.
Thompson, Gen.
Thornely T.
Tite, W.
Tollemache, hon. F. J.
Trelawny, Sir J. S.
Vivian, hon. J. C. W.
Western, S.
Westhead, J. P. B.
Whitbread, S.
Williams, W.
Wise, J. A.
Woods, H.
Wortley, Major S.

TELLERS.
Roebuck, J. A.
Baxter, W. E.

List of the NOES.

Adams, W. H.
Adderley, rt. hon. C. B.
Alexander, J.
Antrobus, E.
Bagshaw, R. J.
Bagwell, J.
Bailey, C.
Baillie, H. J.
Ball, E.
Baring, A. H.
Baring, rt. hon. Sir F. T.
Bass, M. T.
Bathurst, A. A.
Beach, W. W. B.
Beecroft, G. S.
Bennet, P.
Bentinck, G. W. F.
Biddulph, R. M.
Blackburn, P.
Blakemore, T. W. B.
Botfield, B.
Bouverie, hon. P. P.
Bovill, W.
Bowyer, G.
Bramston, T. W.
Brand, hon. H.
Bridges, Sir B. W.
Briscoe, J. I.
Buller, Sir J. Y.
Bunbury, W. B. M'C.
Burghley, Lord
Butt, I.
Buxton, C.
Buxton, Sir E. N.
Calcraft, J. H.
Campbell, R. J. R.
Carnac, Sir J. R.
Cartwright, H.
Cecil, Lord R.
Christy, S.
Clark, J. J.
Cogan, W. H. F.
Cole, hon. H. A.
Conyngham, Lord F.
Conolly, T.
Coote, Sir C. H.
Corry, rt. hon. H. L.
Damer, L. D.
Deedes, W.
De Vere, S. E.
Disraeli, rt. hon. B.
Dobbs, W. C.
Du Cane, C.
Dundas, G.
Dundas, F.
Dunkellin, Lord
Dutton, hon. R. H.
Edwards, H.
Egerton, Sir P. G.
Egerton, W. T.
Egerton, E. C.
Elphinstone, Sir J.
Emlyn, Visct.
Esmonde, J.
Estcourt, rt. hn. T. H. S.
Farquhar, Sir M.
Fellowes, E.
FitzGerald, W. R. S.
FitzGerald, rt. hon. J. D.
FitzRoy, rt. hon. H.
Forde, Col.
Forester, rt. hon. Col.
Fortescue, C. S.
Franklyn, G. W.
Freestun, Col.
French, Col.
Gard, R. S.
Garnett, W. J.
Gavin, Major
Gilpin, C.
Gladstone, rt. hon. W.
Greaves, E.
Greenall, G.
Gregory, W. H.
Gregson, S.
Grenfell, C. P. W.
Greville, Col. F.
Gray, Capt.
Grosvenor, Earl
Gurdon, B.
Hamilton, Lord C.
Hamilton, G. A.
Hamilton, J. H.
Hankey, T.
Hardy, G.
Hassard, M.
Hatchell, J.
Hayes, Sir E.
Hayter, rt. hon. Sir W. G.
Heard, J. I.
Heathcote, hon. G. H.
Henley, rt. hon. J. W.
Hill, Lord E.
Hodgson, W. N.
Holford, R. S.
Hope, A. J. B.
Hopwood, J. T.
Howard, hon. C. W. G.
Hume, W. W. F.
Hunt, G. W.
Ingestre, Visct.
Inglis, J.
Johnstone, hon. H. B.
Johnstone, J. J. H.
Johnstone, Sir J.
Joliffe, Sir W. G. H.
Jolliffe, H. H.
Kendall, N.
King, J. K.
Kirk, W.
Knatchbull, W. F.
Knatchbull-Hugessen E.
Knight, F. W.
Knox, Col.
Labouchere, rt. hon. H.
Lennox, Lord H. G.
Leslie, C. P.
Levinge, Sir R.
Lewis, rt. hon. Sir G. C.
Liddell, hon. H. G.
Lincoln, Earl of
Lovaine, Lord
Lowther, hon. Col.
Luce, T.
Lyall, G.
Lygon, hon. F.
Lytton, Sir G. E. L. B.
Macarthy, A.
Macartney, G.
Macaulay, K.
Mackie, J.
Maguire, J. F.
Mainwaring, T.
Mangles, C. E.
Manners, Lord J.
March, Earl of

Mr. Roebuck

Marsh, M. H.
Matheson, A.
Matheson, Sir J.
Maxwell, hon. Col.
Miles, W.
Miller, T. J.
Mills, A.
Monsell, rt. hon. W.
Montgomery, Sir G.
Mowbray, J. R.
Naas, Lord
Newport, Visct.
Noel, hon. G. J.
Norreys, Sir J. D.
Norris, J. T.
North, Col.
O'Brien, P.
O'Connell, Capt. D.
O'Donoghoe, The
Packe, C. W.
Pakington, rt. hn. Sir J.
Palmer, R.
Palmerston, Visct.
Patten, Col. W.
Paull, H.
Peel, Sir R.
Peel, rt. hon. Gen.
Pevensey, Visct.
Philipps, J. H.
Pinney, Col.
Potter, Sir J.
Pryse, E. L.
Pritchard, J.
Puller, C. W.
Ramsay, Sir A.
Robertson, P. F.
Rolt, J.
Rushout, G.
Russell, Lord J.
Russell, F. W.
Rust, J.
Sandon, Visct.
Schneider, H. W.
Sclater-Booth, G.
Scott, hon. F.
Scott, Major
Sibthorp, Major
Smith, Sir F.
Somerset, Col.
Spooner, R.
Stanhope, J. B.
Steel, J.
Stephenson, R.
Steuart, A.
Stewart, Sir M. R. S.
Stuart, Lord J.
Stuart, Col.
Sturt, C. N.
Sullivan, M.
Taylor, Col.
Tempest, Lord A. V.
Tollemache, J.
Tottenham, C.
Townsend, J.
Trefusis, hon. C. H. R.
Trueman, C.
Turner, J. A.
Vance, J.
Vansittart, G. H.
Vansittart, W.
Verner, Sir W.
Waddington, H. S.
Walcott, Adm.
Waldron, L.
Walpole, rt. hon. S. H.
Walsh, Sir J.
Warren, S.
Whatman, J.
Whiteside, rt. hon. J.
Whitmore, H.
Wickham, H. W.
Wigram, L. T.
Williams, Sir W. F.
Willoughby, Sir H.
Wilson, A.
Wood, rt. hon. Sir C.
Woodd, B. T.
Worsley, Lord
Wyld, J.
Wyndham, Gen.
Wyndham, H.
Wynn, Col.
Wynn, Sir W. W.
Wynne, W. W. E.
Yorke, hon. E. T.
Young, A. W.

TELLERS.

Somerset, Col.
Miller, S. B.
Spooner, R.
Grogan, E.

MODEL BARRACKS AND PUBLIC OFFICES.

PAPERS MOVED FOR.

MR. BERESFORD HOPE, in moving an address for a copy of a memorial presented to the Treasury, the War Department, and the Office of Public Works, from the Royal Institute of British Architects, in reference to the recent competitions for model barracks and for public offices said, that the exhibition of the designs for public offices last year was fresh in the memory of all; but it was not so generally known, that some time before there had been an exhibition at Burlington House of designs for model barracks, and he had to complain that faith had not been kept with the architects who had been invited to compete. It was a part of the understanding that those gentlemen whose designs should be accepted, should be intrusted with the execution of the works; but this compact had not been observed in either case. The gentlemen who had been successful in their designs for the model barracks had not been allowed to carry them out either at Aldershot or any other place; and in the case of the public offices, all the promises which had been made to the architects had been thrown to the winds, and an attempt had been made by the Treasury to force upon the Department of Works an old worn-out plan designed years ago by a gentleman who was very respectable in his private character, but who was notoriously unfit to execute any great national work. Of course, such an outrage as this had excited the indignation of the architectural profession, the members of which, through their representative body, the Royal Institute of British Architects, had adopted a strong memorial to the Treasury, the Department of Public Works, and the War Office on the subject. It was for a copy of this memorial that he now moved.

Address for,—

"Copy of a Memorial presented to the Treasury, the War Department, and the Office of Public Works, from the Royal Institute of British Architects, in reference to the recent competitions for Model Barracks and for Public Offices."

Motion *agreed to*.

ENDOWED SCHOOLS (IRELAND).

RETURN MOVED FOR.

MR. BLACK moved for a Return of the cost of printing and distributing the Report of the evidence on the Endowed Schools of Ireland, in four folio volumes, comprising 2,680 pages, and by whose authority the same was printed.

MR. WALPOLE said, he had the greatest pleasure in supporting the Motion, and he would express a hope that the matter would not end with the moving for these returns. The late Speaker, as a Member of the Printing Committee, called the attention of the House to this subject, and that Committee recommended that some authority should be constituted which should give directions to Commissioners as to the publication of these Reports, and should impose some check upon the number of appendices which were added to them. Since he had been at the Home Office he had received a letter from one of the Commissioners, in respect of the Report to which the Motion of the hon. Mem-

ber referred, but he had declined to produce it until he had had an opportunity of reading it and submitting it to the other Commissioners. He mentioned this, because he thought that if Commissioners made separate Reports, the Crown would not receive from them the joint advice to give which they were appointed, conflicting authorities would be established, and the expense of printing would be greatly increased.

MR. BLACK said, it had been suggested to him that he should include in his return the weight of these volumes.

Motion *agreed to*,

Return *ordered*,—

"Of the cost of Printing and Distributing the Report of the Evidence on the Endowed Schools of Ireland, in four folio volumes, comprising 2,680 pages, and by whose authority the same was printed."

AGRICULTURAL STATISTICS (SCOTLAND) BILL.

PAPERS MOVED FOR.

MR. CAIRD said, he rose to call the attention of the House to the collection of agricultural statistics in Scotland, and to move for papers relative thereto. In common with all who had ever looked into these matters, he was anxious to acknowledge the value of the statistics which had been collected by the Highland Society, and the great services which that valuable society and its popular secretary had thus rendered to the country, still he must express his conviction that the only fact which was really valuable, or could properly be made the subject of a statistical inquiry of this kind was, the acreage of the different crops. The produce was a matter of opinion, and was not a proper subject of statistics. While this was the case, the cost of the latter part of the inquiry was three times that of the former. He therefore suggested to the right hon. Gentleman the President of the Board of Trade that, in future, the inquiries should be directed only to ascertaining the acreage of the different crops. If that were done, he hoped that the Highland Society and their secretary would again undertake the inquiry; but if they refused to do so, in consequence of their difference with the Treasury and the Board of Audit, the Government would itself easily carry out the work. The hon. Member concluded with a formal Motion for papers.

Motion made and Question proposed, "That there be laid before this House, further Papers relative to Agricultural Statistics in Scotland."

MR. BLACK said, that one of the leading farmers in Scotland had informed him that, neither under the Highland Society nor under the Government, would the farmers continue to make the returns.

MR. BLACKBURN said, that he did not believe that the agricultural statistics in Scotland had been of any use whatever, nor did he think that they would be one whit more valuable in the restricted form suggested by the hon. Member for Dartmouth. He wanted to know how a farmer could tell, by the number of acres laid down, the quantity of produce that there would be in the kingdom; and it must be remembered that, unless the returns were made very early, they were of no use. He wished it to go forth that the general opinion of the people of Scotland was, that these returns were of no value, and he hoped that the Government would deliberate long before they acceded to the Motion. He was of opinion that, in their dispute with the Highland Society, the Government—although they might be technically right—were substantially wrong.

SIR JOHN OGILVY said, that in reply to the last speaker, he would refer to a Resolution agreed to at a meeting of practical farmers in Scotland, to the effect that a reliable system of agricultural statistics, such as that devised and carried out by Mr. Hall Maxwell, under the auspices of the Highland Society, was of great national importance, being viewed with interest by the public generally, and by agriculturists in particular.

MR. HENLEY said, he had no objection to produce the returns moved for by the hon. Member for Dartmouth; but he believed the answer to the Motion would be *nil*—for, after the best inquiry he could make, he found that there were no other papers than those already in the possession of the House. What had passed in the House that evening was not calculated to encourage him to move in the matter of agricultural statistics as far as Scotland was concerned, particularly under the irritation which existed in that country with respect to the dispute between the Government and the Highland Society. The Bill of the hon. Member for Dartmouth (Mr. Caird) relative to the collection of agricultural statistics in England would have to be considered after Easter, and when he saw the reception accorded to that measure, and how far the machinery proposed by the hon. Member was likely to effect its purpose, it would be his duty to consider what course ought to be adopted with reference to Scotland.

MR. CAIRD briefly replied, insisting upon the utility of the Scotch agricultural statistics, particularly as showing the variations in the acreage from year to year, and stating that he believed the farmers would continue their co-operation as heretofore, provided the Government adopted the same machinery which had already proved so successful in Scotland.

Motion, by leave, *withdrawn*.

GALWAY FREEMEN DISFRANCHISEMENT BILL.

SECOND READING.

Order for Second Reading read.

MR. G. CLIVE moved the second reading of this Bill.

Motion made, and Question proposed, "That the Bill be now read a second time."

MR. ROEBUCK moved, as an Amendment, that it be read a second time that day six months. He said that it was proved by the Commission that the Galway freemen received bribes, but it was also proved by the Commission that a certain number of persons bribed them. By the Report of the Commissioners it appeared that a certain number of the constituency acted as bribers. The Bill was directed against the bribed, and punished the least guilty of the two classes. It passed over altogether the most guilty, the bribers—and therefore, this being an unjust Bill, he opposed it. The House, no doubt, was startled the other night by an hon. Baronet who seconded the Motion for the introduction of the Bill, stating that he was guilty of bribery, and yet that hon. Baronet sat in that House. If the Bill should pass the second reading, and go into Committee, he (Mr. Roebuck) would then move that that hon. Member be expelled from the House, because if they only punished the poor men who received bribes, and allowed the bribers to sit in that House amongst themselves, they would be shamed before the world.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

Question proposed, "That the word 'now' stand part of the Question."

MR. WALPOLE said, this was too serious a question to be treated lightly; for if they rejected the Bill altogether, the House would appear to be setting its face against any remedy for a proved system of extensive bribery. No doubt there was this great inconvenience connected with the Bill as it now stood, that, as the hon. and learned Gentleman well remarked, it punished alone the poor bribed men, who were not nearly so guilty as those who corrupted them. Still it seemed to him that if they were, under these circumstances of proved bribery, to set their faces against the remedy of corruption in any borough, they would lose, and justly lose, credit with the country. He, therefore, thought they should assent to the second reading of the Bill, and then in Committee strive to amend any defects that might exist in it, so as to show that that House was determined to set its face against bribery and corruption, whatever shape it might assume.

MR. KNATCHBULL-HUGESSEN observed, that two schedules were set forth in the Report of the Commissioners, one comprising the bribers, and the other the bribed. There was also a large number of freemen who were proved to have been neither bribers nor bribed. Were the innocent to suffer with the guilty? The Government ought to explain what course they intended to pursue on these points.

LORD LOVAINE said, that this Bill was introduced by the Chairman of the Election Committee, which had recommended the issuing of the Committee of Inquiry, and the present Government had nothing to do with it. The Commissioners having reported some time ago, it was the duty of the Government of that day to have taken the matter up, if they thought it called for legislation. It was a simple question for the House to decide how it would deal with persons who had been proved guilty of bribery. After the Bill should have been read a second time, it would still be open to any hon. Gentleman to propose some mode of reaching the other culpable parties. On the other hand, to reject the measure would be nothing else but declaring that wholesale bribery should go unpunished.

LORD ADOLPHUS VANE-TEMPEST said, he thought there was much reason in the observations of the hon. and learned Member for Sheffield, that it would be most unjust to punish the most innocent parties, comparatively speaking, whose poverty was unable to resist the temptation of bribery, and to allow the most guilty parties, who had bribed them, to go free. He was of opinion that, if a measure to disfranchise no fewer than 500 electors was necessary, it ought to be brought in by the Government of the day. This Bill

proposed to punish those whose offence was least heinous—namely, the poor freeman who was hardly able to resist temptation, while the rich tempter was either to escape, or to be dealt with at some indefinite future period. Were they not really beginning at the wrong end, and legislating in the wrong direction? They would find some lessons in ancient history to guide them in this matter. He would call their attention to the mode in which the Romans sought to check bribery when practised for the purpose of procuring seats in their Legislature. They passed a stringent enactment not against the poor voter, but against the rich corrupter; and while the money promised as a bribe could not be recovered from the candidate if he refused to pay it, on the other hand, if he did pay it the recipient could by law claim the continuance of that payment as an annuity for the rest of his life. A law of that description would prove very beneficial in this instance, because it would enable the Liberal Member for Galway to extend his benevolence to some hundreds of butchers, bakers, tailors, and other humble tradespeople, many of whom were in great distress.

LORD JOHN RUSSELL: I own that I am not satisfied with the statement of the right hon. Gentleman the Home Secretary. I understand him to say that the persons who are the least guilty will be punished by this Bill, while the bribers, who are evidently the most guilty parties, are exempted from the measure. It appears to me, therefore, that if we agree to the second reading we have no certainty whatever that the most serious offenders will receive any punishment. I do not say that the second reading ought to be put off for six months, or rejected altogether; but I think the first step that ought to be taken is, either by a prosecution or by any other course which the House may deem fit, to proceed against the bribers. It is quite proper that the corrupt freemen should be punished; but if there were no other alternative before us, I would rather that they should wholly escape than the wealthy bribers should go altogether unpunished.

THE CHANCELLOR OF THE EXCHEQUER: It appears to me that our course is very clear, and I think the majority of the House will be of the same opinion. A lengthened discussion at this late hour is not very desirable; but it seems to me that if we do not assent to the second reading of the Bill all parties will escape. I am therefore prepared to follow the advice of my right hon. Friend and vote for the second reading. But in doing so I intend when the measure is in Committee to propose that those who are not guilty should not be subject to its penalties, and I will also support a Motion to the effect that on going into Committee it be an instruction that the bribers be included within its provisions. That is the course which we are prepared to take, and which I shall advocate with my utmost energy; and I hope it will be satisfactory to the House. I trust, therefore, that the Bill will be allowed to receive a second reading.

Amendment, by leave, *withdrawn.*

Main Question put, and *agreed to.*

Bill read 2° and *committed* for *Tuesday* 20th April.

House adjourned at half after Twelve o'clock.

HOUSE OF LORDS,

Friday, March 26, 1858.

MINUTES.] PUBLIC BILLS.—3ª General Board of Health (Skipton, &c.); Cambridge University Matriculation and Degrees.

ROYAL ASSENT—Consolidated Fund (£10,000,000); Consolidated Fund (£500,000); Mutiny; Marine Mutiny; Commons Enclosure.

THE PATRIOTIC FUND.—QUESTION.

THE DUKE OF NORFOLK wished to put a question to the noble Lord the Lord Privy Seal respecting the second report of the Patriotic Fund. He understood that one of the Commissioners, Mr. Ball, did not concur in the Report presented by his Colleagues, and had delivered in his reasons in writing for not subscribing that document. He therefore begged to ask whether the Government had any objection to lay on the table a copy of the reasons assigned by Mr. Ball for dissenting from his brother Commissioners?

THE EARL OF HARDWICKE said, it was perfectly true that Mr. Ball had declined to sign the report of the Royal Commissioners, and that in consequence of such refusal he had written a letter to the Commission, explaining his reasons for not affixing his signature to that document. There was no objection whatever to the production of that letter; but it would obviously be more complete and more satisfactory that when laid on the table it should be accompanied by Major Harris's reply to it. Mr. Ball's letter contained animadversions on the conduct of Major Harris, in respect to the distribution of the charity, and the Commissioners had referred it to that gentleman to be answered. As soon as the

Lord Adolphus Vane-Tempest

answer was received, it would be laid on the table together with Mr. Ball's letter.

The Duke of NORFOLK also inquired when the printed copies of the report of the Commissioners would be distributed?

The Earl of HARDWICKE said, the Royal Commissioners had the print in their hands, and the report would be struck off immediately.

PASSING TOLLS AND SHIPPING DUES—PETITIONS—QUESTION.

Lord STANLEY of ALDERLEY presented petitions from the Corporation and Shipowners' Society, of Tynemouth, for the Abolition of Passing Tolls and Shipping Dues. The late Government had attempted to remove this burden; but it was found that the Bill introduced in the other House ought to have been brought in as a private Bill. In the present Session it had been under the consideration of the late Government what steps it would be best to take. He wished to know if the Government intended to introduce any measure.

The Earl of DONOUGHMORE said, that the subject was under the consideration of the Board of Trade, but that department had not yet arrived at any conclusion upon it. He hoped, however, that before long they would be able to bring in a measure of relief from a portion, if not from the whole of these burdens.

BARRACK ACCOMMODATION.

RETURNS MOVED FOR.

Lord PANMURE: In rising to move for the Returns of which I have given notice, I shall make no apology for occupying your Lordships' time for a very few minutes on a subject to which I feel sure that none of your Lordships are indifferent—I mean the social condition of the soldier, with respect to which it is desirable that some explanation should be offered both to this House and to the public out of doors. This question seems to me to be very much misunderstood, to judge from all that is spoken and written upon it. Any one who formed his opinion from the statements made in the public press and elsewhere would imagine that the comfort of the soldier had been grossly neglected, and that no pains whatever had been taken to improve his social condition. Now, my Lords, I must say that that is a very great mistake, and I think that I shall be able to prove to your Lordships that there is no class of Her Majesty's subjects which has had its interest more carefully attended to, or more diligently looked into than that very class which successive Governments have been accused of treating with neglect—a class which, I must say, has proved itself worthy of all the care bestowed upon it. I am most anxious to make this statement at the present moment, because I think that the statements which have gone abroad upon this subject may tend to check the aspiration of the young men of this country to join the military profession, and may thus cast difficulties in the way of obtaining recruits. Before I touch upon the question of barracks, I am very anxious to draw your Lordships' attention to the changes which have been made during the last twenty-five years in the moral and physical condition of the soldier. I do not mean to say that all has been done to improve the condition of the soldier which can be done; on the contrary, much still remains before the army is placed in that condition which I have always considered that the military profession ought to occupy. It is a profession which ought to be made attractive to the youth of this country, and I hope to see the day—although I fear it may be somewhat distant—when the dismissal of a man from the service of the country, whether from the army or the navy, will be considered as great a disgrace by the man, as it is at present by the officer. I think that it would be very desirable to attain that end, but it will take some time, and will require a considerable expenditure of money before the army can be brought to the condition in which I should wish to see it. The present state of the army, as compared with its condition when I joined it, affords me ground for congratulation. I will not go so far back, but I would wish to point out to your Lordships the changes which have been introduced by those distinguished individuals who have been at the head of the War Department during the last five-and-twenty years. I find that when Lord Grey was Secretary at War, the first thing which he did in order to improve the condition of the soldier was to amend the routine as regarded foreign reliefs, which up to that time had never been very definitely settled. At the time when Lord Grey took the matter in hand, there were regiments which had been out of the country for upwards of twenty years; but Lord Grey so arranged the circle of relief with the approval of the military authorities of the day, that no soldier need expect, except in cases of emergency, even when serving so far away as the East Indies, to be kept away from this country for a longer period than fifteen years—the ordinary term being

ten years. Now, that was a change most beneficial to the soldier, and it has been adhered to as closely as possible, though it has caused an increased expenditure, for the multiplicity of reliefs entail a proportionate expense, to which Parliament most readily and most cheerfully submitted. Now, what was the next Act of Lord Grey? Why, my Lords, he established the system of good-conduct pay; and a greater boon was never bestowed upon the army, or a greater benefit conferred upon the public service, because it has gradually, to a considerable extent, superseded the necessity of punishment. That step again caused a large demand upon the finances of the country. Lord Grey also introduced, although he did not remain in office long enough to carry it into effect, the principle of savings banks in the army; and that principle was subsequently most effectually carried out by my noble Friend the late Lord Hardinge, who had the satisfaction of introducing a savings bank into every regiment. Now, my Lords, that was a great step in the way of improving the condition of the soldier. The establishment of such institutions induces the good soldier to lay by a portion of his pay, which otherwise would be wasted in frivolous amusements or perhaps in something worse. Another Act of Lord Hardinge's was to take care of the interest of old soldiers. Before his time, when persons left the army upon a pension, they never were looked after, and instead of an old soldier being regarded as a good member of society, I am sorry to say that he was generally looked upon as very much the contrary. Under the old system frauds were numerous. Lord Hardinge put an end to those frauds by so arranging that the pensioner should draw his pension sometimes weekly and sometimes quarterly, but always in advance instead of in arrear; and thus he made the pensioners a well-cared for and well-conducted body of men; and it is at present a body consisting of from 14,000 to 18,000 armed men, who would be effective for the defence of the country, and who have on more than one occasion done good service in time of domestic disturbance. I now come to the administration of the War Department of my right hon. Friend Mr. Sidney Herbert, who again bestowed a great benefit upon the army by establishing a system of military and regimental education; and I had the satisfaction during the time when I was in office of extending that system of education and placing it upon an efficient footing. At the same time, in order to enable me to do so, I was obliged to come to Parliament and appeal to its generosity, year by year, for large sums of money to meet the exigencies of the case. I had also, my Lords, the satisfaction of introducing libraries into the barracks, both regimental and garrison, which will, I think, improve to a great extent the mental cultivation of the soldier. I did not succeed in establishing an educational test for promotion to the position of a non-commissioned officer, but I am happy to think that the illustrious Duke at the head of the army is inclined to carry out that principle as far as possible, although it is impossible to fix upon any absolute educational standard for promotion. Then, again, my Lords, up to the year 1847 or 1848 there was a custom existing of selling spirits in barracks at the canteens, and young men were encouraged by the example of older soldiers to indulge in a habit most injurious to them; while Government, by taking rent for those canteens, actually encouraged that state of things. There were men able to drink an enormous quantity of spirits without much effect upon themselves, but who, by their example, produced a very bad effect upon their younger comrades. Well, my Lords, by the consent of Parliament, and with the countenance of the Commander in Chief, the practice of selling spirits in canteens in barracks has been entirely done away with, though to the loss of the Ordnance, under the article of rent, of £20,000 a year, and the result—and I may appeal to the illustrious Duke near me (the Duke of Cambridge) for confirmation—has been that there does not now exist in the army that description of man, technically called "a sponge," which formerly existed, who could take any quantity of spirits apparently without effect. I think, my Lords, that the abolition of the sale of spirits in the canteens was one of the greatest blessings ever conferred upon the British army; and at present canteens are so regulated that the soldier can obtain all that he requires at reasonable prices. Formerly a soldier could not retire with a pension, after, however long a period of service, unless he were worn out or had passed through a hospital. At present every soldier knows that at the end of a certain period he can retire with a pension of 8*d* a day. Then, again, with reference to the rations of the soldier, Parliament stepped in, and with a liberality which cannot be too much praised, sacrificed a revenue of no less than £73,000 a year to equalize

and diminish the stoppages which were put upon the soldier for his rations. So, also, with respect to the spiritual instruction of the soldier. When I first became Secretary at War we had six or seven chaplains for the whole army. We have now twenty-two chaplains and thirty-five assistant chaplains, in addition to expending £35,000 a year in affording spiritual instruction generally to the whole army. Then, again, as to bounty—in former years it was never paid to the soldier at all—it was eked out in one thing or another, and the soldier got nothing. Now, instead of charging the soldier for his kit and other articles, which swallowed up the bounty, we provide him with a free kit, and give him £2 2*s.* out of the £5 5*s.* bounty, and £3 3*s.* out of the £6 6*s.*; and every man knows when he enlists that he will receive that sum in ready money, and that the remainder of the bounty will be given him in necessaries. Again, it was only lately that it was my good fortune to be enabled, with the consent of the Treasury and with the approbation of the Commander in Chief, to make compensation to non-commissioned officers for the loss of that good-conduct pay which they had acquired when privates, and which they could not carry with them when they were made non-commissioned officers. We raised the pay of the sergeants 2*d.* a day in order to compensate them for that loss. Now, I must say, that all these things taken together, with many other improvements in the condition of the soldier which I will not now stop to enumerate, ought to prove to your Lordships and to the country that the assertions which have been made that the condition of the British soldier has been neglected by the Government for the last twenty-five years is totally unfounded. The real fact is, that everything has been done quietly and without any display or boasting; the changes have been made; the estimates have been increased to meet those various changes; and because all has been done unostentatiously the public have taken no notice of it, and are quite in ignorance of the vast improvements which have taken place in the condition of the soldier. These are some of the improvements in the physical condition of the soldier which I have thought it necessary to dilate upon. I now come to the question of barrack accommodation. It has been stated that the barracks are so bad that it is worse than cruelty to compel soldiers to live in them; that no sanitary science whatever has been applied to them, and that the soldiers, instead of being properly accommodated, are put into buildings as if merely for the purpose of throwing them into bad health. That is a great mistake, because into all the barracks which have been built for some years past sanitary improvements have been introduced—drainage, ventilation, lavatories, supply of water—all these matters have been diligently attended to, and where they have not existed in old barracks they have, to some extent, also been supplied. But those barracks were built at a time when no man gave heed to sanitary improvements. It was sufficient in those days if you simply lodged the soldier and gave him a covering from the weather. I recollect the system of tiers of berths in the barrack-room, three in a tier, and when a room which is now held to be too crowded if twenty-five men are placed in it, would, without any compunction, have been set apart for fifty or sixty. All these thing have been amended. Every soldier has now a separate bed, and if you go into even an old-fashioned barracks in the daytime—I cannot answer as to the night—you will find everything neat, clean, and in good order. I admit that the ventilation and drainage may in some cases yet be deficient; but in many places it is utterly impossible to provide those sanitary improvements for which the public now so loudly call. If the Government are to be enabled to carry out in barracks, to its full extent, the sanitary system which is advocated by the Commissioners, I warn your Lordships that it will require a very large sum of money indeed. I am quite ready to take upon myself my full share of blame—if blame there be—for not having asked from Parliament a larger sum to be applied in that direction; and I shall throw no blame whatever upon the present Government if they should find it as difficult as I did to meet the public expectations with regard to the improvements in barracks, which are now, I think, raised to a very high and somewhat unnecessary pitch. In looking at the Report of the Commission which has lately been issued to inquire into the state of barracks, I cannot help referring to one part, which bears upon the barracks of the Household troops. It appears from the statistical returns published by that Commission that the mortality in the Guards is larger than that in any other portion of Her Majesty's army; and that high rate of mortality has been attributed to the present state of their barracks. I do not admit that; and I think that a very unfair advantage has

been taken of the fact of the high rate of mortality to visit upon the heads of the Colonels of the Guards the results which have been elicited. We might just as well visit upon the heads of the Colonels of any other regiments the faults which have been found to exist in other barracks of the kingdom as hold the Colonels of the Guards accountable for any deficiencies which may be observable in their barracks. If the reports of the Colonels of the Guards could have been attended to I admit that the Guards would have been much better lodged than in some instances they are at present; but the House must remember that the cost of barracks in the neighbourhood of London is something enormous. Including the purchase of a site, the erection of barracks in the immediate vicinity of London for the accommodation of 1,000 Guards would not cost less than from £150,000 to £200,000. These are very serious matters, and, when we take the whole question into consideration, we must weigh well what is required for the other military services of the country before we make up our minds to expend all our money upon barracks. But I deny that the mortality among the Guards is attributable to the manner in which they are lodged. There are curious facts connected with barracks as with other things. Those which one would think to be the most healthy often turn out to be not nearly so healthy as the oldest, and, to all appearance, dirtiest barracks. I believe, for example, that the Wellington Barracks are not nearly so healthy as the Portman Street Barracks. These latter are surrounded on all sides by houses; they have been, comparatively, unattended to for a long time; they are rented only from year to year, and yet they are, I believe, more healthy than any other barracks in which the Guards are placed, on which hundreds and thousands of pounds have been expended. But I do not attribute the mortality among the Guards to their lodging. Go to Chatham and look at the condition of the Engineers. They are more hardly worked than the Guards; they are employed for a greater number of hours; they work above ground and under ground, in mud and in water; their barrack accommodation is so limited, that those who come off duty sleep in the beds of those who relieve them; yet notwithstanding all that, and notwithstanding that the amount of cubic air which they breathe in barracks is much smaller than that which the Guards enjoy, the Engineers at Chatham are far more healthy than the Guards. Why is this? I think it is not on account of the lodging, but the night duty, to which subject my illustrious Friend the Commander in Chief has for some time past paid attention. I think there are many sentries in this metropolis that could be well dispensed with by the aid of the police. That subject deserves the attention of the Government. From time to time during the last twenty-five years, the Government has considered in what manner the evils of the present system could be remedied. Every Government has shown itself most anxious to improve the accommodation of the army, and has been successful in making progress in that direction. But the sanitary condition of the soldiers is not the only thing for which provision has to be made in the Army Estimates. Those Estimates for the last two years have been upwards of £11,500,000 per annum. Of that sum £660,000 has been devoted to barracks, and of the latter sum £220,000 has been required to repair the existing barracks; so vast is the extent of barrack accommodation of this country, and the wear and tear to which the barracks are subject. New barracks have been built at Portsmouth and elsewhere, whereby the army has been greatly benefited. But we cannot overlook the state of our military coast defences, and the vast sums required to maintain them in a proper condition. It is just as necessary to pay attention to our great dockyards and the arsenals on our coasts, as to provide barrack accommodation for our soldiers. Great improvements are being made at Portsmouth and other parts of the country to which I will not now particularly allude, but I am quite certain that the attention of the noble Earl at the head of the Government will be turned in that direction. We have great military stations abroad, and they, too, require great attention. We must endeavour to dispense the money voted for military objects generally, and not confine the expenditure to one particular point. I am quite willing that the Government should effect every reasonable improvement of the sanitary condition of our soldiers, and I am quite certain that they will do so; but we must remember that while the House of Commons is quite ready to vote for increased barrack accommodation, it is not very willing to provide the Ways and Means necessary for that purpose. I therefore hope that the public press and Members of Parliament will urge upon the public, that, if they think increased accommodation should be given to the army,

Lord Panmure

they must instruct their representatives in Parliament to vote the necessary Ways and Means. In conclusion, I beg to say I thought this matter required some elucidation, and I have endeavoured, though imperfectly, to afford it. The noble Lord concluded by moving—

"That an humble Address be presented to Her Majesty, for Return of the Sums of Money proposed in the Army Estimates of 1856-7, and 1858-9, to be expended on Barracks, showing,

1st. The sums required for the Erection of New Barracks, and stating the different Localities in which they are to be erected, and whether they are intended to replace old Barracks.

2nd. The Sums required for supplying Water, improving Drainage, or for ventilating existing Barracks.

3rd. The Sums required generally for sanitary Purposes connected with Barracks or Hospitals, and for the Provision of Quarters for married Non-Commissioned Officers and Soldiers.

Also,

Return of the Number of Officers and Men for whom Quarters were to be provided by the new Barracks, for which Votes were proposed in the Estimates for the Three Years 1856-7, 1857-8, and 1858-9.

"Of the Total Amount expended on new Barracks within the United Kingdom in the Twenty Years ending April, 1856, and of the Number of Officers and Men such Barracks were calculated to contain. And also,

"Copies of any Correspondence within the last Ten Years between the Horse Guards and other Departments of the Government with respect to proposed Additions to or Improvements of Importance in the Barracks of the United Kingdom, which have been recommended for the Health of the Troops, but refused on the Ground of Expense."

THE DUKE OF CAMBRIDGE: My Lords, I rise at once, in consequence of the speech of my noble Friend who has just sat down, to address a few observations to your Lordships; and I am extremely glad that he has given me an opportunity of stating as publicly as I can, that it was with the greatest regret I found that some observations of mine on a recent occasion were supposed to throw some blame either upon the noble Baron or the Government with which he was connected. I felt it my duty to make such a statement as I thought the public would understand, to show that no peculiar blame ought to attach to myself as the head of the army, or to the other members of it, with respect to the barrack accommodation in this country; but nothing could be further from my intention than to make any attack upon my noble Friend, or upon the heads of any one of the departments connected with the army. So far from that, I have always thought that the noble Baron has done a great deal towards ameliorating the condition of our soldiers. He is the first Secretary of State with whom I have had any personal dealings in public matters; but I believe I am not wrong in stating, without any disrespect to his predecessors, or to any of those who have conducted the Ordnance Department, that nobody could have been more anxious or zealous than he to improve the accommodation of the army. I believe it will be found that during the period he was at the head of the War Department more money was expended in barrack and other improvements than during the administration of any of his predecessors. I repeat, I throw no blame on any of his predecessors. We are only progressing in military matters with the spirit of the age, and the probability is that every year fresh demands will be made by the public upon the Secretary for War to improve the condition of the army; and I agree with the noble Baron that the great difficulty to be surmounted is the finding the ways and means to meet these demands. Having stated so much, I trust I may be permitted to follow the noble Baron in his other statements, and to express the satisfaction which I felt on hearing them. I cordially concur with the noble Baron in all that has fallen from him in respect to the improved condition of the soldier. I think, however, it would be very wrong for us to conclude, because the present accommodation is not all we could desire, that our ancestors had neglected the condition of the soldier. The truth is this, that our soldiers are thought much more of at the present time than heretofore. Everything has progressed in civil life; every class of society has advanced in its ideas of comfort and accommodation; it would therefore be monstrous to suppose that the soldier alone should be left in the state in which he formerly was. This fact has produced the present feeling that exists abroad—namely, that the accommodation afforded to our army is defective. It was my intention to have stated to your Lordships that I felt it necessary the public should understand that in either of the two capacities in which I have the honour to be placed, I have not been neglectful of my duty. I have not been neglectful of my duty either as colonel of the regiment of Guards, or in my official position as head of the army. The noble Baron, however, has relieved me of the necessity of making any defence of my character as colonel of the Guards; for he has truly stated that the colonels of the Guards have no power whatever, beyond any other

colonels of regiments, to alter the condition of the barracks, or to make any alterations in respect to them; and I say this, that it would be most improper to allow the colonels of the Guards greater power than that possessed by the other colonels. I conceive that the position of a colonel of the Guards—a most honourable one, no doubt—is essentially the same, in regard to power, as that of any other colonel in the army. I think it would be a great misfortune indeed that an impression should be made upon the army generally that the colonels of the Guards had greater power in ameliorating the condition of the soldier than that of any other colonel. I was, therefore, very glad to hear the observations that fell from the noble Baron on the subject. I may also observe that in the course of the communications that have taken place between the noble Baron and myself, we both fully concurred in the necessity of effecting various improvements in the service; and that in order to carry out such improvements it would be necessary to introduce some additional items in our army estimates. The noble Baron, however, felt that we should be placing the Government in a false position if we insisted at that time upon these improvements, knowing that they would involve them in much difficulty as regarded the ways and means. It is easy to point out improvements that might be made in the condition of our troops; but it is a matter of considerable difficulty to find the ways and means of carrying them out. The one thing is a simple process—namely, to resolve upon the desirability of effecting certain improvements; but when we consider the immense expenditure which those improvements would involve, the difficulty then becomes exceedingly great of persuading the country into bearing an increased amount of taxation, without which those improvements cannot be carried out. I rejoice, however, that the subject has attracted so much of public notice, for I am persuaded that the agitation of it is the only mode by which the expenditure can be effected; because I am persuaded that until the public feel that the only mode of ameliorating the condition of the soldier is by their consenting to their representatives in Parliament voting additional expenditure it will be impossible for the Government to introduce into the army those changes which the public voice has lately demanded. I hope I may be permitted to allude now to one point in particular—namely, the barracks of the Guards, the accommodation in which has been so much commented upon. My noble Friend (Lord Panmure) was of opinion that it was most desirable that another barrack should be built; but at the eleventh hour, when we came to discuss the point, and considered that it would involve an outlay of a very large amount of money, we were of opinion that the time had not then arrived for making such a call upon the country, and that alone induced us to give up that project. Another difficulty arising from the erection of further barrack accommodation is the enormous expense of the land that would be required for a site for the same, and the obstacles in the way of finding a suitable locality. The expense of the building of the barracks itself is nothing to be compared to the outlay required for the ground. One thing which has been alluded to by my noble Friend connected with the comfort of the soldier is also a subject of grave consideration—namely, the propriety of providing libraries, reading-rooms, washing, &c. rooms, which have been from time to time introduced into several of our military establishments. Now, the introduction of those accessories appears at first sight very simple, and may be thought to affect but little the question of barrack accommodation; but I contend that it has a great deal to do with it. I think it is essentially necessary, in every barrack in the country, to provide libraries, washing-rooms, and reading-rooms; and, where these improvements have been introduced, you were obliged to have them taken out of the space which entered into the general accommodation of the barracks. I am ready to admit that where it was possible, in barracks that have been erected of late years, these conveniences have been introduced without, to any considerable extent, encroaching on the ordinary accommodation; but still, for a considerable period, as I had opportunities of knowing when I was in Ireland, and even to this day in many towns in England, it will be found that barrack accommodation has been decreased in order to obtain those advantages for soldiers which are so essentially necessary. My Lords, there is another point worthy of consideration. If you introduce an improvement into one barrack, you must introduce it into all; because, if the soldier once finds the advantage of such an improvement—which he certainly soon does—he will be greatly dissatisfied if, on being removed to a different part of the

The Duke of Cambridge

country, he has to experience the want of it in his new quarters. I repeat, therefore, my Lords, that if you introduce an improvement into one barrack, you will be obliged to introduce it into another. Again, my Lords, you must bear in mind that we are speaking not alone of the United Kingdom, but of the Colonies also, and that these things cannot be done without an enormous outlay. It is, however, the business, as well as the policy of the Government, to extend the expenditure over a certain number of years. These progressive improvements, however, are going on, and the fact of their not being yet everywhere introduced is no proof that they have not been thought of, or that the proper authorities are at all indifferent to the importance of the subject. I am not aware whether the noble Baron intends to move for all the documents enumerated in the notice paper—not alone those stated in connection with his own name, but also those in connection with that of the noble Earl (Earl Grey) whom I do not now see in his place. All I can say is, that I should like to see the third Return indicated in the Motion of my noble Friend (Lord Panmure) made a little more general and extensive than he appears to wish it to be. I should like that Return to contain a statement which I think is more valuable than any other in connection with this question, and in which I, as a military man, have an especial concern; and that is the annual approximate estimate for the general barrack accommodation of the country on which the Estimates of the Secretary of State—and formerly those of the Master General of the Ordnance—are based. That Estimate was formerly sent directly to the Ordnance Office, and did not pass through the hands of the Commander in Chief at all. Since the change as to the Secretary of State has been introduced, an arrangement has been made by my noble Friend (Lord Panmure), by which that Estimate shall first come to the Commander in Chief, and, after he has inspected it, shall be passed on to the Secretary of State, who shall then decide on the items to be retained and those to be struck out. It gives the local wants of the army more fully than any other public document; and it is those portions of it that are passed by the Secretary of State, and those that are struck out by the Secretary of State, which will prove the mode in which the relative items are valued and the necessity for each is considered. I contend that the military authorities have attended, and do attend, most conscientiously to the wants of the army. I do not impute any blame to the Secretary of State for the manner in which the items in the Estimate are reduced; but still the fact is, the actual expenditure is not decided upon by the military authorities alone, but by the military authorities in conjunction with the Secretary of State. My Lords, in consequence of the erroneous statements that have gone forth to the country in reference to this subject, I have ventured to make this statement; and I can only say I cordially approve these Returns being called for, convinced as I am that they will prove a benefit to the service, and that it will be found that my noble Friend has not done amiss in the mode in which he has disposed of the resources of the country in this department of the public service.

The Earl of CARDIGAN said, he was able, on his own experience, to corroborate the statements made by the noble Baron opposite (Lord Panmure) and the illustrious Duke as to the misapprehension and misunderstanding which existed in the public mind on the subject of the alleged extreme inconvenience and discomfort of the Barrack accommodation of the United Kingdom. Having the honour of commanding one of Her Majesty's regiments, and holding besides the position which he now did (Inspector General of Cavalry) he had peculiar opportunities of knowing the facts connected with a large number of barracks in various parts of the country, and he must say the statements which had gone forth to the public of the discomfort experienced by the soldiers had been very much exaggerated. Of late years many arrangements had been made in the barracks with the view to the convenience and comfort of the soldiers. He would particularly instance that by which married men and their families had been removed from the rooms in which single men lived. The rooms were better ventilated than formerly, and were not overcrowded, and the soldiers had in many instances comforts as far as it was possible to provide them. There was one point on which great misapprehension prevailed. It was said the private soldiers in the army were fed entirely on boiled beef. There never was so great a mistake. It was undoubtedly true that the barracks did not afford convenience for roasting meat; but there was scarcely a regiment in the ser-

vice in which the men had not three or four times a week good baked meat and potatoes. That might not be quite as good as roast meat; but it was an absurd idea to go forth to the country that the army was entirely fed on boiled beef. It had also been imputed to the military authorities that the soldiers were allowed to go almost at any hour in the day, but at all events, at an early hour in the morning, to the canteens, where they were supplied with spirits. Now, in every well-regulated regiment in the service, there was either a sergeant or some other non-commissioned officer, or sentry, posted near each canteen from an early hour in the morning, and no man was allowed to drink spirits until after the dinner hour. If an attempt were made to prevent the men from taking spirits in the canteens in the afternoon the men would assuredly go elsewhere for drink, and to the vice of intemperance they would probably add the military offence of being absent without leave. Another point to which the public attention had been called was that there should be some amelioration of the life of the soldier with regard to night duty. It was impossible to say that where there were so many sentries from the battalion of Guards some few might not be displaced; but surely if the health of soldiers, who were enlisted to perform all military duties, and above all the duty of sentries—which was the first duty both of cavalry and infantry—suffered, they would not run the risk of injuring the health of the civil police by making them perform a duty which ought especially to be performed by soldiers, and was performed by the soldiers of every army in the world.

THE DUKE OF SOMERSET said, the public had felt very strongly the disclosures in the Report of the Sanitary Commissioners—how the soldier, after all that he had suffered abroad, was brought home to have his life exposed in the manner which the Commissioners represented; and he thought that if the Government looked into the question they would find that something might be done by which the condition of the soldier might be very much improved without any great expense. In the time of the former war the troops were concentrated upon the coast for fear of invasion, and during the long peace which succeeded they were scattered through the manufacturing towns and put about in all sorts of places. It was now held that the troops ought not to be scattered, and that they ought to be brought more together, for the purpose of military training. The Government knew how many men should be located in certain districts, and they ought to consider how they could accommodate the remainder in such places as were best adapted for military discipline. Large sums of money were annually spent upon matters less pressing than the wants of the army. The public might, for instance, look to that House, and they would find that nearly £2,000,000 of money had been spent on the Houses of Parliament, and yet Parliament could not afford anything for the soldier. Their Lordships were in that building only for a few hours a day, and a thousand things were done by way of ornament which they would very slightly miss. It was only the other day that they showed in Westminster Hall that they were going to build palaces for all the public offices. Space in London was said to be expensive, but it did not seem so by the plans there exhibited, which showed a grand scheme for expending £1,500,000 or £2,000,000 at the very least. Before they lodged the public clerks so splendidly let them do something for the soldiers. It would be better economy and a refutation of that which was in everybody's mouth, because the people had seen the plans in Westminster Hall, "that the Government would spend money on palaces for Ministers to receive people in, but would not build rooms for soldiers to occupy by night and by day." That was the feeling of the public; and he hoped that the Government would deal with the subject in a proper and enlarged spirit. The Wellington Barracks were model barracks. When he was at the office of Works some business took him there, and he said he would go over them. It was between two and three o'clock in the afternoon, when the rooms ought to have been tolerably fresh; but when he went down stairs he found the room so foul and disgusting that he said he was sure it was not a fit place for people to sleep in. The soldiers said, "It is very bad now, Sir, but you can have no idea how bad it is unless you came in the morning." It struck him so forcibly that something ought to be done that although it was no immediate business of his, he went at once to the Ordnance and made a representation upon the subject. He hoped the Government would take the matter into their serious consideration, and postpone some other expenditure; and if it could not be effected otherwise, apply to Parliament for

money to do what was necessary for the soldier.

The Earl of DERBY: My Lords, I have listened with much attention to the speeches made by the noble Baron and the illustrious Duke sitting upon the cross benches. It is very well that the country should know, as it will know by the satisfactory statements just made, that the sanitary as well as the moral and social condition of the soldier has been by no means such a matter of indifference to any of the successive Governments of Her Majesty, as it has been by some persons falsely and rashly assumed. As there is no subject upon which the public take a deeper interest than the well-being, comfort, and improvement of the soldier, so there is no subject upon which successive Governments have better represented the public feeling. But, as the noble Baron has truly said, all those improvements demanded of late years have proceeded from the increased expectations of the people. The enlarged ideas of comforts and luxury now entertained by civilians generally have naturally extended to the military, and these lead, and will continue to lead, to great and constantly accumulating demands for further amelioration. With regard to the sanitary condition of our army, it is a gratifying fact that the statements made out of doors are greatly exaggerated. If any noble Lord will only look back to what amount of accommodation in an ordinary private gentleman's country-house was satisfactory thirty or forty years ago, and how utterly insufficient it is deemed now, he will have some means of estimating the necessarily increased expense arising out of the improvements required in the enormous military establishments of this country. It is not that the Government has neglected to provide increased comforts, but that the increased comforts do not come up to the different scale of comfort calculated by all classes of society. My Lords, there is a most earnest determination on the part of Her Majesty's Government to look carefully into this important subject, especially as it bears upon the sanitary condition of the army. But your Lordships must recollect—what has been very truly said by the noble Baron opposite—that all those sanitary improvements require an enormous expenditure of the public money, therefore they cannot be carried out all at once. Although, then, their progress may be slow, it is gradual. Although we cannot do at once all we desire, we must rest satisfied that we are advancing as fast as it is possible under the circumstances. We must at the same time keep our minds upon the necessity of further improvements, with a full determination of carrying them out as soon as we have the means of doing so. The noble Baron has omitted to state one thing, to which, I think, it right to call his attention. The Report of the Sanitary Commission has greatly excited the public feeling, and created some alarm as regards the condition of the army. Much indignation has been expressed at the indifference which, it is alleged, the authorities have manifested in respect to the subject. This is a very erroneous view. The Commission has fully reported on the case, and the noble Baron has omitted to allude to one circumstance connected with the matter, and which, I think, ought to be mentioned—namely, that almost the last step in his official capacity was the appointment of four Sub-committees, at the head of which was the right hon. Sidney Herbert, a gentleman to whom the army was already much indebted for the attention which he has given to the subject. Those Sub-committees were requested to take into their consideration the recommendations of the Sanitary Commission, and to represent to the Government such of them as they thought could be carried out. Those Sub-committees have not as yet reported. The Government are anxiously awaiting this Report. I believe that they were authorized by the noble Baron to lay out a considerable sum of money in mitigating the most gross and crying defects. Now, although in order to give effect to these intentions it will probably be necessary to call on Parliament for an increase in the votes, we shall not hesitate in the discharge of our duty to examine carefully the recommendations of the Sanitary Commission, and to take steps gradually to carry into effect such of them as we may approve of. It must be done gradually, but we will not shrink from making the necessary application to Parliament to enable us to carry out those objects of paramount importance connected with sanitary improvements. My Lords, I heard, with considerable regret, the tone in which the noble Duke (the Duke of Somerset) has addressed the House. I am certainly not prepared to vindicate all the exaggerated expenditure that has been made, or is supposed to be in contemplation, on our public buildings. But I regret that the noble Duke's language should be such as is calculated to produce an im-

pression on the public mind that Parliament and the Government were wasting enormous sums of money upon buildings, and by so doing were depriving themselves of the means of giving more healthful and more necessary accommodation to the soldier. I think it would be most unfortunate were the three classes, the Parliament, the people and the army, to be placed in invidious contrast. I am sure that the noble Duke did not intend to say that the Parliament and the Government were regardless of the sanitary condition of our army, and had been only attentive upon the expenditure of an enormous sum of money upon public buildings. His language, however, is certainly calculated to convey such an opinion, although the main reason why nothing has been done, is the enormous expense suggested by the plans which have been offered, nevertheless I am afraid that very large sums are absolutely necessary to be expended upon public offices which are in a state of absolute decay and dilapidation. The Foreign Office has for years been in a dangerous state. When I had the honour of serving the Crown in 1852, the Foreign Office was admittedly in a most dilapidated and dangerous situation. From that time up to the present, nothing has been done to it. The noble Earl opposite (the Earl of Clarendon) may congratulate himself from having escaped from the danger; but I am sure he will bear testimony to the fact, that he has never walked into it without an apprehension that something serious might happen from the ruinous state of the building. With regard to the papers moved for, I am not prepared upon the part of the Government to offer any objection to their production; but I confess that I have some doubt respecting the expediency of producing the last one, with reference to the communication between different departments of the State, for so long a period as ten years. I had rather that paper had not been moved for, more especially as the manner in which the Motion was worded seemed to make an invidious distinction, and to lead to the inference that something absolutely necessary for the comfort of the soldiers had been disregarded on the sole ground of expense. No doubt there are many things which it might be desirable to do; but which cannot be carried out with due attention to the strict rules of economy; and therefore, it will be better not to raise questions which might put different departments of the State into invidious positions. It is desirable enough to carry out improvements if you can do so without raising financial difficulties; but where they exist, we must look to the financial department to afford the means of carrying them out as soon as financial pressure ceases. In the meanwhile, we must abandon some improvements that are desirable, and adopt those only that are absolutely necessary. I hope, therefore, that the noble Baron will consent to withdraw the last portion of his Motion, although, of course, as far as the present Government are concerned, there could be no objection to call upon the different Departments for the production of these papers. But a correspondence which was to a great extent of a private and unofficial character might expose to unjust reflections, persons who may be no longer connected with their departments, or who may have ceased to exist. Perhaps if the noble Baron feels the force of the objection, he will not press this portion of the Motion, and thus avoid the inconvenience which might result from the production of the whole correspondence.

Lord PANMURE said, he had heard with great satisfaction the opinions which had been drawn forth by the discussion, and more especially was he pleased at the candid manner in which the illustrious Duke at the head of the army had expressed himself on this question. With respect to the observations of the noble Earl, the Inspector General of Cavalry (the Earl of Cardigan) as to canteens, he must say that he believed that vast improvement had resulted from the improved regulations which had been issued respecting them; it would however, be necessary to carry out the regulations with the utmost stringency. It was, however, quite an error to suppose that the late Government contemplated spending anything like a million and a half in the erection of public offices; but he thought the fact that there was, year by year, a very large sum of money expended in the actual hire of rooms for the transaction of the public business, was a sufficient justification for the demand which had been made with respect to the erection of proper public offices, and he was glad to see that the views of the noble Earl with respect to carying out necessary improvements were so much in accordance with his own. One evil which he was glad to see removed was, the practice of the married soldiers and their wives sleeping in the same rooms with the unmarried soldiers; and he thought

that the £40,000 voted by the House of Commons for the purpose of providing separate accommodation for those persons, had been the means of introducing a great improvement in the social condition of the men. The only reason why he had moved for the last paper alluded to, was that he had been requested by his noble Friend (Earl Grey), in a note, to do so; and he was the more inclined to do so, because he understood that the Government had no objection to its production. He was, however, fully impressed with the importance of the remarks made by the noble Earl at the head of the Government, and under these circumstances, he would move for the two first returns upon the paper; but would leave it to his noble Friend to take his own course hereafter with respect to the other.

LORD DE ROS thought that great improvements were required in the guard-rooms in almost all the barracks, so as to make them more airy. The condition of the guard-rooms was now extremely bad, and they were very imperfectly ventilated. If they were what they ought to be, a great improvement would take place in the health of the soldiers, and he thought it might be done at very little expense.

THE MARQUESS OF BREADALBANE thought that it was necessary, above all things, to make some provision for increased barrack accommodation. The Report of the Commissioners on the Sanitary Condition of the Army proved beyond a doubt that great mortality existed in consequence of the present insufficient barrack accommodation, combined with other causes; and their Lordships would remember that, whilst they deliberated, the mortality was still going on. Unless Parliament lent their aid in the matter, the regulations issued by the Commander in Chief would never be able to afford a sufficient remedy to this evil.

Motion, except as to the last Paper, *agreed to.*

CHARITABLE GRANTS FOR EDUCATION.

THE EARL OF POWIS called the attention of the Noble Marquess the Lord President of the Council (the Marquess of Salisbury) to the rules by which moneys contributed by charities interested as landowners, although authorised by schemes of the Court of Chancery, or by the Charity Commissioners, were excluded from consideration as local contributions in respect of which educational grants were given. The Noble Earl was understood to refer to the fact that the trustees of a charity estate in Shropshire had, under the direction of a scheme authorised by the Court of Chancery, expended certain sums of money upon the foundation of some schools; yet, when an application was made to the Committee of Privy Council for a grant, their contribution was not permitted to stand on the footing of a voluntary subscription, which formed, according to the rules, the basis for a Parliamentary grant. There were many charitable estates similarly situated, the Court of Chancery or the Charity Commissioners having empowered them to contribute to schools, but the contributions of which could not be met with corresponding Government grants. He did not see why there should be any distinction between property held by corporations of this sort and the property of individuals; both should be available for the purposes of education, and he hoped the subject would receive the earnest attention of the Committee of Council.

THE MARQUESS OF SALISBURY said, he was glad that the noble Earl had given him an opportunity of looking into this case. It appeared that about ten years ago the Court of Chancery issued a scheme directing that the proceeds of certain sales should, instead of increasing the allowances to certain aged persons, recipients of the charity, be employed in the foundation of schools. Subsequently, an application was made to the Committee of Council on Education for a grant in aid, but the applicants were informed that the rule on which Parliamentary grants were made was, that they should be given in aid of voluntary contributions; and he was sure his noble Friend would see, that where trustees were directed by the Court of Chancery to expend sums of money out of the proceeds of certain estates in the building of schools, they could not be considered as voluntary contributions on their part. The subject was, no doubt, one that required attention, and he might be permitted to hope that the allusion now made to it would lead to some modification, but he was not prepared to express any decided opinion on a subject which had been so lately brought under his notice. All he could now say was, that the matter would receive the fullest consideration at the hands of the Government.

EARL GRANVILLE quite agreed that nothing would be more desirable than the introduction of improvements into the administration of charities; but he warned the noble Marquess that the question was one of enormous difficulty. As it seemed to him,

the only sound test of a charity, for the purpose of obtaining a Parliamentary grant for educational purposes, was the voluntary contributions which it obtained; because, not only did those contributions show that such a charity was in favour with the public, but they offered a guarantee that the management of the school would be properly looked into; but he admitted that it did seem hard, when money was subscribed by a charity having landed property, that it should not be met by a corresponding grant from the public purse, just as was the contribution of private individuals. Some amelioration might be made with respect to particular cases in which charities were the subscribers; but the general principle was a sound one, and it would be most unwise to interfere with it.

THE MARQUESS OF SALISBURY assured the noble Earl that he had no intention of interfering with the general principle.

House adjourned at Seven o'clock, to Monday next, Half-past Ten o'clock.

HOUSE OF COMMONS,

Friday, March 26, 1858.

MINUTES.] PUBLIC BILLS.—1° Government of India (No. 2); Loan Societies.
2° Customs Duties.

CHELSEA BRIDGE—QUESTION.

SIR JOHN SHELLEY said, he wished to ask the noble Lord the First Commissioner of Works, what day the Chelsea Bridge will be opened for public traffic, the noble Lord having on a former occasion intimated that till Monday next the bridge might be inspected by Members of that House. He also wished to ask the noble Lord the First Commissioner, whether Her Majesty's Government have come to any determination with reference to the toll which is to be charged?

LORD JOHN MANNERS replied, that the bridge was to be opened for public traffic on Monday next, that day having been fixed by the West End and Crystal Palace Railway Company for the opening of their line, and, as the Government must comply with the provisions of the existing Act, until they were superseded by some fresh legislation, the bridge would be opened with tolls for foot passengers. With regard to the second question he had to state that, owing to the pressure of business, the Government had been unable to come to any final resolution upon the subject of foot tolls. It would be necessary to bring in a Bill on the subject after Easter, and in that measure the Government would endeavour to mitigate the tolls upon foot passengers, so as to give the greatest amount of relief consistent with a due regard to what they believed to be the claims of public faith.

WESTERN BANK OF SCOTLAND. QUESTION.

MR. BRADY said, he wished to ask if it be the intention of Her Majesty's Government to institute any criminal proceedings against the Directors of the Western Bank of Scotland.

THE LORD ADVOCATE: The only answer I have it in my power to give the hon. Member is, that there is not at present before me any evidence whatever to justify such a course; and I may add, that I am not in possession of any information that leads me to suppose that such materials exist.

CHURCH LEASES—QUESTION.

MR. HUTT said, he would beg to ask the Secretary for the Home Department, whether it be the intention of the Government to introduce, during the present Session, any measure for the permanent settlement of Church Leases, in accordance with the promise given last year by the late Administration.

MR. WALPOLE said, that the Church Leases Bill introduced last year was referred to a Select Committee, and after examination by that tribunal, was passed with Amendments through that House, and was prevented being passed into law only by the lateness of the Session. Under those circumstances, he thought it advisable that the Bill should be brought this Session into the other House of Parliament, the House of Commons having already assented to its principle, with a view to its passing in the present year.

THE NEW ENGLAND COMPANY. QUESTION.

MR. CHRISTY said, he wished to ask the Secretary for the Colonies, whether any return has been made to the Remembrancer of the Exchequer of the Income and Expenditure of the New England Company?

LORD STANLEY: I can only say that no such Return is to be found in the Colonial Department; and on inquiry I find that the Remembrancer of the Exchequer has no document of that sort whatever.

REPORTING THE DEBATES—QUESTION.

MR. LAURIE said, he wished to ask the Chief Commissioner of Works, whether some mode of arrangement of the seats in the House could not be adopted to ensure accurate reports of the speeches of hon. Members.

LORD JOHN MANNERS: Sir, previously to the hon. Gentleman's notice of this question, I had heard nothing on this subject. I have had no communication from the reporters on the matter; but if the hon. Gentleman can submit to me any plan by which the object to which he refers can be better attained than at present, I shall take it into consideration.

PASSING TOLLS—QUESTION.

MR. MACKINNON said, he would beg to ask the President of the Board of Trade, what is intended to be done on the question of Passing Tolls and Local Dues on Shipping?

MR. HENLEY: Sir, the only answer I can give the hon. Gentleman is, that the Government have no intention, during the present Session, of introducing a Bill affecting the much-vexed question of Passing Tolls and Local Dues on Shipping.

THE OFFICERS OF THE DOCK-YARDS, &c.—QUESTION.

SIR JAMES ELPHINSTONE said, he wished to inquire of the Chancellor of the Exchequer whether it is the intention of the Government to review the position of the Officers of the Dock-yards and Victualling Yards as regards their scale of superannuations, or to adopt any measures founded upon the Report of the Superannuation Commissioners, 1857?

SIR FRANCIS BARING said, he would beg, before the right hon. Gentleman answered the question just put, to ask another, namely—whether the Government have had under their consideration the recommendation that the scale of wages paid to persons employed in the Dock-yards should be revised, and, if so, whether they have come to any determination on that subject?

THE CHANCELLOR OF THE EXCHEQUER: Sir, the Report of the Commission, which was laid upon the table of the House last year, is at present under the consideration of the Treasury, and that consideration is not limited to the case of the officers only, but extends to all other classes employed in those establishments.

REDISTRIBUTION OF CIRCUITS.

MR. WARREN said, he would beg to ask the Secretary for the Home Department whether the Government are taking any steps to carry into effect the recommendation of the Common Law (Judicial Business) Commissioners' Report, particularly with reference to the redistribution of the Circuits; and, if so, whether by the authority of the Crown or by Act of Parliament; and whether such arrangements will be complete against the ensuing Summer Circuits? He would also like to know whether any additional correspondence has taken place between the Home Office and the Lord Chief Justice on the subject?

MR. WALPOLE said, that no additional correspondence had taken place between the Lord Chief Justice and the Home Office. With respect to the other question of the hon. and learned Member, the redistribution of the Circuits must depend entirely on the Bill before Parliament relating to Manchester, for until it could be arranged at what time the Assizes at Manchester should be held, it would not be advisable to make any redistribution of the Circuits in other parts of the Kingdom. He therefore thought there was no chance of any new arrangements being complete before the Summer Circuits.

PATRIOTIC FUND.—QUESTION.

MR. COGAN said, he wished to call the attention of the Secretary for War to the fact that the Second Report of the Royal Commissioners of the Patriotic Fund was not signed by one of the Commissioners, Mr. Ball; and to ask whether Mr. Ball has assigned any reasons for withholding his signature, and, if so, whether there is any objection to laying his letter on the table of the House?

GENERAL PEEL said, that it had been his duty, as Secretary for War, to present to Her Majesty the Second Report of the Royal Commissioners of the Patriotic Fund; and he received Her Majesty's command to lay it on the table of that House. He was aware of the fact that Mr. Ball had not signed that Report, and had written a letter setting forth his reasons for not doing so. That letter was addressed to him (General Peel) on the supposition that he was one of the Commissioners; but Mr. Ball, finding that he was not one of the Commissioners; had asked that the letter might be returned, and had since addressed it to the Secretary of the Commission.

COMPENSATION UNDER THE PROBATE ACTS.—QUESTION.

SIR WILLIAM HEATHCOTE said, he would beg to ask the Chancellor of the Exchequer what means have been taken by the Government to bring under adjudication the claims of the several parties who may be entitled to compensation under the Probate Acts of last Session?

THE CHANCELLOR OF THE EXCHEQUER said, that the subject was one of considerable importance. The claims already sent into the Treasury were very considerable, the least estimate he could put them at, being a quarter of a million sterling. The House would therefore perceive that it was not a light matter for adjudication. It was quite impossible for the common staff of the Treasury in the fulfilment of its duty to meet such an exigency, and therefore he thought it right to issue a Treasury Commission to which those claims would be submitted, and he should ask a Member of the Government to preside over it—namely, the Judge Advocate; and he had invited and obtained the consent of two gentlemen, not Members of that House to be Commissioners, whose names would be a security to Parliament for the able and efficient performance of their duties—namely, Sir Stafford Northcote, who had very considerable experience in matters of that kind of public business, and Mr. Follett, the Taxing Master of the Court of Chancery.

DEPARTMENT OF JUSTICE—QUESTION.

MR. W. EWART said, he would beg to inquire of the Chancellor of the Exchequer whether any measures are being adopted by the Government for the establishment of a Department of Justice to superintend passing Bills, and to simplify the phraseology of the Law?

THE CHANCELLOR OF THE EXCHEQUER said, that his hon. and learned Friend the Attorney General had the other night intimated the intentions of the Government in that direction, and given some explanation of the course they intended to pursue with respect to the consolidation of the Law; but he was bound to say that they had not yet had an opportunity of duly considering the particular proposition referred to by the hon. Member.

ENLISTMENT OF KROOMEN, ETC. QUESTION.

MR. G. VANSITTART said, he wished to ask the Secretary for War whether the project for enlisting Kroomen or others on the coast of Africa has been definitely abandoned, or only deferred; and whether any steps have been taken to ascertain the practicability of enlisting Kafirs or other Natives in the Cape or elsewhere for service in India, or other places where the climate has proved destructive to the health of European troops?

MR. BAILLIE said, he had to state that the project had been entertained by the Government of employing a certain number of Kroomen from the coast of Africa, who it was thought might be advantageously employed in the flotilla on the Ganges, in replacement of the Naval Brigade, who suffered very much from the heat and the nature of the climate; but it afterwards appeared that an alteration in the Mutiny Act would be necessary for the purpose; and as that Act had been passed through the House, the project, of course, fell to the ground. Various propositions had been submitted to the Government for the employment of Malays, Kafirs, Chinese, Hottentots, and other races in various parts of the world, but no decision had yet been come to on any of those suggestions.

MR. LOWE said, he wished to know whether the Kroomen were to be employed in the service of Her Majesty or in that of the East India Company, whether the Government would have any objection to produce the instructions given to the officers who were to have been sent out to enlist Kroomen, and whether they would lay on the table the clause of the Mutiny Act which applied to this case?

MR. BAILLIE said, he was unable to answer the question of the right hon. Gentleman at the moment, and hoped he would repeat it on a future occasion.

REGIMENTAL BANDS.—QUESTION.

GENERAL CODRINGTON said, he wished to know if there was any objection to lay on the table of the House a copy of the Document issued by the War Office in October, 1857, as to the refusal of the Commander in Chief respecting regimental bands?

GENERAL PEEL said, he had no objection to lay upon the table a copy of the War Office letter of the 12th of October, 1857, declining to sanction the recommendation of the General Commanding in Chief on the subject of regimental bands.

SUPPLY.—COMMITTEE.

Order for Committee read. House in Committee of Supply; Mr. FITZROY in the Chair.

(1.) £477,000, on account, Civil Services.

MR. WISE observed, that one item in this Vote was a sum of £20,000 on account for extraordinary expenses at foreign Courts. He thought that was an alarming circumstance, as the sum now asked for was probably not more than one-third, or at all events a moiety, of the full amount that would be required. In 1851 the whole sum asked for under this head was £16,000; in 1853 it was £18,500; and in 1855 it had increased to £25,000. If the present Vote of £20,000 was only one-third or a moiety of the whole amount that would ultimately be demanded, he feared that, when the total Estimate was brought before the House, there would be some reason to complain of the extraordinary expense of our Ministers at foreign Courts.

MR. G. A. HAMILTON was understood to say that, during the past year, some of the expenses of the Foreign Office department had been very large; but this circumstance was attributable to the extra expenditure for telegraphic despatches and Foreign Office messages; and he could assure the hon. Gentleman that every endeavour would be made to reduce the expenditure as far as possible.

Vote *agreed to.*

(2.) £25,000, on account, Surveys and Topographical Department.

In reply to a question from Sir HENRY WILLOUGHBY,

GENERAL PEEL said, that unless this Vote was agreed to, it would be necessary to suspend the survey.

SIR DE LACY EVANS was understood to ask what force of militia the Government intended to embody this year?

GENERAL PEEL understood the hon. and gallant Member to ask what was the strength of the embodied militia at the present moment?

SIR DE LACY EVANS said, the right hon. Gentleman had misunderstood his question. He wished to know what number of militia was to be called out for training this year?

GENERAL PEEL had already informed the House that it was not at present the intention of the Government to call out any regiments of militia for training.

SIR DE LACY EVANS was understood to ask, whether the militia regiments at present embodied were to be continued on service?

GENERAL PEEL replied, that the maintenance of the regiments at present embodied would depend in a great measure upon the recruiting for the regular army; but the militia would be gradually disembodied as the force of the army was increased.

SIR DENHAM NORREYS asked, whether, if the Vote was agreed to, the mode of proceeding with the survey sanctioned by that House last Session would be continued until the House determined otherwise?

GENERAL PEEL: Certainly.

Vote *agreed to.*

House *resumed*; Resolutions to be reported on *Monday*, 12th April.

GOVERNMENT OF INDIA (NO. 2) BILL.

LEAVE. FIRST READING.

THE CHANCELLOR OF THE EXCHEQUER: Sir, the vote of the 18th of February, by which a House of Commons recently elected declared by an overwhelming majority that, in their opinion, the government of India should be transferred from the East India Company to Her Majesty—however various and conflicting the opinions then expressed by those who joined in that vote as to the future form of government for India—appeared to those now responsible for the conduct of affairs to be conclusive in one point—namely, as to the termination of the authority of the East India Company. Sir, the very reason which induced many now sitting on this bench to oppose the Motion upon which that vote was taken—namely, that at this period of trouble and disaster in India it was unwise to diminish the influence of authority there—has persuaded us that, after that disparaging decision, it was impossible for the East India Company to grapple successfully with the still existing dangers, and, I fear, the long-enduring difficulties which must attend the settlement of India. It is in deference to this conviction, and for no other reason, that I, on the part of my colleagues, am now asking leave to-night to introduce a Bill for transferring the government of India from the East India Company to Her Majesty. But had we been influenced by other feelings—had we acted solely in deference to the opinion expressed by the House of Commons—I do not think we should have been justly liable to those imputations which have been somewhat lavishly bestowed upon our conduct. On the contrary, I believe there is

no want of precedents, and of the best precedents, in our Parliamentary history, when men who have been suddenly called to the responsibility of office have found it necessary to treat a public question of pressing interest and importance not strictly in accordance with the views which they had previously expressed respecting it, but rather from regard to the position in which they found it left by their predecessors. It is not necessary for me to prove the accuracy of that statement, because there is an instance fresh in the memory of this House and of the country which, I think, would have fully authorized our conduct, even had we acted only in deference to the vote of the House of Commons. Hon. Gentlemen recollect that only three years ago a distinguished Member of this House moved for a Committee of Inquiry into the state of the English army before Sebastopol. It will be remembered that the Government of that day—a very powerful Government—staked its existence upon its opposition to that Motion. The Motion was nevertheless carried by an overwhelming majority; a majority as great—I believe even greater—than that which decided on the fate of the India Bill. And what then happened? The noble Lord the Member for Tiverton was one of the most eminent members of the Government which resisted that Motion. By unexpected and unforeseen circumstances the noble Lord was shortly afterwards called to undertake the responsibility of forming a Government. He had disapproved the Motion, and when he formed his Government his opinions remained unchanged; but the noble Lord felt that on the whole it was necessary to accede to that vote of the House of Commons, and himself to appoint the Committee which he disapproved. No one, however, who sat opposite the noble Lord taunted him with his conduct on that occasion. Every one felt that he took a course which it was his duty as a sagacious statesman to adopt—a course which was inevitable under the circumstances then existing, and which was, in my opinion and that of others, highly beneficial to the public welfare. I say this in answer to imputations that we act inconsistently in attempting to deal with the question which I have to-night to bring before the House.

Sir, I do assure the House it is with no pride or exultation that I fulfil the duty which now devolves upon me. I think—nay, I am sure—that the noble Lord (Viscount Palmerston) could not have been free from emotion when he rose in this House, and proposed to abolish that famous corporation which has so long commanded the respect and admiration of every Englishman. I could willingly have wished that it had not fallen to my lot to perform a duty to-night, which I believe to be clearly for the public advantage, but which I think no man not totally devoid of sensibility can perform without some emotion. This corporation has fallen, Sir, from no inefficiency on the part of its chief managers. It has certainly not fallen from any want of talent, spirit, and devotion in its admirable public servants. It has fallen before the inevitable consequences of time, of change, and of progress. The circumstances under which it was created and cherished have gradually changed and passed away; and though its fall at last has appeared to be sudden, those who have given attention to its position could hardly have doubted from the year 1853 that the time had almost arrived, and must arrive without any great delay, when Parliament would have to consider what should be the most fitting substitute for an institution which, in its day, has done great service to this country, and which will always be remembered with pride and with respect. The East India Company has fallen very much like that great Italian republic which I have always thought it rivalled and resembled. It has fallen in possession of a gallant army, a powerful fleet, and a considerable territory. It has fallen with all the semblance of authority, and it has met its end in the august fulfilment of its duties. But when Venice fell under similar circumstances, it was discovered that, whatever was its outward show, it rested on a foundation which had been sapped and was hollow for a long period of time. Like Venice, however, the East India Company has left a legacy of glory to mankind; and in treating to-night of a form of government which, in our opinion, ought to be substituted for that which has become extinct, I hope the House will allow me to express my own feelings, and to speak of the Company with that respect which I think every right-minded Englishman will always extend to its memory.

Now, Sir, the solution of the great difficulty before us is how, so far as the Government of India is concerned which is transacted in Great Britain, we shall combine the promptness, the decision, the energy which are the result of undivided

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authority, with the knowledge, the experience, and the practice which only can be furnished by a body of men of distinguished talents, who have had considerable acquaintance with the vast and various forms of Indian life. How we are to make such a combination is the difficult solution which I shall have to-night to attempt to accomplish. To establish a British Minister with unrestricted authority, subject to the moral control of a body of men who by their special knowledge, their independence, their experience, distinction, and public merit, are nevertheless invested with an authority which can control even a despotic Minister, and which no mere Act of Parliament can confer upon them, is, I admit, no ordinary difficulty to encounter; and to devise the means by which this may be effected is a task which only with the indulgence of this House and the assistance of Parliament we can hope to accomplish. That leads me at once to describe to the House the form of government in England which we think ought to be substituted for that East Indian Direction which, if the Bill I now propose to introduce passes, will have ceased to exercise any authority. In the Bill which I am asking leave to introduce to-night that form of government will take the following shape:—We propose, in the first instance, that there shall be a high officer of State—a Minister of the Crown—who shall occupy the rank and fulfil the duties of a Secretary of State. I know, remembering the discussion of last night, that one ought perhaps to pause for a moment, and to apologize to the House for proposing the creation of another Secretary of State. But I may be permitted to say for myself that I never indulged in this objection to the creation of another Secretary of State; and listening to the discussion then, and on previous occasions, I have never yet heard any satisfactory reason given which should render the institution of an additional Secretary of State in any case objectionable. Indeed, I have been always taught that the model administration we should study and imitate was the old administration of France before the Revolution—a system of administration which was adopted by the Republic itself on account of its efficiency, and which has only ceased in France since the establishment of Imperial institutions; and in that old administration every Minister of the Crown was a Secretary of State, except the President of the Council and the Chancellor. But I do not wish to dwell upon this occasion upon that which, after all, is rather a point of form than of principle. The new Secretary of State is to be, in accordance with our plan, President of the Council of India, and to have the power of appointing a Vice President. The point, however, upon which the House very naturally wishes to dwell is, what is to be the constitution of the new Council for India, over which this chief officer of State is to preside. I shall, therefore, if the House will permit, address myself at once and without circumlocution to that particular subject. We propose that the Council for India should consist of eighteen persons. We further propose that half of that Council should be nominated by the warrant of the Crown under the Royal sign manual, and that the other moiety — the remaining nine Members—should be elected.

I shall, in the first place, treat of those Members of the Council who, in our opinion, should be appointed by the Sovereign. Although our plan is that those nine Members should be thus appointed, we are still of opinion that each of those Members should have specified qualifications—that they should, in fact, each of them, represent some great interest in India. They will in fact be, though nominated by the Crown, to use a popular expression of the day, "representative men." These nine Members will be appointed in this manner. Each of the civil services of the three Presidencies will furnish a representative. One of those nine persons will be a member of the civil service who has served ten years at least in the Upper Provinces of India, or in those districts immediately under the authority of the Governor General. A second will be a Member of the civil service of the Lower Province of Bengal, who has likewise been in that service for ten years. There will also be a Member of the Council for the civil service of the Madras Presidency, and one for that of Bombay. A fifth Member of this division of the Council will be required to have specified but rather peculiar qualifications. We deem it to be of great importance that, in this Council of India, there should be some one person who possesses personal experience of the Native Courts, and well acquainted with the character and feelings of the Native Princes. It appears to us that one fault of our administration in India hitherto has been that there has been too great a disregard of the feelings of the Native Princes, and too limited an acquaintance

with the circumstances of their territory, and the character of its population. We have deemed it, therefore, of importance that, in this Council, there should be some man who should represent that eminent class of public servants with which, from our experience in Parliament, many of us are familiar. The area of selection is, of course, more limited in this case than that which is open to us in dealing with the civil services of the three Presidencies and the Upper Provinces, because we require ten years' civil service under the Government of India, five of which should have been passed as Resident or Political Agent at the Court of some Native Prince. The men whom we desire to bring by this means into the Council are such men as I recollect as distinguished Members of this House when I first entered Parliament — such men, for instance, as Sir Richard Jenkins, — men like Colonel Sutherland and General Lowe himself in his younger and happier hour. I have now detailed to the House the qualifications which we require, that five out of the nine Members who were to be nominated by the Crown should possess. The four remaining Members are to represent, first of all, the military services of the Queen in India, and the armies of Madras, Bombay, and Bengal respectively. We require that there should be a Member of the Council to represent the Queen's army, who should have served in India five years, and that there should also be representatives of the armies of the three Presidencies I have just mentioned, each of whom should have been employed in India in those services for a period of at least ten years. Our object, so far as those nine Members nominated by the Crown are concerned, is that the Secretary of State for India in Council should, with their aid, be in a position to command that special and particular knowledge with respect to the circumstances of that vast region which it is so desirable he should possess. If, for instance, a question connected with the affairs of the Upper Provinces should arise, he would have the advantage to be derived from the information of a man who has had a long experience of that particular district. If, again, a question relating to the south of India—the circumstances of which are so totally different from those of the North Western Provinces—should be brought under the notice of the Government, it would have in this Council a high authority to which to refer. If our diplomatic relations with the Native Princes should become a subject of deliberation, then you would have the advantage of the assistance, in dealing with that subject, of a man who had been face to face with those Native Princes, and who can give you all the requisite information. In short, in the consideration of all those questions connected with our Indian administration which may arise, you would have a fund of the most authentic and various knowledge which a Minister could command or desire. But, although you will find in this Bill that those nine Members are to be nominated by Her Majesty by Royal Warrant, and that as often as vacancies in their number occur, those vacancies are to be filled up—and filled up only by persons possessing the same special and specified qualifications as their predecessors—yet it is the intention of Her Majesty's Government, if the House should support them in bringing in the Bill, to introduce into the measure itself the names of the nominated Members, so that, in fact, their appointment will have in the first instance not only a Royal but a Parliamentary sanction. They will, therefore, enter upon the discharge of their duties supported not only by the favour of the Sovereign, but by the approbation of the representatives of the people. I hope, Sir, I need not state upon this occasion—indeed, it would be, I trust, under any circumstances unnecessary to do so — that in making the selection of the nominated Members of the proposed Council, the list of whose names I shall deem it my duty in the course of these observations to present to the consideration of the House, Her Majesty's Government have had no other view than, with the utmost pains and with a due sense of the great responsibility involved, to select for each particular post the best man whose services they could procure, without the slightest reference to his political opinions, or, indeed, to any of those considerations or influences which often perhaps exercise somewhat too great a control over public appointments. The names of the nominee Members of the Council will be submitted to the House upon our responsibility, and with the assurance that in the selection we have made we have taken every pains to secure to the country the services of men of the highest ability and of the most influential character. But their names will be laid before the House, and even though it

should be of opinion that we have not exercised a wise discretion in the selection we have made, it cannot at all events charge us with not having appealed to Parliament frankly upon the subject, or with not having endeavoured to invest those nine Members, though they may be called nominees, with all the authority which a popular election could supply.

Sir, I shall now proceed to advert to the other portion of this proposed Council for India—namely, that it is to be chosen—and that by popular election. There is embodied in this Bill a qualification for four of the Members of that division of the Council, and it is of this character:—They may be men who have served Her Majesty or the Government of India in any one branch of service whatever for a period of ten years; they may have been in the army, the navy, the legal, or civil services in India. These four places in the Council are open to any man who has served in any capacity Her Majesty or the Government of India. They are open also to any man who has resided in India for fifteen years, and who may have been engaged in agriculture, as a manufacturer or planter, or in commerce. Such are the qualifications which we propose for those four Members; and we further propose that they should be chosen by a constituency constructed in this manner:—We propose that every person who has borne the commission of Her Majesty or the Government of India for ten years, and residing in this country; or any man who has been in the civil service of Her Majesty in India, or in the civil service of the Government of India for ten years; that every person who is a registered proprietor to the amount of £2,000 of capital stock in Indian railways or in any other public work in that country; that all those who are proprietors of at least £1,000 in the public stock of the East India Company—but exercising in this case only one vote—should have the power of electing the four Members of the Council to whom I have adverted. The constituency thus formed will amount, as we estimate, to about 5,000 persons. I have now to explain to the House how we propose that the five other Members should be elected, and what qualification would be required of those who aspire to fill those offices. The qualification necessary for the last five Members will be this:—The person chosen must either have been engaged in commerce in India or in the exportation of manufactured articles to that country for the space of at least five years, or they must have resided in India for the space of at least ten years. Such being the qualification which we propose to require for the last five Members of the Council, we propose that the election of these five Members of the Council shall be confided to the principal seats of trade and industry in this country; that one Member shall be elected by the city of London, another by the city of Manchester, a third by the town of Liverpool, a fourth by the city of Glasgow, and a fifth by the town of Belfast. In this manner the chief seats of trade in the three kingdoms will be represented in the council—and also that great industrial interest in this country which is more interested than any other in the development of Indian resources; for be it remembered India sends us no manufactured articles, but ought to send us all the raw produce we require.

Now, Sir, if I understand aright the feeling of the House upon this occasion, it is in favour of exposition rather than of controversy; and therefore I am limiting myself to narrating as clearly as possible what is the nature of the Bill we propose; of course, reserving to myself and my colleagues the right upon all proper occasions of enforcing the policy which we now venture to recommend. I beg the House, therefore, to believe that it is not from any other motive that I now confine myself as much as possible to a clear narrative of the scheme we propose. I shall now have to detail to the House the nature of the constituency which we think ought to elect these Members. Now, as to whether they should be chosen by chambers of commerce or corporations, or what other mode—no doubt, the commercial associations of our great towns are respectable from the character of their members and deserve the greatest consideration in dealing with a matter like that which we are now discussing. But chambers of commerce are not corporations, and it would be in the power of any body of men to call themselves a chamber of commerce without any intervention of law and without the sanction of time. Municipal corporations are also bodies which every one must respect; but they are very limited in the number of their members, and it is not, I think, doubtful that one consequence of conferring the right of electing the Council upon chambers of commerce or upon municipal corporations would be a considera-

ble crop of cadets in the Indian army connected with the members of those bodies. We have given to this point all the consideration which its importance deserves. All that can be said for or against has, I doubt not, been fully considered by Her Majesty's Government, and it is our opinion that the election of these Members of the Indian Council by the great seats of industry should be intrusted to the Parliamentary constituencies of those places. In arriving at that conclusion Her Majesty's Government believe that those constituencies will be animated in the discharge of their privilege by a sense of duty, and will feel proud of the confidence which the State will thus repose in them. I ought to state to the House that besides the nine Members who, according to the plan of this Bill, will be nominated by the Crown and whose names we propose to insert in the Bill, it is our idea also with regard to the first four elected Members who in future will be elected by what I may call a special Indian constituency, that in the first instance the names of those appointed to them should be inserted in the Act of Parliament. Our object in so doing is to secure for the new Council the greatest amount of experience and practical knowledge that can be commanded.

Most of those names we propose to have inserted in the Bill have been decided upon, and with the permission of the House I will read them. These are, as far as they have been fixed upon, the names of the first nine Members to whom I have referred. We propose, in the first place, Sir Frederick Currie, now the Deputy Chairman of the East India Company, and who was long in the judicial service of the Indian Government. He has been also Foreign Secretary to two Governors General, Lord Ellenborough and Lord Hardinge, a Commissioner at Lahore, and a Member of the Supreme Council. The next name that I have to introduce to the notice of the House is that of Mr. Dorin, the senior Member of Council at Calcutta, and formerly Financial Secretary. The first name represents the Civil Service of the Upper Provinces, and the other the Civil Service of Bengal. We propose that the Civil Service of Madras shall be represented by Sir Henry Montgomery, who was formerly in the revenue and judicial service of that Presidency, afterwards Secretary to the Government, and lastly, a Member of Council. The Bombay Civil Service, we propose, shall be represented by Mr. Pringle, who succeeded Sir Charles Napier as Governor of Scinde, and who had before held high office under the Bombay Government. As what I may call the diplomatic representative we propose Sir Claude Wade. He has held high political appointments, and his name is well known in connection with Affghanistan. He held a political appointment at Peshawur in the Affghan war, he forced the Khyber Pass, he was political agent in Central India and was Resident at Lahore. I have now mentioned the names of the four gentlemen whom we propose to represent what may be called the Civil Services of the four Presidencies of India, and also the name of the proposed representative of the diplomatic service. Her Majesty's army in India we propose shall be represented in the Council by Lieutenant General Sir John Pennefather, now commanding at Malta, and who was in the Crimea. The army of Bengal by Colonel Burlton, Commissary General in the Bengal army, who was also in the Crimea. We propose that Sir Richard Vivian, formerly Adjutant General at Madras, who since then has served in the Crimea, and is now a Director of the East India Company, should represent that branch of the service in the Council. The name of the gentleman to represent the Bombay army is not before me. Having thus gone over the names of the first nine Members of the proposed Council as far as they are decided upon, I will now mention the names we propose to place in the Bill, but whose successors will be elected, should the measure become law, by what I have termed the Indian constituency. The first of these names is that of the present Chairman of the Board of Directors of the East India Company, the hon. Member for Guildford (Mr. Mangles), and I trust from what I hear that that hon. Gentleman will be induced to undertake the office. Considering his high position, his eminent talents, of which we are all witnesses, and the fact of his having occupied the chair of the Board of Directors during exigencies so severe as we have lately seen, I cannot but believe that that is a selection which Parliament will sanction, and which the country will approve. The next name which we propose is that of Captain Shepherd, who is well known as one of the most valuable Directors ever elected under the old form of government.

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The next name which I have to submit to the House is that of a gentleman of great ability, with whom we are all well acquainted, as he had long a seat among us —Sir James Hogg. I have no political connection with Sir James Hogg, and he has always been opposed to the party with which I act, but the ready talents and great knowledge with which he has on every occasion advocated the interests of the East India Company, I should have thought would have secured for him the respect of all. At all events, he has been selected, after the gravest deliberation, with no other object than that of securing a most valuable member for the new Council. The next name which I have to propose is that of a gentleman formerly Foreign Secretary in Bengal and Member of Council, who is quite unrivalled, I believe, for his general knowledge of Indian subjects—Mr. Prinsep.

It now becomes my duty to detail to the House the form of procedure and the general duties which we propose this Council should follow and fulfil. We propose that the Minister for India should have the power to divide the Council into committees; that he should arrange those committees, and exercise over them a general supervision. We propose that it should be in the power of the Secretary of State for India to call a meeting of Council whenever he thinks it requisite, but that it shall also be in the power of any six Members of the Council to call a meeting of the Council if they signify their wish and intention in writing to one of the Secretaries for India. We propose that when the Council differs in opinion, if it is presided over by the Secretary of State, his opinion shall, of course, be conclusive; but that in that case he should express his opinion in writing, and the reasons which have induced him to come to that opinion; and that privilege will also belong to every Member of the Council. If the Council be presided over by the Vice President, in the absence of the Secretary of State, the majority of votes will decide the question, the Vice President having a casting vote; but in that case the decision of the Council must receive the sanction of the Secretary of State for India.

I do not know that it will be necessary for me on this occasion to enter into any details on this head of the subject; all that the House requires is to have the leading features laid before it. Having, therefore, entered fully into the composition of the Council, having shown that a Minister with such a Council would be surrounded by men who can on all subjects which have come before them for deliberation bring to his assistsnce the greatest amount of information and intelligence, having shown that we have taken precautions that the Council shall be independent, that it shall be animated by public spirit, and that it shall bring English opinion to act upon Indian experience, the House will now very naturally wish that I should touch upon the other point which, next to the construction of the Council, excited much interest in the recent debates, and respecting which the country is most anxious—I mean the distribution of patronage.

LORD JOHN RUSSELL: For how long are the Members of Council to be elected?

THE CHANCELLOR OF THE EXCHEQUER: In the beginning the period of retirement will be at the end of the first two, four, and six years, but the permanent term of tenure will be six years.

MR. J. B. SMITH: Will they be re-eligible?

THE CHANCELLOR OF THE EXCHEQUER: They will be re-eligible. They will not be competent to sit in Parliament, and the salary will be £1,000 per annum, paid out of the Indian revenue.

Upon the subject of patronage I shall not have to trouble the House at any length, because the result of the arrangement which we propose will really, generally speaking, not at all alter the present system of distribution. Her Majesty will do directly that which she does now indirectly. She will appoint directly the Governor General, the fourth Member of Council, the Governors of Presidencies, the Judge Advocate General, and so on. The civil service will be elected in the first instance under those regulations which at present prevail, and which have been found to work so satisfactorily. The military patronage, the naval and military cadetships, will be distributed among the Council, as they have been hitherto among the Court of Directors. The only change will be a formal change which the transfer of all authority to the Queen renders necessary; but virtually the patronage which is now exercised by the Directors of the East India Company will be exercised in the same way by the Council of India.

There only remain two points of great importance on which it is necessary that I should touch—one is the army, and the other is the finance of India.

With regard to the army, we propose to make no change at present, except that which necessarily results from the general scope of the Bill. There will be two armies in India; besides the Queen's forces from this country there will be Her Majesty's military and naval forces in India. But we have included in the Bill clauses which authorize and will facilitate any changes in regard to the military forces of India which circumstances may ultimately show to be necessary.

The only other point upon which I have to trouble the House is that of finance. We have taken care in this Bill to introduce all those provisions which, so far as provisions in an Act of Parliament can effect the object, will fix upon the revenue of India alone the expenses of the Government of India. We have also, of course, included in the Bill a clause which will insure that the accounts of the Indian Government shall be laid annually before Parliament; and we have endeavoured to establish a sufficient and satisfactory audit of Indian accounts in this country. But, having done all this, I am bound to say that the relations between English and Indian finance remain to me a source of great apprehension and anxiety. I feel that the time has arrived when this House must give to the subject its most serious and attentive consideration. I admit and I accept all those principles and opinions which have been laid down and expressed in this House as to the clear distinction which exists between Indian and English revenue; but I cannot conceal from myself that the parallel instances of Canada and Australia which are so often adduced for our guidance do not apply with that completeness which I could desire to the state of India. There are circumstances in India, with a vast territory, and people of different races numbering 180,000,000, which in my opinion make a marked difference between the condition of that great peninsula and our native Colonies. I accept the formal defence of the finances of this country which many hon. Gentlemen have set up, and which technically, and truly to a certain extent, may be relied upon. But to my mind that defence is not all-sufficient, and a great responsibility will devolve upon the Ministers and upon the Parliament of England if they allow the state of Indian finance to remain in the obscurity in which it has too long been involved. Able as has ever been the administration of India, considerable and distinguished as have been the men whom that administration has produced, and numerous as have been the great captains, the clever diplomatists, and the able administrators of large districts with whom the Indian Government has abounded, the state of the finances has always been involved in perplexity, and India, that has produced so many great men, seems never to have produced a Chancellor of the Exchequer. But, Sir, it is impossible for us to shut our eyes to what must be, or rather may be, the ultimate consequences to the finances of England of such changes as we are now proposing, and as were proposed by the noble Lord the Member for Tiverton, in the Government of India. Therefore, if the House shall pass this Bill into a law, it will be our duty to recommend Her Majesty to authorize a Royal Commission to visit India to ascertain what is the real financial condition of that country; to examine into its finance in all its forms, into the mode of keeping the public accounts, into the collection, receipt, and application of the public revenue, and into the system of contracting debt; and to report generally upon the subject, so that we may at last clearly understand the condition of its finances and the relation in which we stand to them, and may not only prepare for the injurious consequences which, if we are negligent, may accrue to our own financial condition, but may, by timely and vigorous interposition, avert them. We are of opinion that this is a matter of such paramount importance that we have inserted in this Bill a clause providing that immediately after the Act is passed a Royal Commission shall repair to India, to investigate and report upon the financial condition of that country; so that, if our policy is approved, it shall receive the sanction of Parliament as well as that of the Crown, and that the Commissioners may go out with such authority as may enable them to produce the beneficial result which we anticipate from an interference which, in our opinion, can no longer be delayed.

I have now, Sir, given the House, I hope, a clear account of the principal features of the Bill which we are now asking leave to introduce. There are, of course, many details upon which I have not touched, and upon which it would be wearisome to dwell at this stage; but I have endeavoured to put the House in possession of the chief provisions which this Bill con-

The Chancellor of the Exchequer

tains. It contains a plan—the first which has ever been submitted to Parliament—for establishing a Council for India, which shall be distinguished for its knowledge, for its special information, for its high character, and for its complete independence. We have endeavoured to form a plan which should not, in the changes which are inevitable, take the patronage away from the East India Company only to place it in the hands of the Crown. We have directed our minds to these two objects of pressing and immediate interest, but we have not forgotten an object not less important—an object without which no form of government can flourish, no patronage can long be valuable—we have not forgotten that it was our duty to provide for future financial security, and to lay the foundation in India of that which is the only basis of public welfare—a sound state of public wealth. I hope, therefore, that the House will allow Her Majesty's Ministers to introduce this Bill. I have asked leave to bring it in to-night—probably on the eve of our separation—because I wish that the House and the country should have a full opportunity of examining and studying its provisions. Believing that these provisions are calculated to promote the welfare of the empire—that they will lead to the renovation of India—that if they are adopted we shall establish in this country a Government for India, so far as that country can be governed here, which will be distinguished for its aptitude, and adapted to every contingency which may occur—I with confidence place in the hands of the Speaker the Motion of which I have given notice, and ask the permission of the House to introduce this Bill for transferring the government of India from the East India Company to Her Majesty.

Question put, "That leave be given to bring in a Bill to transfer the Government of India from the East India Company to the Queen."

MR. ELLIOT asked how the Members of the Councils of the Presidencies were to be appointed?

THE CHANCELLOR OF THE EXCHEQUER: We do not propose to interfere with any powers which are at present possessed by the Governor General, or are exercised in India, and therefore there will be no change in the mode of appointing these Members of Council.

MR. PARRY NISBET should like to be informed what the right hon. Gentleman proposed to do with regard to Gentlemen who were at that moment Directors, and who, though they had greatly distinguished themselves, were not included in the list of names which had been read. Were they to have any compensation?

VISCOUNT PALMERSTON: Sir, I merely rise to say that I entirely concur with those who think that the Government should have leave to introduce the Bill, the contents of which have been so clearly stated by the right hon. Gentleman. But, while I give my cordial assent to the Motion, I trust both the right hon. Gentleman and the House will understand that I reserve the expression of my opinion with regard to the Bill, until I have had time to consider the proposed arrangements in detail. For the present, I merely concur in the Motion that the Bill shall be brought in. I conclude that the right hon. Gentleman will bring it in this evening, so that it may be in the hands of Members during the recess. All I now wish is that it may be understood that by concurring in the Motion, I do not imply any opinion as to the various details of the Bill.

MR. GILPIN said, he was sure he expressed the opinion of many hon. Members around him as well as his own, when he said there could not be the least objection on their part to the introduction of the Bill, which had been so well and ably explained. The only point on which he wished to ask the consideration of the right hon. Gentleman and of the House at that moment was this, that while the Government had provided, and to a certain extent, ably provided, for the Government of India, while the Native Princes were to have, in one sense, a representative at the new Council Board, it was to be regretted that there was to be no representative of the people of India, whose happiness was deeply involved in this measure. He trusted that in all the stages of that Bill, it would be borne in mind on both sides of the House, that if they had any business in India, it was to govern for the benefit of India, rather than for the benefit of England.

MR. MANGLES expressed to the right hon. Gentleman (the Chancellor of the Exchequer), his cordial acknowledgments on behalf of the great body with which he (Mr. Mangles) was connected, for the terms in which he had spoken of the past services to their country of the East India Company. That great corporation deserved well of their country, and he was confident that, bye and bye, when the heat of exist-

ing conflicts had passed away, the expressions of the right hon. Gentleman would be concurred in by the great bulk of the nation, and that they would admit, whenever the great corporation ceased to exist, that it would leave to the country a noble legacy. As the representative of the East India Company, and as one of those who were conscientiously persuaded that the Government of India by the East India Company had been a good and beneficent one on the whole, and an admirable one considering the great difficulties they had to cope with, he found it to be his duty to oppose any Bill intended to take from that body the power which they had so well exercised. But he felt equally bound to say—and he spoke the sentiments of every one of his colleagues—that if it should be the determination of Parliament to take that power from their hands, they should be prepared to give their most cordial assistance towards perfecting any plan that might be brought before the House for the future Government of India. When they knew that it was the determination of the Legislature to take upon themselves the Government of India, it would then be the bounden duty of the East India Company to the people of this country, as well as to the people of India, to do all that lay in their power to make the new Government as good and efficient as possible. As regarded all the provisions of this Bill, he should say for himself and the East India Company, as the noble Lord the Member for Tiverton said, that they should reserve to themselves the fullest power of debating and canvassing the provisions of the Bill, especially in Committee, which would be the stage in which, section by section, it would be their duty to render the Bill as productive of benefit as possible. In that state alone, and on that condition only, he could accept the Bill of the right hon. Gentleman.

Mr. WHITE must say, that as this Bill had been shadowed forth by the right hon. Gentleman, he could not but observe that it bore a very favourable contrast to the Bill introduced by the late Government, the first reading of which was carried with such a large majority. There were ingredients in it which he recognized with much satisfaction, which, he was sure, would be shared by the class to which he had the honour to belong. At the same time he was doubtful whether the Council for Indian Affairs, as proposed to be constituted, would work as satisfactorily as the Chancellor of the Exchequer appeared to anticipate. In the English constitution a combination of aristocratic and democratic elements was productive of good results, because of the existence of separate chambers; but it yet remained to be proved whether the same advantages would result from an amalgamation in one body of the two kinds of influence. He could not help testifying his hearty approval of the concluding remarks of the right hon. Gentleman, who there pointed out the great difference that existed between debts contracted by the colonies and debts incurred in India. That was a question which was "looming in the distance;" but he should have been much better satisfied if the right hon. Gentleman had said something with regard to the creditors of the East India Company. He could not believe that the Bill which the right hon. Gentleman now asked leave to introduce would be the same crude and undigested performance as that of the noble Lord. In the 3rd clause of the noble Lord's Bill there was a transference of the whole of the property of the East India Company to the Crown, and not one word was said with reference to the creditors of the Company. Now, it must not be forgotten that the property of the Company might be roundly estimated at £30,000,000, consisting of ships, dockyards, landed property, &c., most of which had been called into existence by the aid of money borrowed in this country; and yet by the noble Lord's Bill—he trusted that would not be the case with the Bill now sought to be introduced — this £30,000,000 was assumed by the Crown, and the Crown gave nothing in return for it; neither did the Crown assume the responsibility of the Indian debt, yet it pretended to the whole property of the Company. He agreed with the hon. Member (Mr. Gilpin) that some consideration should be given to the claims of the Natives of India. The time had not yet arrived for the introduction of representative institutions into India; but he thought that one or two members of the Supreme Council in Calcutta might be chosen by the Governor General from the Hindoo and Mahomedan classes.

Sir ERSKINE PERRY said, there appeared to be two main points of difference between the present Bill and that of the late Government — namely, the enlargement of the Council from eight to eighteen, and the introduction of the elective principle as regarded one-half of the Members. Now, as during the recess, they would have

to consider the comparative merits of the two propositions, whether the Council should consist of eight or eighteen members, it was desirable the House should know what the functions of the Council were to be. Was the Council to take an active part in the conduct of Indian business, or was it to be merely a reviewing body, called together on certain days to express an opinion upon the proceedings of other parties? If it were intended that the members should be mere nonentities, with no real share in the government of India, probably eighteen would be a very good number; but if the Council was to be an active body, it ought to consist of fewer members. He wished to know, therefore, what functions it was expected to perform? He might also be permitted to inquire whether the members were to devote their whole time and attention to the business committed to them? Also, whether it was intended to appoint persons to the Council who were connected with trade? It appeared to him, that in the construction of the Bill too much attention had been paid to class interests. While he was addressing the House—though he had no intention to go into the details of the Bill—he would point out that the restrictions placed upon the appointments to the Council would have the effect of excluding some of the ablest men in India. For instance the wording of the provisions would exclude the Punjab, which would have the effect of shutting out the services of Sir John Lawrence. [The CHANCELLOR of the EXCHEQUER: The Punjab would be included, being one of the provinces directly under the Government of the Governor General.] He had misunderstood the explanation of the right hon. Gentleman on that head. The principle ought to be to represent the different interests in India connected with the revenue, the judicial, civil, and military departments. He felt bound to pay his tribute of admiration to the right hon. Gentleman for the speech he had just made, and particularly for the concluding observations. It seemed that grave attention was about to be paid to the finances of India. He had on former occasions called attention to the dilapidated state of those finances, and now that Government was to take up the matter he felt that nothing but good could result. One beneficial effect of the recent change of Government was, that now both the parties in that House were occupied in framing a better Government for India than that country had hitherto had.

MR. BLACK said, that as the Members of Council for the great towns were to be elected by the Parliamentary electors, the consequence would be that in respect to such a town as Glasgow, for instance, the 18,000 registered electors there would probably have little or nothing to do either with commerce or manufactures connected with India. Moreover, he thought that the capital of Scotland ought not to have been omitted in the list of those towns; for, though Edinburgh did not export cotton or broadcloth to India, it exported men. No town in the kingdom sent so great a number of men to India as Edinburgh.

MR. VANCE claimed, in consequence of the observations of the hon. Member for Edinburgh, a representative in the Council for Dublin.

MR. WYSE inquired whether the Council was to sit in Leadenhall Street or Cannon Row.

COLONEL SYKES begged to be understood as reserving to himself on the second reading of the measure full liberty to repeat the objections he had on a former occasion urged to the introduction of any Bill whatever. The proposal of the right hon. Gentleman comprehended so many complex arrangements that he thought they must be reduced to greater simplicity to be carried out at all. The Chancellor of the Exchequer had observed that it was of the greatest importance to send out a Commission to India to inquire into the state of the finances. Why, if the right hon. Gentleman sent to the India House he might have any account with respect to the finances of India he pleased, to the lowest figure; but the effect of this roving commission would paralyze the Government of India, for people there would regard it as being sent out to spy into their actions and destroy their power. He would ask whether it was intended that the patronage of the whole Indian army of 300,000 men was to be lodged in the hands of the Horse Guards?

MR. COX said, that in consequence of the recent change of Ministry, they were likely now to have a much more liberal scheme of government for India. He was pleased to hear that four Members of the Council were to be elected by four great towns, and that the electors were to be Parliamentary voters. Now, seeing that the Directors of the East India Company were elected by ballot, he wanted to know whether the right hon. Gentleman would

object to the use of the ballot in the election of these Members of Council. The right hon. Gentleman had adverted to the civil patronage of India, and had stated how it was to be distributed; but he had not mentioned whether or not the whole patronage of the army in India was to be handed over to the Horse Guards.

THE CHANCELLOR OF THE EXCHEQUER said, he had been asked what were to be the duties of the Council, and he had to observe in reply that the duties of the Council were to be the transaction of all business connected with the government of India that could be transacted in England. They will have the entire transaction of that business, and from the details laid before him he thought that it would require that which would be exacted from the Members of Council—the total devotion of their time. No gentleman would be a Member of the Council who was an active member of a profession, or engaged in trade or commerce. Of course with respect to those Members who were elected, that rule could not apply; and it was desirable that the Council should contain some persons who were familiarly acquainted with the commerce and trade of the country. With respect to the qualifications for Members of the Council in consequence of residence in India, that applied to all the dominions under the authority of the Governor General; and therefore the Punjab and Scinde were included. He had been asked whether the Council was to sit and transact business in Cannon Row. The hon. Member who made that inquiry was not so familiar as himself with the quantity of business that must be transacted, and the space required for its transaction. He could assure the hon. Gentleman that the building in Cannon Row would not be able to hold the Council. Where, ultimately, the Members of Council might be collected together it was not for him to say. No doubt, they would be able to place themselves in some convenient locality; but for the present the Council must transact its business in Leadenhall Street. Some hon. Gentlemen seemed to think that under the Bill the whole military patronage of India would be handed over to the Horse Guards. Certainly, he must have conveyed his meaning in very ambiguous phraseology if he were misunderstood on that point; but he thought he had clearly stated that the patronage of the military establishment, was to be distributed among the Council, and by them distributed among the people in the same way as was now done by the Board of Directors. An hon. Member had suggested that the Members of the Council should be elected by ballot. As the noble Lord opposite said with regard to the Lord Lieutenancy of Ireland, that when the whole of Ireland concurred to put an end to it the House of Commons might agree to its abolition, so he (the Chancellor of the Exchequer) said, that when the whole of this country should be unanimous for the adoption of the vote by ballot the Government would then give the hon. Member's suggestion the gravest consideration.

MR. VERNON SMITH said, that the right hon. Gentleman had not explained very clearly what would be the position of the new President of the Council, or Secretary of State for India, as he was to be called. He stated that the President might summon the Council together whenever he pleased; but he wanted to know whether it was to be compulsory for that functionary to call a meeting of the Council? He also wished to ask whether the Vice President of the Council was to be a political officer and a Member of Parliament, who would retire from office along with the Cabinet Minister, who was President of the Council for India? What was to be the *quorum* to form a Court under the superintendence of the President or Vice President? He wished further to put a question to the right hon. Gentleman with regard to the functions of the Select Committee. Under the existing system the President of the Board of Control might send orders relating to peace or war, and to negotiations or treaties with foreign states, through the Secret Committee; but that Committee was a mere name. It was, in fact, the President of the Board of Control. The members of the Secret Committee were bound by oath not to divulge anything communicated to them by the President as to proceedings to be adopted in India, but they could not object to, or remonstrate against, any decision of the President. He (Mr. V. Smith) wished to know whether it was intended that the Secretary of State for India should act by himself upon such questions as he had mentioned, or whether it would be necessary for him to consult the whole Council of eighteen members?

THE CHANCELLOR OF THE EXCHEQUER said, that it would not be compulsory upon the Secretary of State to consult the Council. It had not been considered desirable to fix any time for the

meetings of the Council; and he thought that, under the provisions of this Bill, the action of the Indian Council would be very similar to that of the Government of this country. The Council might be divided into Committees for the transaction of various descriptions of business. The meetings of the Council would be dictated by the exigencies or business of the time, in the same manner as the meetings of the Cabinet Councils. Councils might be held three or four times a week if it were thought necessary, but it might not be requisite that they should meet so frequently. It had not been deemed advisable to provide for any compulsory meetings of the Council, and the Secretary of State would be entirely free to exercise his discretion on the subject. The Bill would, however, provide that a meeting might be called at any time upon the requisition of six Members of the Council. He might state, also, that six Members would constitute a quorum. The Vice President of the Council was not to be a political officer, and could not sit in Parliament. There would be no difference between the Vice President and the other Members of the Council beyond his appointment as Vice President, which would entitle him to preside in the absence of the Secretary of State; but he would not receive a higher salary than his colleagues. The Bill provided for the appointment of a Secret Committee, in deference to the precedent set in every Act for the government of India since the time of Mr. Pitt; and from the conviction of Her Majesty's Government that it was better to adopt that plan than to leave the Secretary of State free to act without conferring with his Council. Hon. Gentlemen would, however, have an opportunity of considering all the details of the Bill during the recess.

Mr. CHEETHAM asked whether the elected Members of Council were to be paid?

Mr. HORSMAN supposed that the prohibition against being engaged in trade did not apply to the elected Members of the Council?

Sir EDWARD COLEBROOKE inquired whether the President of the new Council would have the entire control of Indian finance both in India and in this country? Could he originate any grant of money or create any post? Would he be empowered on his sole authority to overrule any opinion that might be given by the Council? The Bill of the noble Lord the Member for Tiverton provided a check on the issue of money by requiring the concurrence of a certain member of the Council. The provisions of the measure appeared to be so complicated that he would not venture to express any opinion upon it until he had an opportunity of considering its details. He understood from the right hon. Gentleman (the Chancellor of the Exchequer) that it was intended to maintain the army in India in its present state, but to give certain powers to the President and Council with regard to its future regulation. He (Sir E. Colebrooke) strongly objected to commit such powers to a single branch of the Administration without the concurrence of Parliament. The power of the President and Council, too, in respect of the army required much explanation. Our present army in India comprised a considerable European force which had been enlisted for local service in that country, and, as he understood the right hon. Gentleman, the powers conferred by this Bill would enable the President and Council to increase the national army without the consent of Parliament. He hoped the right hon. Gentleman would reconsider the provisions of the measure, relating to this subject.

Mr. SLANEY thought this Bill had been framed in a most liberal spirit; and he congratulated Her Majesty's Government upon their proposal to give a voice in the Government of India to the constituencies of large towns in this kingdom, which were especially interested in the Indian trade.

Lord JOHN RUSSELL said, the question before the House was one of immense importance, and he would not at this moment venture to express any opinion as to the scheme propounded by the Chancellor of the Exchequer. It was evident that much labour and thought had been bestowed upon the subject by Her Majesty's Government; but he deemed it essential that ample time should be afforded for considering this Bill, and he presumed that it would not be brought forward immediately on the reassembling of the House after the recess. He trusted the further discussion of the Bill would take place without any party spirit, but at the same time he must observe that there was a determination to consider whether in reality this plan would provide for the good government of India.

Mr. ROEBUCK, admitting that party feeling ought not to influence Members of

that House in dealing with a question of this nature, must say that he did not think this Bill would attain the object which the right hon. Gentleman who introduced it professed to have in view. He (Mr. Roebuck) understood the main objection to the present Government of India to be, that it was a double Government, but that the President of the Board of Control was the real Governor of India; while by the system which existed he was enabled to act under the shadow of the Court of Directors and did things under their name which were in reality his own acts. But under this Bill the same objection prevailed. The right hon. Gentleman proposed that the real Governor of India should be a Secretary of State for India, but that he should be assisted by a Council of eighteen members, chosen partly by the Crown and partly by election — the electoral principle being introduced in order to give a popular colour to the really despotic principle of the Government which it was intended to maintain. He (Mr. Roebuck) held that, from beginning to end, the proposal was a great sham. [*Laughter.*] Hon. Gentlemen might laugh, but the result would show whether he was right or not; and he was quite prepared to insist on a much better measure than that which the right hon. Gentleman proposed to establish.

Mr. BRIGHT said, that he would not, for an obvious reason, long detain the House. The Bill had been submitted to them that evening in order that they might have a fortnight's time during the recess to consider—he hoped even for a longer period. He rose for the purpose of recommending the right hon. Gentleman and his colleagues to employ the fortnight in the same manner in which, he supposed, most of those whom he addressed would employ it. The Members of the House were expected to consider the Bill; he warned the Members of the Goverment to reconsider it. He had been a great opponent of the East India Company for the last ten or twelve years, out of Parliament as well as in it, and he never regretted, and did not now regret, any single thing he had ever said that was had of their government; but it would be a subject of deep regret to him if he had ever said a word in its favour—though in saying this he knew that many members of the Court of Directors, as, for instance, the hon. Gentleman the Member for Guildford—were disposed to do what was right towards India;—but objected to their government, because there was a total want of responsibility, and they could never lay hold of the great criminals who committed the great crimes which all England now admitted had been committed against the people of India. It was now proposed to change the government of India, and there were two propositions before the House for that purpose. As regarded the question of responsibility in these Bills, he would not pledge himself to any ultimate opinion; but, looking to the number of the Council, and the mode in which they were to be elected, he had great doubt—indeed he was rather inclined to the opinion that the proposal of the noble Lord the Member for Tiverton was, on the whole, to be preferred to that of the right hon. Gentleman. He was now speaking in respect of the single question of responsibility. He was quite sure that a Council of eight would invest the President with more responsibility than a Council of eighteen. He did not attach much importance to the notion of a popular election of some of the members of the Council. The Judges of the land were not elected by the constituencies of the United Kingdom, but yet they were usually and properly looked upon as being independent of the Crown and of Parliament; and he thought that members of the Council not chosen by election would perform their duties just as well as those who might be elected by old Indians, or by Manchester manufacturers, or merchants who some time in their lives had exported goods to India. He was afraid that the proposition that four or five large constituencies should elect those Councillors savoured of what was generally called "clap-trap." He was not speaking with any feeling of hostility to the present occupants of the Treasury bench; on the contrary, if a change of the present Government involved the return to office of their predecessors no man in that House could be more desirous of keeping them in the position which they now occupied. The subject, however, was one far beyond the consideration as to which side of the House the noble Lord the Member for Tiverton should sit upon. It was the business of the House, irrespective of all such considerations, to provide the best possible government for India that it could. He had in private conversations warned some of the occupants of the Treasury bench against some of the errors into which it was possible they might fall, and

he could not be supposed to be making the present observations in any feeling of hostility to them. His only object was to endeavour to impress upon the Government the propriety during the recess of reconsidering some of the provisions of the Bill with all that care and attention which he hoped would be bestowed upon the subject by every Member of that House. It might be very presumptuous in him, yet he must be permitted to express very great doubts as to the wisdom of the course which the Government had pursued. He would have preferred a much smaller Council, and that they had confined their Bill to provisions absolutely simple. There was no folly so great, and no scheme so unworkable, as an unwieldy, intricate, and complex one, one that was intended to catch somebody here and somebody there, and indecisively to grapple with one thing on one side and another thing on another side. What he wished for was a Bill with distinct provisions, clear and broad in its features, simple, comprehensive, and easily understood. It was such a measure as he had described which deserved the sanction of the House of Commons. He thought that he might be permitted to say so much with a view to Her Majesty's Government reconsidering the question, with a desire of finding out what was best for the people of India, so that when they met again they might, without any party spirit, consider the Bill, with a desire to govern well that country which had been so long misgoverned.

Sir HARRY VERNEY denied that India had been misgoverned. The government of the Company in India had produced a great amelioration in the condition of the Hindoo. Both the noble Lord the Member for Tiverton and the right hon. Gentleman opposite had paid a high tribute to the efficiency and ability of the public servants of India, and he was convinced that no Government which had ever existed had produced more able or more illustrious men.

After some remarks from Mr. Thornely, which were imperfectly heard,

The CHANCELLOR of the EXCHEQUER said, that many of the questions which had been addressed to him would be more appropriately answered at a future stage of the Bill. There was one, however, which perhaps he ought to notice, which was whether those Members of the Council elected by the great towns would be expected to attend regularly. To that he could reply that certainly they would, and to devote their time and energy to the duties of the office. With regard to the question of the noble Lord the Member for London, he proposed to take the second reading of the Bill on Friday, the 16th of April.

Lord JOHN RUSSELL suggested that it would be better to postpone it until Monday, the 19th of April.

The CHANCELLOR of the EXCHEQUER agreed to the suggestion, and the second reading of the Bill was fixed for that day.

Leave *given.*

Bill *ordered* to be brought in by Mr. Chancellor of the Exchequer, Lord Stanley, and Mr. Secretary Walpole.

Bill *presented*, and read 1°.

On the Motion, "That the House at rising adjourn till *Monday* 12th of April."

THE TRANSPORT DEPARTMENT.

OBSERVATIONS.

Mr. LINDSAY called the attention of the right hon. Baronet the First Lord of the Admiralty, to the rules laid down by the Admiralty for the guidance of parties having business to transact at the Transport Department, Somerset House. Much inconvenience had resulted from the rule laid down forbidding verbal communications and requiring that all business should be conducted in writing. He knew of no public department in any country in which such a regulation existed, and he could point at this moment to a dozen private establishments where much more business was done than in this department, and where verbal communications took place as a matter of course, and with much advantage to the rapid transaction of business. He trusted that the right hon. Baronet would look into the matter, and would put an end to a rule which acted as a great obstacle in the way of those who had to transact business with the Transport Department.

Sir JOHN PAKINGTON regretted extremely that inconvenience should have arisen to any person from the arrangement adverted to. Until he saw the notice of the hon. Gentleman on the paper, he was not aware that any ground of complaint existed with regard to the mode of transacting business at the Admiralty. He had, however, made inquiries on the subject, and he must admit that he thought the existing arrangements were not of that

simple and convenient nature which those concerned in the shipping trade of this country had a right to expect. For some years strangers going there had been in the habit of entering indiscriminately the rooms where the clerks were engaged, and the result was a great impediment to public business. To such a magnitude had this evil grown, that when the great pressure consequent upon the war arose, it became necessary to correct it. So far as he had been able to investigate the circumstance, however, it did not appear that the inconvenience had been remedied with the uniformity that it ought to have been. He could not, of course, consent to the indiscriminate admission of gentlemen to the Admiralty; but he admitted that those who went upon business were entitled to personal intercourse with the heads of the departments to which their business related. He also admitted that persons who went on business ought not to be exposed to the inconvenience of having to fill up unnecessary forms. The notice to which the hon. Gentleman had called attention, however, was not the only regulation at the Admiralty on the subject. There was another established by the Adjutant General, in the office over which he presided, which had been in force for several years, and which, while it had remedied the evil that before existed, had not led to any inconvenience. It was his intention that that regulation, or one similar to it, should be adopted uniformly throughout the different departments of the Admiralty.

MR. CROSSLEY bore testimony to the inconvenience which resulted from the existing system, and expressed his satisfaction that the right hon. Gentleman had turned his attention to the subject.

CANAL ACROSS THE ISTHMUS OF SUEZ. QUESTION.

MR. GRIFFITH said, he wished to ask the Chancellor of the Exchequer whether, in consideration of the possible facilities of communication with our possessions in the East, and also of the desire manifested for the execution of that scheme by many continental nations, it be expedient in the opinion of Her Majesty's Government, to offer opposition to the project of a ship canal across the Isthmus of Suez? In proposing this question, he might perhaps relieve the mind of the Chancellor of the Exchequer, if he stated at once that he had no idea of asking for the slightest pecuniary assistance from the Government on behalf of this project; the only assistance that he asked was of a negative character—that it should be exempted from opposition on account of merely political speculations. It was not his intention to defend the practicability of the undertaking on engineering or commercial grounds; and he should be sorry to guarantee to any capitalist a return upon the capital which he might choose to invest, seeing that he did not think it probable that the work would be executed for anything like the estimate which had been put forward. The only point which he wished to press upon the consideration of the Government was, whether such a scheme as a canal in any part of the world was to be objected to on account of recondite political speculations of so finely drawn a character, as to be not at all obvious to the comprehension of ordinary mortals? The project was intended to facilitate our communication with India, and although the scheme might not, in ordinary parlance, be very practicable, yet he contended that if it were capable of being carried out, instead of being prejudicial to British interests, it would tend materially to assist in the government of our Eastern possessions. We should get to India in less than half the time that it required at present, and it appeared to him that that was an object which was worthy of the utmost attention. The noble Lord the right hon. Member for Tiverton had spoken of the scheme as tending to the separation of Turkey from Egypt; but he was at a loss to see how it could have any such effect at all upon the relations of Turkey and Egypt. There were only two cases in which this canal could operate against the imperial submission, the Pacha owed to the Porte, under the stipulations of the hattischeriff of 1841. The one would be, if fortifications were erected along the course of the canal; and the other, if the principles of humanity were violated—that was, of the arrangements as to the labour required in its construction. Upon this political part of the question, it appeared that a valuable means of communication was to be interrupted out of jealousy towards a neighbouring country, and that on that ground a project for uniting two seas—bringing the two hemispheres into direct communication, and saving 4,000 miles of the sea voyage between Europe and India—was to fall through. The question he had to put was, whether it was to be understood that, in the dealings of the British Government with other countries, important and valuable

commercial projects, as canals, railways, and other enterprises, were to be opposed on account of any political considerations whatever?

The CHANCELLOR of the EXCHEQUER replied, that the question was one relating to a subject of considerable importance, and presented, in the form in which it had been put, two aspects—a political and a scientific aspect. With regard to the scientific part of the question, he regretted that his hon. Friend the Member for Whitby (Mr. Stephenson), who was much more competent than he was to deal with it, was not in the House; but his own opinion was, that the project for executing a canal across the Isthmus of Suez was a most futile idea—totally impossible to be carried out. It would be attended with a lavish expenditure of money, for which there would be no return; and that even if successfully carried out in the first instance, the operation of nature would in a short time defeat the ingenuity of man. That being his opinion, so far as the scientific question was concerned, he certainly should not act in furtherance of such a scheme, without the advice of men like the hon. Member for Whitby, and other scientific authorities. Then, as to the political aspect of the question, whether the Government intended to interfere with commercial operations in which political motives might be involved? As a general rule, he hoped never on that ground to have to oppose works in any part of the world that might tend to facilitate commercial intercourse. But as regarded the political considerations that might be involved in this particular case, that was an inquiry of so grave a character that he could not at present give an answer to it. He did not know that the political interests of this country were opposed to the construction of a canal across the Isthmus of Suez. The noble Lord the Member for Tiverton, when he was at the head of the Government, had given an opinion on that part of the subject; but the present Government had no evidence before them to justify them in opposing that, or any similar project on that ground. When he had placed before him evidence that this attempt to cut a canal across the Isthmus of Suez was practicable, which convinced him that it was a practicable object, and that on commercial considerations it was desirable to carry it out, he should then be prepared to consider the political part of the question; but as at present advised, believing it to be an operation that could only end in failure, he had not arrived at the consideration of that ultimate and ulterior point to which his hon. Friend referred, namely, the political bearing of the question.

Motion *agreed to.*

House at rising to adjourn till Monday, 12th of April.

HOUSE OF LORDS,

Monday, April 12, 1858.

Minutes.] *Took the Oaths.*—The Lord Teynham.

SCOTCH UNIVERSITIES.—QUESTION.

Lord CAMPBELL said, he wished to ask the noble Earl at the head of the Government the question of which he had given him notice, respecting the intentions of the Government as to the improvement of the Scotch Universities during the present Session. It was a subject in which he took a lively interest, being himself an *alumnus* of one of these Universities; but he would not then refer either to their merits or their defects, because he believed the noble Earl was in possession of full information on the subject. It was no party question, and he doubted not but the noble Earl would do what was just in the matter, and what any Government ought to do. The late Government were not without intentions on the subject. The late Lord Advocate stated, in answer to a question, that the subject had been under his consideration, and that he was then preparing a Bill with regard to it; he (Lord Campbell) trusted that the noble Earl would not abandon it. He would now content himself with simply asking his question, namely, whether it was the intention of Her Majesty's Government to introduce any measure for the improvement of the Scotch Universities during the present Session?

The Earl of DERBY said, the subject had been under consideration during the recess, and he was happy to say that his learned Friend the Lord Advocate was having a Bill prepared, which, he hoped, would be introduced in a short time.

TRANSFER OF ESTATE SIMPLIFICATION BILL.—REPORT OF AMENDMENT.

Amendments *reported* (according to Order).

Lord CRANWORTH said, that his noble and learned Friend proposed, by this Bill, to introduce important alterations into the law of real property; for, by certain of the clauses, it was provided that the title of any purchaser, without notice of adverse claims, should be absolute at the end of twenty years. This would have the effect of destroying interests not in possession, such as the interests of an unborn child. It was true that he provided for the existence of disability, such as insanity, by prolonging the time of limitation for ten years; but then, at the end of thirty years, his title would be absolute, against all the world. The purpose of limitations was not to destroy existing rights, but to prevent a person from lying by an unreasonable time, and then, at any period he pleased, to come in and assert his rights, without regard to the inconvenience which might thereby be occasioned. In the quaint terms of our law, *vigilantibus non dormientibus leges subvenient*—the law would not yield any assistance to those persons who slept upon their rights. If it could be shown that some great advantage would be derived from an infringement upon the vested rights of property, he would offer no objection to it; but, practically, no benefit would accrue to the purchaser by the provision of this clause. It was altogether illusory to suppose that a purchaser would give a shilling more for an estate from the fact that, at the expiration of thirty years, he would have a perfectly safe title. What a purchaser wanted was, that he should be able to buy an estate with the same security as he would buy a horse or a watch. The measure, therefore, would yield no practical advantage to purchasers; and, on that ground, he begged to move the omission of the 1st Clause.

Lord WENSLEYDALE said, he entirely concurred in the observations of his noble and learned Friend.

Lord CAMPBELL also expressed his agreement in those views.

Lord ST. LEONARDS said, that the evil which it was proposed to remedy by this Bill was a very serious one. As the law at present stood, in order to provide against a chance which might not arise in 10,000 cases, every man who purchased an acre of land must incur a great expense in investigating the title, in order to guard against a possible claim. The object of the Bill was to bar the claim after a period of thirty years. At present the bar was in words forty years, but practically it was a hundred years. This Bill, for the first time, would make it criminal for a man who was selling an estate to an honest purchaser, either by himself, his agent, or solicitor, to conceal or withdraw any document relating to the title to the lands in question.

Lord ABINGER said, the experience and ability of the noble and learned Lord (Lord St. Leonards) were so well known that he thought their Lordships might safely adopt any provision of this kind recommended by him.

The LORD CHANCELLOR said, that if he had stood alone against his noble and learned Friend who had devoted so many years of his valuable life to the law of real property, he should have felt great hesitation in encountering him on ground so peculiarly his own; but as his opinion was strengthened by so many of his noble and learned Friends, he felt he could venture to state his objections to the new principle of limitation which his noble and learned Friend proposed to introduce into the law of real property. Their Lordships were considering the first clause of this Bill, but upon this clause some six or seven others might be said to depend. Now, although he would admit that there were clauses in the Bill which it might be desirable to pass into law, yet it appeared to him that the principle which his noble and learned Friend proposed to establish by the first clause, was one which would be most mischievous and dangerous. The present Statute of Limitation, which was passed about twenty-five years ago, after very great deliberation, was not in every respect free from objection. There were in it various provisions which were difficult of construction, and which had given rise to many questions; but he (the Lord Chancellor) thought the principle of limitation which was then established was a safe one. That principle was this, that persons should bring their actions or assert their claims within twenty years after their right accrued. Now, if the right was a right in possession, there was no reason why persons should not assert the right within that time; and if it was a future right, the party had no reason for asserting it until it became vested in possession; and therefore the statute provided that persons who were remaindermen or reversioners should have twenty years for asserting their right after their right had accrued in possession. Now, what did his

noble and learned Friend propose to introduce? This—that there should be no right asserted after twenty years from the time when a conveyance had been made to a *bonâ fide* purchaser for valuable consideration. His noble and learned Friend said his Bill was one for shortening the period of limitation; but he (the Lord Chancellor) believed that instances might be suggested in which the provisions of the Bill would extend the time instead of shortening it. For instance, at present a remainderman was bound to bring his action within twenty years after his right had accrued; but if this clause passed, a man might be unlawfully in possession of property for nineteen years; and then if a conveyance were executed, the remainder man would have twenty years after that to assert his right. But that was not the great objection which he had to the Bill, but it was this—that the Bill placed the remaindermen entirely at the mercy of tenants for life. Suppose, for instance, the tenant for life were to make a conveyance in fee, absolutely disposing of the property and live more than twenty years after the conveyance, where would be the remainderman and his title? It was preserved to him by the law as it stood at present, but if this clause were passed a remainderman might have his right taken away from him by reason of the conveyance by the tenant for life and the tenant for life surviving the conveyance. The noble and learned Lord proposed to meet such a case by giving the remainderman the right of instituting a suit in equity to secure his interest; but this, in his (the Lord Chancellor's) mind would be no remedy against the danger that might arise under the clause. He might, for instance, know nothing whatever of the execution of the conveyance, and what remedy would he have then? It appeared to him that the old princip e was the safest, as it gave each party the right to assert his claim after he had obtained a right in possession. Holding these views, he felt bound, though with great reluctance, to oppose the new principle laid down by the noble and learned Lord, and to vote against the clause.

Earl GREY thought that this clause was only a clumsy substitute for that general system of registration to which we must sooner or later come, and which he regarded as the first step towards a sound reform of our system of conveyance. He had great doubt whether the clause, if carried, would work all the benefit the noble and learned Lord expected; but if the objections stated to this clause were allowed to prevail they would go far to prevent any reform in the law of real property altogether; for those who opposed the clause did so with the view to protect uncertain and future rights, at an admitted inconvenience in the restriction of free action of vendors and purchasers of property. But it should be remembered that there were many persons whose authority was entitled to great weight, who maintained that it was not desirable to continue the power at present given by the English law to tie up real property for long periods. It must at any rate be conceded that the rights enjoyed under the present system were artificial rights created by legislation; and he must say that he did not think it reasonable that that system should be allowed to stand in the way of practical improvements. He thought that his noble and learned Friend opposite (Lord St. Leonards) had succeeded in showing that it was most unlikely that a contingent remainderman would suffer by the misconduct of a vendor; but if he did, was his the only interest which they ought to consider? Suppose a man having a life interest, only sold a title to an estate as in fee, and that the fraud was not discovered for thirty years afterwards, the question then was, which of the two innocent parties ought to suffer the loss arising from the fraud, consistently with the principle of natural justice? Whether should the *bonâ fide* purchaser suffer the loss, or the remainderman, who had only a contingent right. He was of opinion that the greatest injustice would be to make the loss fall on the *bonâ fide* purchaser; the loss in such a case, he thought, should be thrown on the shoulders of the remainderman. Therefore, the probability of the remainderman being barred did not weigh with him, especially as the Bill contained provisions which rendered more than ever unlikely the commission of the fraud suggested.

Lord CAMPBELL (who spoke amid interuption) said, what I wish to say is this — that vested rights would be altogether defeated if this clause was adopted.

Lord CRANWORTH wished to assure his noble and learned Friend that he only meant by his Motion that the first clause should be rejected, and those which hung upon it, namely, the first thirteen clauses of the Bill. He thought, however, that it would be a great loss to the public if they

were to be deprived of the great benefit arising from some of the other clauses, as, for example, those which made it a penal offence to palm off a fraudulent title on a purchaser.

LORD REDESDALE thought that in giving a second reading to this Bill their Lordships had, to a certain extent affirmed the provision regarding the limitation of time. On the Report, however, a question was raised prior to the Bill being sent before a Select Committee, as to whether that precise principle proposed to be laid down should be accepted or not. He was certainly not prepared to pledge himself to that principle without further consideration of the details of the measure. Under existing circumstances he was, however, prepared to assent to the clause going with the rest of the Bill before a Select Committee.

LORD ST. LEONARDS said, all he wished was to establish the principle as to the limitation of time laid down in the Bill. If the House be prepared to establish this principle as to the alteration of time, it would be then open to their Lordships in Select Committee to consider what that limitation of time should be.

THE EARL OF DERBY: My Lords, I do not think that the question we are now discussing is merely the principle of the first clause; it is in my opinion something more than the mere shortening of the period of limitation. There is another question of much importance before us, namely, from what time the period of limitation shall commence? Shall it commence from the period at which the property is sold, or from the time at which the right of the remainderman accrues? That, no doubt, is a question fairly open to our consideration. My noble and learned Friend, as I understood when he introduced the Bill, declined to assent to his measure being referred to a Select Committee, because he insisted upon the provision in reference to the period of limitation. My noble and learned Friend has thereby deprived himself and the House of the convenient outlet which has been provided for him by the noble and learned Lord opposite.

LORD ST. LEONARDS was understood to say that he was quite content to have the Bill considered by a Select Committee.

THE EARL OF DERBY: My noble and learned Friend says he does not object to refer his Bill to a Select Committee; nevertheless, he desires the House to pledge itself "aye" or "no" to the principle involved in the first clause. The noble Earl opposite (Earl Grey) has raised a question as to the sale of fraudulent title, and has given it as his opinion that on that fraud being discovered in about thirty years afterwards it would be more consistent with justice that the loss should fall on the remainderman than upon the *bonâ fide* purchaser. Now, I have a great respect for the judgment of the noble Earl; nevertheless, I am compelled to say that, in regard to the principle of justtice if the question be put as to which of those two innocent parties should suffer, I think that, according to all analogy, the remainderman is the party who ought not to suffer in a case of that kind, and it is the *boná fide* purchaser who ought to bear the loss. Suppose a person had bought a horse in the market which turns out to have been stolen. Now, although he purchases *bona fide*, and pays his money for the horse, I am afraid that, in the event of an action arising in the matter, he would lose his money. Moreover, it should be considered that the purchaser has full opportunity of investigating the title, which the remainderman is deprived of. The purchaser may be perfectly innocent in the affair, but at the same time be wanting in caution in accepting an imperfect or insufficient title. Therefore, on the ground of analogy, as well as upon the other grounds, I think the purchaser should be the party to suffer. Adverting, however, to the prior question as to the time from which the limitation shall commence whether it shall be from the period of the sale, or from that at which the right of the remainderman accrues, there is no man from whom I would more unwillingly differ than from my noble and learned Friend, but in my judgment it is more consistent with the principle of justice that the limitation should commence at the period when the right of the successor had accrued; and, if necessary, I am prepared to take issue upon this point. I must, therefore, reluctantly vote against the clause affirming the proposition of the noble and learned Lord opposite.

Amendment *agreed to*; Clauses struck out.

Clauses 2 to 13 struck out.

House adjourned at a quarter to Seven o'clock, till To-morrow, half-past Ten o'clock.

HOUSE OF COMMONS,

Monday, April 12, 1858.

Minutes.] Public Bills.—1° Chelsea Hospital and Waterworks Exchange of Lands.
2° Trustees' Relief; Loan Societies.
3° Oaths.

PUBLIC BUSINESS—THE FINANCIAL STATEMENT.

The CHANCELLOR of the EXCHEQUER: It is of the utmost importance that no unnecessary delay should take place in making the annual financial statement. At present the only Votes that have been taken are Votes on account, and I am afraid that Votes on account in Supply are hardly a sufficient authority for going into Committee of Ways and Means. But if my right hon. Friends make progress to-night and on Friday with the Votes for the great services, I should propose then to make the financial statement on this day week. I had fixed this day week for the second reading of the East India Bill. Of course, it will now be necessary to make another arrangement with respect to that measure; but I should certainly propose the second reading on the earliest day possible after the financial statement has been made.

REGIMENTAL BANDS—QUESTION.

Mr. LAURIE asked the Secretary for War whether some arrangement might not be made to relieve officers of the army from the expense of maintaining the bands of their several regiments?

General PEEL said, that the hon. Member had no doubt perceived from the papers laid on the table that this subject had received the anxious consideration of the Commander in Chief. His Royal Highness was desirous of reducing the expense of the bands to the regimental officers, and had made a proposition on the subject to the late Government, which, he regretted to say, they did not accede to. He (General Peel) should take the opportunity of calling the attention of the present Government to the deduction of twelve days' pay from every regimental officer for the maintenance of the bands—a deduction which he had always thought a great tax on the officers.

SCOTCH UNIVERSITY REFORM—QUESTION.

Colonel SYKES asked the Lord Advocate when the report of the Commission on the Aberdeen Universities would be laid on the table of the House; whether he had any Bill upon the subject in preparation; and whether he was prepared to bring in any general measure on the subject of Scottish University Reform?

The LORD ADVOCATE said, that he was at present engaged in the preparation of a measure for the improvement of the Scotch Universities. At present he could not name any day for its introduction; but it would not be long before he should bring it in. As regarded the Report of the Commission, it would be ready to be presented in the course of next week, and until then it would be premature for him to say whether he would submit any measure founded on it to Parliament.

THE CASE OF THE *CAGLIARI*—QUESTION.

Mr. HEADLAM asked the Chancellor of the Exchequer whether the Law Officers of the Crown had given their opinion on the case of the *Cagliari*, and whether he could give any further information on the subject.

The CHANCELLOR of the EXCHEQUER replied, that some very important documents with respect to the case arrived only on Saturday morning last, and had been immediately submitted to the Law Officers of the Crown. In consequence of the arrival of those documents he was not able that day specifically to state to the House the opinion at which the Law Officers had arrived, but he trusted to be able to do so soon.

SUPPLY—GOVERNMENT OF INDIA.

On Report of Resolution being brought up,

Lord JOHN RUSSELL: Mr. Speaker, I rise with considerable doubt and hesitation to address the House upon a subject of the deepest interest. The right hon. Gentleman the Chancellor of the Exchequer asked leave before the Easter recess to introduce a Bill for the future government of India, and to transfer the government from the East India Company to Her Majesty the Queen. I thought at that time it would not be respectful to the right hon. Gentleman, to the Government, or to this House, to state any very decided opinion with regard to that measure. It has since been laid before the public, and great objections have been made to it. Those objections are very generally felt, and I confess they appear to me to be

sound. I believe that the opinion expressed by the hon. Member for Birmingham, (Mr. Bright) when the Bill was first introduced, was an opinion founded on substantial reasons ; but I cannot but see that if, when the Bill is proposed for a second reading, it is to be met by these objections, and if every objection that can be stated is to be brought forward in a discussion in the whole House, and the Government then have to defend their Bill, that that is a course which cannot but lead to a discussion considerably partaking of a party character, which, I think, will be most injurious to the question itself. Now, we must consider that the question of the Government of India is one not only of the deepest interest, but one with respect to which it might be said that we are treading on ashes hardly covering the smouldering fire. Such being the case, Sir, it would be most desirable, if possible, that we should have some opportunity of discussing the measure by which the House might arrive at a conclusion as to what its opinion is in reference to the future government of India, without raising a debate of the character I have just mentioned, and without discussing parts of the measure, into which I will not now enter, but to which great objections are very generally felt ; indeed, so generally that I think the propositions in question would hardly meet with success. Now, Sir, in referring to what took place on former occasions I find that the greatest change, perhaps, that has been made since 1784 is the change made in 1813, when the East India Company were deprived of their monopoly, and the system of restriction and monopoly was changed to one of free trade. On that occasion Lord Castlereagh introduced into this House, in a Committee of the whole House, a series of Resolutions on which a Bill was founded. Lord Liverpool, when announcing in the other House of Parliament the course to be adopted, said that it was an advantage that all the main propositions should be placed under several heads ; that each head should be fairly and fully discussed, and that the Resolutions should be afterwards submitted to the House of Lords, for then the two Houses might agree on general principles before the Bill was introduced. That course, no doubt, involved considerable discussion and considerable time in the Committee; but when the Resolutions were agreed to there was very little discussion on the Bill, which passed in the course of that Session. Now, Sir, there are three ways, generally speaking, in which this question is looked at. There are some persons who would wish almost to see reconstituted, in another name, the Board of East Indian Directors, with the power of initiating as an independent body. In this manner the name would be changed and the substance retained. Another plan of dealing with the question is that on which the Bills of the noble Lord, the head of the late Government and of the right hon. Gentleman the Chancellor of the Exchequer were founded —namely, the appointment of a Minister of the Crown aided by a Council for the government of India ; and the third plan is that which has been stated to-night in the petition from Manchester—namely, the appointment of a Secretary of State, similar to other Secretaries of State, with subordinate officers, and without a Council. Now, Sir, I do not wish to enter into the merits of any one of these plans ; but, I think, that if Resolutions upon the subject were discussed in a Committee of the whole House, we might be enabled to ascertain what the opinion of the House is as to the mode to be adopted, whether we wish to retain, under another name, the East India Company; whether we wish to have a Council, and if a Council, how far that Council is to be independent, and how to be composed; and if neither of these plans be accepted, whether we should have a Secretary of State without a Council, and only with the usual subordinate officers. In fact, a full opportunity would be afforded of discussing these and other points which are of very great importance. It seems to me that if the Government should adopt the course I have suggested, although there may be an apparent loss of time in the first instance, we shall, I apprehend, save time in the end. If, however, the Government should not think fit to submit Resolutions to a Committee of the whole House, I am aware that it would be very presumptuous on the part of an individual Member of Parliament to propose such Resolutions. At the same time, I feel so strongly the great inconvenience that must ensue from proceeding with the discussion of a Bill which must necessarily undergo considerable alteration in Committee that I deemed it my duty to state to the right hon. Gentleman the Chancellor of the Exchequer, and to the House that the only mode, as it appeared to me, of avoiding these difficulties and of bringing

the subject under the dispassionate consideration of the House, without any party discussion would be to proceed by way of Resolution. If that course were taken, we should not have much difficulty in our future proceedings, but I must say that there would be great difficulty in discussing in Committee upon this Bill many important questions, which, from the wording of the clauses, are mixed up with points of inferior and subordinate interest. I think, therefore, it would be much more convenient to discuss such questions by Resolutions, which can be altered and amended more easily than the formal clauses of a Bill. It appeared to me, so long ago as December last, that the course I have suggested was that which the Government ought to pursue with reference to this question. We have seen the plans proposed by two different Governments, and I think neither of those measures would receive the full concurrence of the House without undergoing very considerable alteration. I do not know whether Her Majesty's Government will be disposed to adopt the suggestion I have made, but I could not forbear offering it to their consideration and that of the House.

The CHANCELLOR of the EXCHEQUER: Sir, it must be obvious to every Member of this House that in dealing with so important a question as the government of India the course suggested by the noble Lord would be much more convenient than that which has been proposed by two Administrations. I am perfectly ready to admit that course is one more adapted to the convenient discussion of a question of so much importance. I am also free to admit that Her Majesty's Government, having during the recess had this subject under their consideration, are not insensible to the advantages of such a course. But the House will recollect that when the first legislative step was taken on the subject during the present Session, the noble Lord opposite (Viscount Palmerston) proceeded by way of Bill, and that course was so far sanctioned by the House that they permitted the Bill to be introduced. There being then, as it appeared to us, a general feeling on the part of the House that no unnecessary delay should take place in legislating for the government of India, the present Administration followed the example of their predecessors, and also laid before Parliament the policy they recommended in the shape of a Bill. The two Bills are now in precisely the same situation in the House. The principle of neither of them has been adopted; but in both cases permission has been given for their introduction, and both have been read a first time. There is no doubt that if, in the first instance, we had proceeded by Resolution, although considerable discussion would undoubtedly have taken place, yet when we advanced to legislation we should have found our task greatly facilitated, and probably, in the long run, no great delay would have occurred. It is impossible not to feel that, under present circumstances, we may anticipate very animated and prolonged discussions on this subject—perhaps even a party struggle—while there is no prospect of that speedy and satisfactory settlement of the question which is, I believe, desired by the country. Having introduced a Bill into this House, I should have felt great difficulty in now asking them to consider a series of Resolutions on the same subject; but after what has fallen from the noble Lord, I certainly shall not shrink—if it be agreeable to the House—from proposing Resolutions. At the same time I may say for myself, and I am sure I only express the feeling of the House, that, after the expression of opinion to which the noble Lord has given utterance, such Resolutions could not be in abler hands than his own, or brought forward with more weighty authority than they would receive from his advocacy. I can only say that if the House thinks it expedient that this course should be adopted and that instead of deciding by a single vote upon the many and various questions involved in the Bill, we should have an opportunity, by considering Resolutions in a Committee of the whole House, of discussing more amply and completely the principles which are to form the basis of our legislation, I, on the part of Her Majesty's Government, shall offer no obstacle to such a course. I think, however, the House must feel that if we take that course, it ought to be adopted without any unnecessary delay. Two Bills have been already introduced on the same subject and are in the same position, and if we are to obtain an opinion in a Committee of the Whole House as to the main principles on which an Act for the future government of India shall be framed, I think it is necessary that we should proceed without delay to the discussion. As the noble Lord, therefore, was the first to mention or recommend this mode of proceeding, and as he possesses in this House

an authority which no one has more honourably earned, or more deservedly exercises, I must say it would be more agreeable to me if he would propose the Resolutions; but, as I before said, I shall not shrink from the responsibility of doing so. There is one point, at all events, upon which we are all agreed—that no unnecessary delay should take place in dealing with the subject; and therefore the earliest day that can be given up consistently with the public interests shall be appropriated to the discussion of the Resolutions. Of course it will be our duty to facilitate this discussion; but I think it is very important that the financial statement should be made on this day week. Indeed, there are many reasons which, had it been possible, would have induced me to take an earlier day for that statement; but we shall be ready to give up Friday week, or this day fortnight, if the noble Lord should elect to propose Resolutions. I should hope that, under these circumstances, the noble Lord will allow the House to see the Resolutions as soon as he possibly can. I shall await with interest the decision of the noble Lord. I believe the course he recommends, with all the high authority he possesses, is one which will be conducive to the public interests, for we shall then have an opportunity of expressing a formal and mature opinion upon those points respecting which great misconception exists as to the plan proposed by the present Government. I cannot but believe that if we had an ample and complete discussion upon all the principles involved in the transfer of the government of India from the East India Company to Her Majesty —as to whether undivided responsibility should be intrusted to any officer, whether he should be assisted by a Council or not, whether such Council should be purely nominative or partially elective, what should be its mode of procedure and what its duties—if we had the opportunity of coming to a distinct Resolution in each of these points, the task of legislation would afterwards be comparatively easy. I hope I may be allowed to express my wish and expectation that if the course suggested by the noble Lord should be adopted, the important question of the government of India will not only be most amply and completely discussed, with the advantage of the knowledge and experience possessed by many Members of this House, but that the discussion will be devoid of any party feeling, and that when we have arrived at a conclusion, whatever it may be, upon the principles of government to be applied to India, the country will be satisfied that the plan upon which we may determine will conduce to the "safety, honour, and welfare of Her Majesty and Her dominions."

LORD JOHN RUSSELL said, it was perfectly plain that, when he stated that he thought it would be presumptuous on the part of any private Member to bring forward such Resolutions as he had suggested, he did so on the supposition that the Government might altogether decline to take such a course. As, however, the right hon. Gentleman said he would not shrink from discharging the duty, he (Lord John Russell) must say that the framing and proposing these Resolutions, was one which ought properly to remain in the hands of her Majesty's Government.

SIR CHARLES WOOD: I am very glad to hear what has just fallen from my noble Friend, because I rose at the same time with him to express my utter astonishment—however able he may be, and however competent to deal with any subject which can be brought before this House—at the notion which ran through the speech of the Chancellor of the Exchequer that a question of this vast importance should be suffered to fall into the hands of a private Member, and should not be brought forward with the authority, and upon the responsibility of the Government. I am not one of those who concur in the opinion which has been too prevalent of late days, that the Government should be called upon to undertake legislation on all sorts of petty subjects. It was not so in former times, and I think it a cause for regret that the practice should prevail now. At the same moment, there are questions of primary importance which the Government ought certainly not to intrust to other hands, and none can be of more importance, than questions affecting the government of the largest of our dependencies, and of the millions of people under our rule in India; if there is one subject more than another which ought to be brought forward on the responsibility of Her Majesty's Ministers, it is such a question as this. I must confess, therefore, I was surprised to hear the Chancellor of the Exchequer indicate even the possibility that the Government would abdicate their duties on a matter of this primary importance. On all occasions, I have, I hope, in reference to Indian legislation, taken a course utterly independent of party; I have always en-

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deavoured to avoid party considerations in Indian affairs. So completely will I pursue the same course now, that I will not even indicate an opinion as to the merits of the Ministerial Bill. This, however, I will repeat—and I am sure there are not five Gentlemen in the House of Commons who will differ from me—that the subject is one which ought only to be brought forward by the Government; and if they are willing to abdicate their functions, I do not believe that the House of Commons will not permit them to do so. Respecting the other point alluded to, I confess I do not see any advantage to be derived from the proposed mode of proceeding by way of Resolution. My noble Friend has quoted the precedent of 1813; but, as far as my memory serves me, that precedent does not apply to the present condition of things. In bringing forward the India Bill of 1853, I referred to that precedent; but in 1813 there were a great number of questions to be dealt with, which have long since been set at rest, many of them referring to trade and navigation, which must necessarily have originated in a Committee of the whole House. As far as I remember, Lord Castlereagh, on that occasion, moved no fewer than fourteen Resolutions—of which one referred to the government of India, another to the trade with India, a third to the trade with China, and a fourth to the powers of the Governor General in Council; and I believe fourteen different subjects were comprised in those fourteen different Resolutions. That, however, is not the case now. All those subjects connected with Indian trade and navigation, and even with the government of India, in India, are now withdrawn from our consideration, and are referred to, in neither of the Bills before the House. When the question was mooted in 1853, the propriety of proceeding by Bill or Resolution was brought before the Cabinet; and the Cabinet, of which both my noble Friend and the right hon. Gentleman opposite (Mr. Gladstone) were members, came to the conclusion that it was not desirable to proceed by Resolution, the question being so much more simple than in 1813, but that the proper course was to introduce a Bill, comprising the subjects which it was intended to bring before the House. If that was the decision in 1853, still more, as it seems to me, ought a similar course now to be pursued, because, from the present Bill, is necessarily omitted much which was contained in that of 1853. The only topic for our consideration at present is, in what form the home Government should be constituted; and upon that point, I think there is no practical difference of opinion in this House. We have had a protracted discussion on the subject; and, during that discussion, only one person expressed an opinion adverse to the principle of the change proposed by the late, and by the present Administrations, namely, to put an end to the trust exercised by the East India Company in the name of the Queen, and to hand over the government to the Crown, that government to be administered by a President and Council. Now, suppose we come to a Resolution on this point, it can only serve as the foundation of a Bill. The late Government made that proposition the basis of their Bill, and it was affirmed by a large majority; the present Government have made a similar proposition, differing, however, as to the mode of constituting the Council. We are all agreed in substituting the authority of the Crown for that of the Company, and only differ as to the constitution of the Council which is to assist the President; I do not see how we shal advance ourselves in the slightest degree by the proposal of Resolutions, which must be afterwards converted into a Bill, rather than proceeding by a Bill in the first instance. Unless Her Majesty's Ministers have changed their minds—I do not know how that may be—as to the best mode of governing India; unless they think now that the proposal they have made is not a good one, and ought to be abandoned, I do not see what is to be gained by adopting the course suggested, rather than to proceed with the Bill they have already introduced. On the contrary, I think we shall only be wasting so much valuable time, and shall find ourselves, after all, at precisely the same point at which we have already arrived—unless, as I have observed, the Government wish for a decent mode of withdrawing their Bill.

MR. ELLICE: Sir, I only rise to express my concurrence in the opinion just expressed by my right hon. Friend (Sir C. Wood). I shall not say one word as to the measure now before the House. What struck me very forcibly with regard to the proposition of my noble Friend (Lord J. Russell) is this: that in a question relating to the government of India—a question second in importance only to our own Parliamentary government at home—I

think we ought to take every precaution, especially in the present state of the House and of parties, not to set a precedent which may be found hereafter to be both inconvenient and dangerous. While we have a responsible Government it ought, I conceive, to be left to them to propose a measure for the government of India on their own responsibility. I am sure the House has no disposition to look upon this measure in the light of a party question. We are ready to consider it with every desire to help the Government; but let us, however, have one Government at a time. The House will do well to refrain from entering upon the discussion of any measure which is not brought before it by the responsible advisers of the Crown. I do not know that much is to be gained by the suggestion that Her Majesty's Ministers should give up the Bill and adopt the advice of my noble Friend. We are already late in the Session. We cannot, I apprehend, have the Resolutions moved in Committee, till the beginning of May, and the whole business of the country is still upon our hands. We have as yet only passed some Votes on account, and we have passed no definite Vote upon any subject; and if we are to go into Committee of the whole House in the beginning of May, a great deal of time will be wasted in discussing each of the Resolutions before we can arrive at a point for the foundation of a Bill. That is a practical objection; but in addition to that, I strongly object to any other course than this: that whatever proposition be laid before us, it ought to come from the Government, responsible to the country; and we ought to deliberate upon it under their sanction. Therefore, though I gladly admit the great weight which the authority of my noble Friend would give to any Resolution he might bring forward, still I prefer that this question should be left entirely in the hands of the Ministers of the Crown.

Mr. WALPOLE: Sir, the only reason why I rise at all is in consequence of the observations of the right hon. Gentleman who has just resumed his seat, seconding those which fell from the right hon. Baronet (Sir C. Wood). I think both those Gentlemen have mistaken the purport and intention of my right hon. Friend the Chancellor of the Exchequer's remarks when he acceded, or at least intimated his willingness to accede, to the proposition of the noble Lord (Lord J. Russell). In point of fact, my right hon. Friend said distinctly that he would not shrink from the responsibility, which I agree with hon. Gentlemen opposite properly belongs to the Executive Government, of proposing to the House any measures with reference to so great a question as the government of our Indian empire. My right hon. Friend said the House was in possession of two Bills, one introduced by the present, the other by the late Administration; and, this being the case, that it did not become him as the organ of the Government here to abandon a proposition which he himself had made as the organ of the Government to the House, unless he found, agreeably to his own opinion, that hon. Members thought it would be better, for the discussion of the question, to proceed in a Committee of the whole House. I fully agree with my right hon. Friend that when you are attempting to introduce a Bill comprehending several distinct and important principles, it is advisable (and that is the ground which Lord Liverpool took in 1813) that those distinct principles should be canvassed, discussed, and, if possible, decided beforehand, so that when the House comes to deal with the measure itself, they shall find that the main principles have been already determined upon in Committee. A further advantage of taking such a course would be that you would have an opportunity afforded by the forms of the House of ventilating the question in every possible point of view, instead of merely discussing the principle which it involves upon the second reading of a Bill which may embrace more principles than one, and which also may be supported and opposed upon more grounds than one. Therefore, though I agree with the right hon. Gentleman (Sir C. Wood) that the precedent of 1813 was created partly because of the notion that questions of trade were involved in the Bill—for on questions of trade, as the House is aware, their discussion in Committee of the whole House is thought reasonable—[Sir C. Wood: Is rendered indispensable.] Yes; but the proposal rested its merits also on other grounds than those of free trade—namely, that the questions introduced were so various that it was thought by Lord Liverpool better and more respectful to the House that they should proceed by Resolution in a Committee of the whole House, rather than by Bill. The House seemed to me to indicate, by their cheers during the speech of the noble Lord the Member for London, that they would prefer that

this question should be dealt with after the precedent of 1813, and that the matter should be referred to a Committee of the whole House, in order that they might come to a deliberation and discussion of this important question with as little reference to party feeling as possible. That being the case, I only rose to say that the Government had no intention to abdicate their functions, duties, or responsibilities, but that they would discharge them to the best of their ability; they hope with satisfaction to the House, if that be possible—with satisfaction to the Queen, who has called them to office—and with satisfaction to the country, whose welfare they are bound to consult.

Mr. MANGLES: I hope the House will allow me to make one observation on a remark which has fallen from the Chancellor of the Exchequer. He expressed a hope that party feeling might, as far as possible, be banished from our debates. I must entreat the House with all the earnestness of which I am capable, not to allow party feeling to mingle with this important question. All the great authorities on Indian questions—I would particularly refer to the late Lord Metcalfe,—declared their opinion that India would be in the greatest jeopardy the moment matters affecting her interests were discussed in this House with reference to party interests. In that opinion I believe every man whose opinion is worth having heartily concurs. It is not, of course, to be expected that the Court of Directors, the representatives of the East India Company, should acquiesce cheerfully in a measure abolishing their functions, believing as they do that they have exercised those functions beneficially for the Natives of India, and honourably to themselves; but I can speak for myself, and I believe I may speak with confidence for my colleagues in the Direction, that as soon as it is made clear to us that it is the determination of Parliament to take India out of the trust of the East India Company, and to place it directly in the hands of the Crown, we shall, without reference to party feeling, give our best assistance and aid to perfect any measure which the House in its wisdom may deem best for the future administration of India. It has always been the pride of the Court of Directors that, whatever the political opinions of individuals might be, as a body they had no party leanings; they kept themselves free of all party associations in matters affecting India. I am certain they will continue the same course now; and I entreat the House to adopt the same course, for I am sure that in deliberating upon a proper form of government for the greatest dependency which any country ever possessed, it would be an eternal disgrace to us if we refused to sanction the measure which it deemed best calculated to promote the future welfare of India, by whatever Government it may be introduced.

Mr. AYRTON also rose to deprecate the idea that the question of the future government of India should be treated in a party spirit. He had, however, feeling that the measure of the present Government in reference to that subject was one which was not entitled to support, deemed it to be his duty to lay upon the table of the House a notice to the effect that, when the Bill came on for second reading, he should move that it be read a second time that day six months. The expediency of withdrawing the Bill, and proceeding in the first instance by Resolution, had subsequently been discussed; but he must say that he, for one, could not perceive the wisdom or the advantage of that course. If the House was simply to be furnished with Resolutions which were to embody some mere abstract propositions, no practical utility could, in his opinion, be the result; whereas, if those Resolutions were to be framed with that detail which would be necessary in order to explain clearly to the country the principles which were to be applied to the future government of India, they would be as long as the Bill itself. He trusted, therefore, the Government would abide by the course which it had in the first instance adopted, and which the House had twice sanctioned; that it would afford an opportunity for the discussion of its measure upon the broad principles upon which it was founded, so that the House of Commons should be enabled to pronounce an opinion upon it one way or the other. If all wisdom was to be found in Manchester, then the House of Commons ought, perhaps, to go there in search of it. But, for his own part, he did not think it necessary to go beyond the walls of the House itself in order to frame an efficient measure for the administration of our Indian empire. If the Government should decide upon proceeding by Resolution, he hoped it would do so in a shape as full and ample as the Bill which had been laid upon the table of the House.

VISCOUNT PALMERSTON: I entirely concur with my hon. Friend the Member for Guildford, (Mr. Mangles) in the opinion that so important a subject as the future government of India ought not to be made a party question by the House of Commons. It is far too serious a question to be made the shuttlecock of political parties. For my own part, I am perfectly prepared as well as desirous to discuss any arrangement with respect to it which may be submitted to the House on its own merits, and with a due regard to the grave consideration which it involves. Indeed, so deeply impressed am I with the importance of any arrangement which we may establish for the future government in India that, although I think it high time that the administration of the affairs of that country should be transferred from the East India Company to the Crown, yet I should prefer leaving things as they are rather than pass a Bill which should be objectionable in its chief parts. We know, in some measure, the inconvenience which may arise from deferring to another year the settlement of this great question; but we could not by any means calculate, with an equal approach to accuracy, the evils which might result from a defective organization of the future government of India. I shall not now give expression to the opinion which I entertain in reference to the Bill of the present Government; but with respect to the proposition more immediately under our consideration, I would beg to submit that the method of proceeding by Resolution is not applicable to the present state of things, and would be a departure from the ordinary practice of the House of Commons. There are, it is true, certain matters connected with trade, and so on, in which our rules require that, before any Bill affecting them is introduced, a Resolution upon which it might be founded should be agreed to in Committee of the whole House. These rules, however, are limited to a certain description of subjects, and the question of the government of India, at least, as it is presented to us, does not, I apprehend, fall within their scope. We are not, therefore, obliged by any regard to them to proceed by way of Resolution in the present instance. In fact, if such were the case, both the late Government as well as that which is now at the head of affairs would have been equally guilty of a violation of the forms of the House. As, however, the course which was adopted by both Administrations has been sanctioned, I cannot help arriving at the conclusion that no Parliamentary necessity for proceeding by Resolution can fairly be said to exist. If it be supposed that the proposed arrangement for the future government of India contains any principle so important that it is expedient it should by itself be discussed in Committee of the whole House, that principle must be the one which constitutes the foundation of both Bills—namely, the transfer of the government of India from the East India Company to the ordinary advisers of the Crown. Now, that principle, I apprehend, is admitted not only by the House, but by the country; and we should be altogether going backwards in our proceedings if we were to discuss again the expediency of its adoption. If that principle be admitted by both parties, and by all persons who have paid much attention to the subject, there will then remain as subject-matter for these proposed Resolutions only the details of the Bill. Now, only see what an inconvenient precedent it would be to establish if we were to say, that when the Government or a private Member wished to introduce a Bill, instead of taking the trouble of framing the Bill so as to contain all the provisions and regulations which the Government or the private Member may think expedient, the House should be called upon to pass the future clauses of the Bill in the embryo shape of Resolutions, leaving it to somebody else afterwards to adapt those Resolutions to the form of clauses in the Bill. Why, it would be in the first place a great waste of time, because the House would have to go twice over the same matter. The decision upon either occasion might depend upon the accidental presence of Members at the time of the discussion; not only would it be a loss of time, but it would not necessarily follow that details which had been agreed to in the shape of Resolutions would equally receive the approval of the House when brought forward as clauses in a Bill. Sir, I really think that it is in accordance with the ordinary course of proceeding with the rules of the House and with the convenience of Parliament, that when we have two Bills before us framed in all their details exactly as those who proposed them think adapted to the case, we should proceed to discuss the merits of those Bills; and then in Committee of the whole House we can consider each clause as it is proposed, and each clause can be discussed quite as well as a Resolution which is to form the principle of a future clause. We shall have the matter, too, in a more perfect shape before us, because the principle is put in a working

shape when submitted as a clause of the Bill. Therefore it would be a considerable waste of time, and would establish a very inconvenient precedent, if we were now to abandon the Bill before us, go back as if nothing had been done, and begin *de novo* by proposing Resolutions each of which would be, I apprehend, the representative of some future clause, which, if the Resolution were agreed to, it would be the duty of some one to shape so as to form part of an Act of Parliament.

THE CHANCELLOR OF THE EXCHEQUER: I wish to make an explanation in consequence of some remarks which fell from the right hon. Baronet the Member for Halifax (Sir C. Wood), who has misconceived the expression I used if he supposed that I intimated any desire to abdicate the duties which I ought to perform either upon this or any other subject. But, having been the organ of the Government in introducing a Bill upon this subject, and the noble Lord the Member for the City of London rising in his place and expressing an intention of recommending some propositions or resolutions, I thought, and upon reflection I still think, I should have been guilty of the utmost arrogance if, under the circumstances, I had undertaken the course the noble Lord had proposed, without the sanction of the House, and with the free permission of the noble Lord himself. If I had adopted any other course than that which I did, I should, in my opinion, have acted in a manner inconsistent with the forms of the House and the conduct of gentlemen. I may add, that I shall place these Resolutions upon the table of the House as speedily as possible, in order that the House may have ample time to consider them before discussing them, and I shall propose that upon this day fortnight these Resolutions shall be moved.

MR. BOUVERIE said, he did not think the House very well understood what was going on. Where was the Bill of the present Government? Were they to have a third Bill? Were those Resolutions to be identical with the third Bill? Were they to be different from the Bill or the same—if different, was the Bill to be given up? If the same, were they to have two discussions on the same identical subject? Were they to have three distinct proposals before the House and the country? The Government had brought in a Bill on their own responsibility; but now the right hon. Gentleman the Chancellor of the Exchequer seemed very well disposed to seize the first opportunity to get rid of his own measure by a side wind, and jumped with the greatest glee at the proposal of the noble Lord the Member for the City of London for proceeding by Resolutions. But, as far as he (Mr. Bouverie) could recollect the practice of the House—let the Government be weak or strong—it was totally unprecedented for an Administration to bring in a Bill, submit it to the consideration of Parliament, and, when the Bill stood upon the Orders for another stage at an early day, then to throw it aside and proceed with quite a different matter. What was to be the ultimate result of discussions upon those Resolutions? Were those Resolutions to be reported to the whole House? Was the House to be concluded by its votes upon those Resolutions? If the Resolutions did not conform to the Bill, was the Bill to be withdrawn and a fresh Bill brought in? It appeared to him that by such a course Her Majesty's Government was abdicating its proper functions. He must say, whatever might be the opinions of hon. Gentlemen in that House, the public at large felt an intense interest in this question—an interest which could not be exaggerated; and the public would be at an utter loss to understand the course pursued by the right hon. Gentleman the Chancellor of the Exchequer.

SIR BENJAMIN HALL: I wish to put a question to the right hon. Gentleman the Chancellor of the Exchequer in consequence of the statement he made a few minutes ago. The right hon. Gentleman, when he brought in his Bill, was asked by my noble Friend the Member for the City of London when he intended to take the second reading, the right hon. Gentleman replied on Friday next. My noble Friend then suggested the 19th—Monday—to which proposal the right hon. Gentleman acceded. The House and the country naturally supposed it was the intention of the Government to proceed with that measure. It is not for me to inquire into the reasons for the course pursued by the Government, but it is quite clear that the Government now intend to proceed upon a very different footing. The right hon. Gentleman now assents to proceeding by Resolutions upon which to found a measure for the future government of India. Therefore, Sir, I think I am fully justified in asking the right hon. Gentleman whether he intends to abandon the Bill which

he has already brought in? Does he intend to proceed with the second reading, or will he withdraw the Bill and introduce Resolutions upon which to found another measure for the future government of India?

Mr. HORSMAN said, it appeared to him that the House was only at the commencement of difficulties, which would be likely to accumulate as they proceeded. The noble Lord the Member for London had made a proposition that Resolutions should be moved and agreed to, instead of proceeding with the second reading of the Government Bill; and he gave two reasons for that proposition. In the first place he said, the subject matter to be discussed was one that could be better considered in a Committee of the whole House, and next, that such a course would avoid the difficulty of discussing the two Bills relating to India in a party spirit. When the disturbances in India first became known to us, two ideas occurred to every one—first, that the double Government of India must be got rid of; and, secondly, that it would not be easy to find a substitute for it. Two attempts had been made to provide such substitute. The House had before it two Bills emanating from the highest authorities, each proposing a new form of Government; but the only remark he should make concerning them at present was, that they conveyed to his mind a distinct impression of the inherent difficulties of the subject, and how much any Ministry attempting to deal with it must be dependent on the forbearance and aid of Parliament in the performance of their arduous task. The right hon. Member for Coventry (Mr. Ellice) had said the course proposed by the noble Lord was unprecedented; but he (Mr. Horsman) was afraid that the course which the House had already determined to adopt was unprecedented. We called ourselves a practical people; but with nations less practical and Governments less careful and conscientious than the English, there was one approved mode of dealing with those outbreaks or insurrections with which most Governments were familiar. The rule was, first, to suppress disturbance; next, to inquire into its causes, and then to provide against its recurrence. But instead of adopting that business-like course, recommended alike by unvarying precedent and common sense, we had placed ourselves in the anomalous position of framing a new Government for a country in which our Government had yet to be reestablished, and taking legislative precautions against the recurrence of evils of which he did not pretend to know the cause. That was not the only difficulty. They were proposing to adopt a vital change with regard to India, without any preliminary inquiry. That was a course for which the oldest Member of the House could not, he thought, find a precedent. It was in reality to effect a revolution in India—the *maximum* of change with the *minimum* of inquiry. But, although there had been no inquiry upon the present occasion, there had been four years ago a laborious, protracted, and valuable inquiry; and that inquiry was the strongest condemnation of the present conduct of the House. The Committee was appointed by the Government of the day, and comprised Cabinet Ministers and many eminent Members of the House acquainted with India. They examined Governors General, Commanders in Chief, Members of Council, and Presidents of the India Board who were conversant with the working of the government both at home and in India. That Committee sat through two Sessions, presented seven Reports, and it appeared that all those witnesses, with hardly an exception, approved, upheld, and recommended the present system in India as the best that could be adopted. The members of the Government upon that Committee concurred in that opinion, the House concurred in it, and recorded that concurrence in the statute which was passed that year. All those persons might have been mistaken, and all the Reports only waste paper; but surely, if only to give a colour of consistency to the proceedings of Parliament, there ought upon the present occasion to have been some preliminaries before proceeding to destroy the form of government which was then created. The House had determined that this was a proper matter for legislation; but it had found that, it was one thing to resolve, and another to execute. There were now two Bills before the House standing for a second reading. They might pass, the second reading of two Bills of negative merit in the hope of attaining something positive out of their combination, or they might in a party spirit adopt one of those Bills and reject the other; or they might think it better to reject both and be content to go on for one year more with the existing system of Government, instituting an inquiry before a Committee as to the best means of carrying out the proposed

change. He agreed with the noble Lord the Member for Tiverton that there would be inconvenience in the postponement of this question for one year; but that such inconvenience would only be for one year, while the evils that would arise from faulty or mistaken legislation would be for all time. Being then in this position, that neither of the Bills before the House was satisfactory, and there being before them the danger, which he looked at with great dread, of party feeling being imported, however desirous they might be to avoid it, into the discussion of the rival Bills, it was the interest of all to avoid that difficulty; and therefore, in the dilemma in which they were placed, he thought that on the whole a Committee of the whole House, before which specific Resolutions could be debated was, of the two before it, the wisest course for them to adopt. It was their duty to smooth difficulties rather than to increase them, and therefore, he thought the House was under an obligation to his noble Friend for the suggestion which he had made.

Sir B. HALL said, the right hon. Gentleman the Chancellor of the Exchequer had not answered the question which he had taken the liberty to put. What he wished to know was, whether the right hon. Gentleman intended to withdraw or proceed with the India Bill which he had introduced to the House?

The CHANCELLOR of the EXCHEQUER: I can only answer that question with the permission of the House, having already spoken on the subject now before it. It is my intention at present, as I think it is the general wish of the House, to propose certain Resolutions, and to do so on this day fortnight. It certainly never entered my imagination to give up the Bill which I had the honour of introducing; and I have a conviction that the result of discussing these Resolutions will be to effect such a change—if change be indeed necessary—in the general opinion of the House as that the Bill will in its general spirit be adopted, and that we shall carry it, modified, no doubt, by the criticisms which are brought out in that discussion. I dare say the Bill may be very much changed, but I hope that, improved as it will be by the united experience of the House in this discussion, the Bill will ultimately become the law of the land.

Resolutions *agreed to.*

SUPPLY—COMMITTEE.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

Mr. W. WILLIAMS said, he had on a former occasion given notice of his intention to move, on going into Supply, that the Estimates be referred to a Committee of Inquiry. The opinion which he held on this subject had been entertained by some of the most eminent persons in that House in former years, and the necessity for a Committee was never greater than at the present moment, when the Navy and Army Estimates exceeded by many millions any that had ever before been submitted to Parliament. It was the duty of the House to look narrowly into these Estimates, and to exercise its supervision over the expenditure of the public money; but that could only be done efficiently by referring the Estimates to a Select Committee. His proposal for a Committee could not be opposed on the ground that there was a want of time, for the House had already voted Supply for a period of four months; and if his Motion were adopted, he would be prepared to show that enormous reductions might be made without in any way affecting the efficiency of the public service. The Navy and Army Estimates now on the table amounted to £20,300,000; and, in order to enable the House to institute a comparison with previous years, he would refer to the amounts voted under various Governments for the same services, even to those which were submitted to what was called "a boroughmongering Parliament." In 1830, when the Duke of Wellington was Premier, the Army and Navy Estimates were £6,350,000 less than than those of the present year; in 1832—the last year of the unreformed Parliament—under Lord Grey's Government, they were £7,257,000 less; in 1834—the year after the Reform Act came into operation—when Lord Melbourne was in office, they were £8,200,000 less; and in 1835, when Peel and Wellington were in office, they were £8,650,000 less. He now came to 1852, when the Members of the present Government were last in office. They then adopted the Estimates which had been prepared by the Government of Lord J. Russell, and he called their attention to the fact that the Navy and Army Estimates of that year were £5,500,000 less than those now on the table. He hoped some Member of the Government

would explain why they proposed Estimates so much larger than those proposed by them when last in office. In 1853, under Lord Aberdeen's Administration, and when hostilities were apprehended, the Estimates were £4,360,000 less than those on the table. He did not, in speaking of the present Government, mean to say that he held them responsible for the acts of their predecessors; but he did not think that they ought to seek shelter under the responsibility of the late Government for extravagancies such as he had pointed out. He had to mention, however, in justice to the right hon. Gentleman at the head of the Admiralty (Sir J. Pakington), that he had reduced the Estimate of the late Government by a sum of £318,000. If the House would refer the Estimates to a Committee, he was certain a much larger reduction would be recommended. An impression existed in that House and out of it that a great portion of the additional expenditure was caused by the unhappy state of affairs in India. That was not the case. The Company had defrayed every shilling of the expense caused by the mutiny; and so far from the disturbances in India having been the cause of increased expense to this country, they had been the means, last year, of our saving £800,000, on account of that large portion of our army which the Company had employed and paid. Now, could the war in China be said to be the cause? The whole of the force required for the taking of Canton was only one battalion of infantry, a few marines, and some steam gun-boats. He regretted to see a desire existing in the highest quarters for a vast increase of the standing army. Advantage had been taken of the glorious acts performed by our army in India to increase the feeling in favour of the army. Now, the army of India had done no more than our army had done at all times in the face of an enemy. He had never heard of our army turning its back on any enemy. A great deal had been said lately on the dreadful state of the barracks in this country. A Commission had reported on their unhealthiness, and on the mortality that it had caused among the troops. The late Secretary for War contradicted the statements in the Report, and said that the state of the barracks was not so bad as it had been represented to be by the Commission; and the noble Duke the Commander in Chief had made a speech at a public dinner calling for more money, finding fault with the House, and calling upon the country to make pressure upon Parliament in order to place at his disposal large sums to lay out in barracks. He thought that if the Commander in Chief had taken the trouble to ascertain what the expenditure upon barracks already amounted to, he would not have ventured to ask for more money. He had in his hand Returns of the amounts expended upon barracks since 1824, a period of thirty-four years, and he found that they amounted to £7,450,000. Now, barracks were not things that perished in a day, or even in an age, if properly constructed; and the House should bear in mind that, at the conclusion of the French war, we had sufficient barrack accommodation for a very large army. What had become of them? He was told that they had been pulled down because no longer wanted. But taking the whole amount of £7,450,000, and comparing it with the present number of soldiers required for the home service, the result would be a sum of £82 for each man for barrack expense. For this sum a four-roomed cottage might be built and furnished. His belief was that jobbing had been at the root of the want of adequate barrack accommodation for the army. He might add, that in the sum of £7,450,000 which he had mentioned, no charge was included for heating or furnishing barracks, nor did it include the barracks for marines. In the present Estimate the bedding and furniture were put down at £133,000. He trusted the House would not imagine that he wished to deprive the soldier of those comforts to which his gallant services so justly entitled him; but he could not help thinking that this might be done with some sort of regard to pounds, shillings, and pence; and, so vast had been the sums expended upon this branch of the service, that he thought they would form a fitting subject for the inquiries of a Select Committee. He had yet to refer to another subject of very great importance. At the present time there were upon the Army List no less than 346 generals in the army, and 33 generals in the marines. A few years ago there were only three generals in the marines. He did not include in these numbers the generals in the Indian army. Now, if all these generals had been promoted for really active service, he would not complain; but their promotion took place, not according to merit, but in a great measure according to favour. Take the Admiralty again:—

In 1846 there were only 153 admirals in the service of the country; in 1851 that number increased to 235; in 1857 there were no less than 316; and the House would scarcely credit him when he told them that provision was to be made in the present Estimates for 345. In point of fact, therefore, they had two generals for every regiment in the service, and an admiral and a half for every ship, of every size, in commission. This he thought was a state of things which could not be properly dealt with in that House—it ought to be referred to a Committee, which could ascertain the causes of this vast expenditure. He begged to ask the late First Lord of the Admiralty what was the reason of the clothing of the marines costing 25 per cent. more this year than last year? The marines had always been well clothed, and whenever they were seen in company with regiments of the line, their superior clothing was always marked and distinguished. He would then take the army clothing. In all the Army Estimates he had ever seen since he had been in the habit of investigating these accounts, there had appeared a statement of the cost of the clothing of every regiment; but in the Estimates for the present year there was no statement with regard to the clothing of the line regiments. In point of fact, the Army Estimates were a mass of confusion from one end to another. But there was a distinct statement of the cost of the clothing of the Guards, and that clothing was this year 40 per cent. more than it was the last year the Duke of Wellington was colonel of the Grenadier Guards. When they saw the Guards about the streets in their new uniforms, the men looked more like the officers of former days; but after the clothes had been worn a short time the uniform became of perfect brick-dust colour. Why was this? Because there was jobbery. It appeared, from a Report on the subject that a system of bribery beyond belief prevailed with regard to the clothing of the army, and that a contractor could hardly venture to send in a tender unless he was prepared to bribe somebody. When the present Chancellor of the Exchequer was in office in 1852, the difficulty he had in providing for the Estimates of that year led to his Government being turned out of office. He should like to know how the right hon. Gentleman meant to override the difficulties he would have to contend with in respect to these two departments of the army and navy alone. The noble Lord the late Premier was a member of the Governments of Lord Grey and Lord Melbourne, and he would ask the noble Lord to be good enough to state why the Estimates for these two branches were required to be £7,257,000 more than they were in 1832, and why they were required to be £8,200,000 more than they were in the time of Lord Melbourne? He (Mr. Williams) would also ask why the Army and Navy Estimates of the Duke of Wellington and Sir R. Peel were £8,650,000 less than the Estimates of the present year? Believing that this increase was uncalled for, and in the hope that some reduction might be made in these Estimates, he would now move that they should be referred to a Select Committee.

Amendment proposed,—

To leave out from the word "That" to the end of the Question, in order to add the words, "the Army and Navy Estimates be referred to a Select Committee," instead thereof.

Sir JOHN PAKINGTON said, he would not follow the hon. Member into the question of the clothing of the marines, or the system of promotion in the Navy, or those other matters of detail which he believed the hon. Gentleman himself must feel had very little to do with the point then at issue, which was merely whether or not it was desirable that the Army and Navy Estimates, instead of being taken at once into consideration by the House, should be referred to a Select Committee. He could not assent to the proposal of the hon. Gentleman, and he hoped the House would not think that any sufficient ground had been adduced for its adoption. He was very much disposed to think that, if the hon. Gentleman were to succeed in his Motion, he would himself be very much disappointed at the result, and that he would find the Estimates would come higher out of the proposed Committee than they had gone into it. The hon. Gentleman had referred to what had occurred under the Administration of the Duke of Wellington; but any argument founded on the state of our army at the time that Administration was in office, was utterly inapplicable at the present moment. The hon. Gentleman had also referred to what had happened under the Government of Lord Grey and under the former Government of Lord Derby, as well as under the Government of Lord Aberdeen; but he (Sir J. Pakington) believed that, if he were allowed to bring forward in Committee the Navy Estimates for the year, he would be able to

show that the proposals of Her Majesty's present advisers were fully justified by the circumstances with which they had to deal. He would not detain the House any further upon that occasion. He hoped they would be of opinion that no reason had been established for the proposal of the hon. Gentleman, and that they would at once assent to the Motion for going into Committee and considering the Estimates.

Question put, "That the words proposed to be left out stand part of the Question."

The House *divided :*—Ayes 161 ; Noes 24 : Majority 137.

Main Question put, and *agreed to.*

House in Committee; Mr. FITZROY in the chair.

SUPPLY—NAVY ESTIMATES.

(1.) 59,380 Men and Boys for eight Months.

SIR JOHN PAKINGTON : It will, perhaps, be in the recollection of the Committee, that when I moved, on the first formation of the Government, certain Votes on account of the Navy Estimates, I stated that I should feel it my duty, before any further sums were demanded, deliberately to consider the whole of the Estimates which the late Government had submitted to the House, and then to bring forward the proposals which we might think that Parliament ought to sanction. In conformity with that assurance, we have given the subject our best attention, and I now trust I shall receive the indulgence of the Committee, while I proceed to explain, as briefly and as clearly as I can, what are the respects in which, after full consideration, we are of opinion that some reduction may be made in the Estimates of the late Government, and what are the portions of those Estimates in which we believe it to be impossible that any diminution can with prudence be effected.

The Committee will understand that I have now to deal specially with the first Vote which I shall have to put, Sir, into your hands—that which relates to the number of seamen and marines to be voted, and the sum which must necessarily be paid to them in the shape of wages. The hon. Gentleman who has just divided the House (Mr. W. Williams) was undoubtedly quite right in stating that the Estimate proposed by the late Government for the naval force of this country, and adopted by the present Government, is a very high Estimate. It is higher than any that has been submitted to Parliament of late years —it is larger than was proposed last year —but I am bound to say that after a full consideration, it is the opinion of the present Government, that our predecessors did take a bold and a wise course in making that recommendation to Parliament; and we cannot consistently with our sense of duty, propose any reduction in that Vote. I believe I shall best discharge the duty which now devolves upon me, by being perfectly frank with the Committee. I propose to lay before them the reasons which have influenced the present Government in adopting so high an Estimate, and I feel persuaded that when I shall have fully and fairly stated the reasons why we have adopted the course we are pursuing in this matter, they will not hesitate, whatever may be the pecuniary cost, to vote whatever Estimates shall be necessary to uphold the naval power of this country. On a former occasion I explained the real difference between the Votes proposed by the late Government for the wages of seamen and marines, in this and last year. The number of men proposed for 1858–9 is, in fact, 3,000 more than the ultimate strength which was taken last year. The Vote originally moved by the right hon. Gentleman, the Member for Halifax (Sir C. Wood) last year, was for a force of 33,000 seamen and marines, 2,000 men for surveying purposes, and 5,700 men for the coast guard. At a later period of the year, the right hon. Gentleman moved a Supplementary Vote for 2,000 seamen to be added to the force ; so that its total amount for the year 1857–8 was 35,000 officers, seamen, and boys, 2,000 men for surveying purposes, and 5,700 for the coast guard, amounting in the whole to 55,700 men. The late Government proposed, and it is now my duty to renew that proposal, that this force shall be increased by an addition of 2,000 officers and seamen to man our ships, and by 1,000 men for the coast-guard service. Hon. Members will observe, upon the face of that Vote, that the men for that latter service are raised from 5,700 men last year to 7,380 for the year 1858–59 ; and I therefore wish to explain that, although there is an apparent difference to that extent, the real difference is one of only 1,000 men. The apparent discrepancy in the figures arises from the fact, that 680 of those men have been transferred from the civil portion of the coast-guard service to the naval portion. It was the policy of the right hon. Gentleman opposite, and I believe it was a sound

policy, to get rid of the civil portion of the coast-guard service; and this increase of 680 is in point of fact, only a transfer from the civil, to the naval portion of that service. The Vote I shall have to place, Sir, in your hands for the wages of the force is £2,401,599. The state of the case as respects the men borne on the books of the ships is this:—When I moved the Vote on account, I stated that the men actually on the books were considerably beyond the number voted for 1857–8; I think to the extent of something like 1,000. That number has increased, and we have now actually on board ship 1,621 more men and boys than the number voted last year. If, therefore, the Committee should adopt the Vote I am now about to propose, there will, in fact, remain a balance of only 379 out of 2,000 additional men we now demand. On the other hand, in order to complete the manning of our ships in commission, we want 1,318 men more than we have at present in those ships. The first point to which I must beg to call the attention of the Committee in connection with the proof which I hope to give of the necessity for this large increase in the number of men is the present state of our naval force in the East Indies and in China. In the year 1856, only two years ago, our naval force on those stations consisted of 17 ships, carrying 333 guns, and manned by 3,151 sailors. Our naval force in the East Indies and in China at the present moment consists of 75 ships, carrying 953 guns, and manned by a force of 11,863 sailors. Six of those ships, carrying 164 guns, and manned by 1,657 men, are now on their way home; and with that reduction we shall have on the East India and the China stations 69 ships, carrying 789 guns, and having on board 10,206 seamen. The Committee must be aware that this is a very large increase on the force we have had at any previous time in the same quarter of the world, and in point of fact it amounts to a very large proportion of the whole force I am now about to ask the Committee to grant. I am glad to be able to state that a very great increase has also taken place in our force on the African coast for the suppression of the slave trade; and I am sure that no disposal of our Royal Navy will be more acceptable to this House, and more in accordance with the state of public feeling in this country, than a great increase in the force employed for the suppression of the Slave Trade. Nevertheless, this is an item which we are bound to take into account in calling upon Parliament to vote the necessary supplies of the naval service of the year. On comparing the present year with the year 1855—to go no further back—I find that in the last-named year we had on the coast of Africa 20 ships, carrying 134 guns, and manned by 1,929 seamen; while we have now 29 ships, carrying 215 guns, and manned by 3,353 men. It appears, therefore, that of the whole naval force of this country, including the ships which are on their way home from China, we have not less than between 15,000 and 16,000 men employed at the present moment on the Chinese, the East Indian, and the African stations.

While I think that this statement will be satisfactory to the Committee, I am sorry to have to add—I must not conceal it from them—that the condition of our naval force at home is by no means satisfactory. I think it is far better frankly to make this avowal and to ask Parliament to meet that state of things than to attempt to conceal a fact which must be known to every Government in Europe, and which, I believe, is unknown to the people of this country except to Members of this House. Up to a very recent period we had no ships of war which were not employed on foreign stations or in distant portions of the empire—no vessels which could be made immediately available in any British port. We have at the present moment in our harbours some of the noblest ships that ever floated on the ocean, and we are adding rapidly to their number; but I cannot too emphatically point out to the Committee, I cannot too earnestly ask them to bear in mind that those ships are useless unless you have men to man them. I believe that every one who has given any attention to the state of the defences of the country is aware of the great difficulty we have experienced of late years in manning our fleet; and that difficulty forms a question with which it is now most incumbent on Parliament to deal. I have said that we have now in our harbours some of the most noble ships that ever floated; but I must now inform the Committee that owing to the want of men they are not available for immediate service. At this moment I know of no ships immediately available in the Channel except the *Renown*, at Spithead, with one frigate and two of the finest corvettes ever built; but the *Renown* is not yet fully manned, although four months have been employed

in endeavouring to accomplish that object; but she is very nearly manned, and she may at present be considered as an available ship. It is, however, only quite lately that she could have been so spoken of. We have also the *Marlborough*, at Portsmouth, and we have the *Euryalus*, at Devonport—two of the finest ships of their respective classes—but they are unable, from a want of men, to proceed to their respective destinations. Although, therefore, the number of men for the service of the present year exceeds that voted last year, we are actually at this moment short by 1,300 men of the number we require to man our ships in commission or in harbour commission, where they ought to be half manned in order to be ready for service. While, however, I make that statement, I think I may also say that there are some important respects in which this country is at the present moment in a better position in regard to this great point of manning the navy than she had ever occupied before, and I believe that nothing is required but a fair amount of liberality on the part of the House of Commons, and a proper system of organization on the part of those who are entrusted with the management of the navy, very shortly to place the country in that satisfactory position with regard to this important subject of the manning of her fleet. And here I am bound in justice to say that very important steps in that direction have been taken by each of the three last Administrations. I must include in that statement the management of the Admiralty Board by the Duke of Northumberland, under the Government of Lord Derby, in the year 1852. The noble Duke felt, as many other men in the same position had felt, the disadvantage under which we laboured from a want of men to man our navy, and the subject occupied no small share of his attention. He appointed a Committee, composed of several most able and experienced naval officers—one of them being Sir Richard Dundas, an officer of the highest possible standing, and by whom I have now the advantage of being assisted, as one of the Lords of the Admiralty. A few weeks after the Duke of Northumberland had retired from office, the Committee he had appointed made their report, and in that document there appeared two important recommendations. The first was the adoption of the system of continuous-service men—that is to say, men who should enlist for a longer period of years than has been customary, and who should receive, in consideration of that longer service, a higher rate of pay. Their second recommendation was, that we should adopt the principle of a marine militia, by raising a body of seamen, enlisted, like our land militia, on the voluntary principle, who were to undergo a certain amount of exercise, and who were to be liable to be called out to man our ships in case of a national emergency. Both these recommendations were carried into effect under the naval administration of the right hon. Baronet the Member for Carlisle (Sir James Graham), in the Ministry which succeeded the Government of Lord Derby; and I think I may say, without any exaggeration, that they are the two most important steps that were ever taken in the direction to which I am adverting. Another important measure was afterwards adopted, and I believe I am right in attributing the merit of that measure to the right hon. Gentleman the Member for Halifax (Sir C. Wood). That measure was, the placing of ships round our shores, in connection with the Coast guard, and removing the Coast guard on board those ships. By means of the Coast guard and the Naval Volunteers, as they are called, but which, in fact, are a marine militia, we have at this moment a reserve, which, in case of a national emergency, might at once be called out. I believe I do not exaggerate in saying, that under the operation of those measures, we could, in a very short time—I am told within a fortnight, but certainly I believe within a month—collect in the Channel a fleet of not less than twenty line of battle ships. Those ships would consist, no doubt, to a great extent, of what are technically known as "block ships," being old seventy-fours, not fit to cope with vessels of modern construction; but, still, I believe that, in a very short time, we might bring into the Channel a powerful defensive force, in case of a national emergency. The Committee, however, must observe that it is only in case of a national emergency that we could put such a fleet to sea; for, without such an emergency, neither the volunteers nor the Coast guard could be employed in active service. Now, I maintain that it is not creditable to this country, and that it is not consistent with our national dignity and our national safety, that we should not have the means of sending our ships to sea, for any purpose, unless a national emergency should arise.

How, then, are we to deal with this most important point? I am in hopes we may be able effectually to deal with it by the extension of that valuable change lately adopted, and known as the continuous-service system. And here I cannot too strongly lament the course taken by my right hon. Friend opposite (Sir C. Wood) last year, in allowing not less than 3,000 seamen who were serving on board our ships, and who were enlisted for continuous service, to be discharged from that service, and thus lost to the country. I can assure my right hon. Friend that I do not mean to speak of his administration in any spirit of censure: I am well aware of the pressure that was put on the Government last year; I am well aware of the difficulty with which they had to contend when that cry for economy was raised throughout the country; I cannot, however, help wishing that the right hon. Baronet had possessed sufficient firmness and vigour to say that the national interests should not be tampered with, and that the country should not be deprived of the advantages of an important improvement in our naval administrative system. We had then between 23,000 and 24,000 continuous-service men, the flower of our navy; but, under the pressure of the cry for economy, the late Government issued an order, to the effect that any continuous service men in our ports who liked might take their discharge. The result was, that out of some 5,000 or 6,000 of those men in the home ports, not less than 3,000 accepted the offer; those men were lost to the service, and their number had never since been made up. But that was not all; the worst part of that unhappy step was the moral effect which it produced upon the men. Strictly speaking, it decidedly was not a breach of faith; but I am sorry to say that it was so considered. Sailors could not enter into nice distinctions; they saw that, although they had been enlisted for ten years, and although they were willing to serve for that period, they were told to go about their business; and I say the moral effect of that step was most unfortunate. We must now endeavour to retrace that step, and, if possible, to regain our former position; and, I am happy to say, we have already, to some extent, succeeded in the attainment of that object. The number of continuous-service men, when that step was taken, was nearly 24,000, and it is now between 21,000 and 22,000. I do not mean to say that the actual number of continuous-service men is 3,000 less than when the step to which I have alluded was taken; but I do say that the moral effect of that step has been most unfortunate. In the opinion of the present Government, in order to give permanent strength to our navy, and to avoid the discreditable state of things which I have described as existing in our ports at the time, our best policy, without resorting to more extravagant changes, would be to aim at having what I may call the *minimum* naval force of England—the number of men necessary, under all circumstances, for the manning of the fleet and for the defences of the country—altogether of continuous-service men. There must always be a margin, whatever the pressure may be at this moment. The Committee will see that circumstances always alter calculations. For instance, when the China war is over, when the force in India and China is reduced to the strength at which it stood four years ago, no doubt we shall be able to reduce the number of men now engaged in active service. That must always depend upon the pleasure of Parliament and the state of public affairs. Every year must vary according to the aspect of public affairs. There must always be a margin; but we may be able to deal with the continuous-service men, and keep them at a fixed *minimum*, and thus avoid the bad effect which the step taken last year unfortunately did produce. Within that margin, the present Government is decidedly of opinion that the entire force of seamen should consist of men entered for continuous-service; and this very day I have given directions that every means should be used to increase the number of men so entered as fast as possible up to a given amount.

I must now state to the Committee what is the opinion of the present Government upon another point, in which opinion I anticipate the concurrence of every Member of the House—namely, that we ought never to be without a Channel fleet. I do not think it is consistent with our position, with our national dignity or safety, that we should have no naval force at all in the Channel. I remember, when my right hon. Friend opposite (Sir C. Wood) proposed his Estimate last year, he said there would be no Channel squadron, on account of the state of affairs in China. I allow the pressure of affairs in China at that time was severe; but I venture to think that no Government should, under any cir-

cumstances, leave the Channel without a fleet of line-of-battle ships. Her Majesty's present Government hold it to be their first duty, without any loss of time that can be avoided, to establish a Channel squadron, not only for the protection of our shores, but for the exercise of our officers and men. The hon. and gallant Member for Southwark (Sir C. Napier) will agree with me, I am sure, when I say that in these days, when the introduction of steam into our navy is so recent, and our officers as yet so unaccustomed to its application, that it is essential there should be a squadron for evolutions and practice, which shall enable officers and men to become practically acquainted with the new system. We have an example before us, set by our opposite neighbours in France, which we cannot with prudence neglect. They do not allow their coasts to be left defenceless, nor do they allow their officers and sailors to remain without opportunities for practice. On the contrary, with great prudence, and with his usual sagacity, the Emperor of the French has lately assembled at Toulon a force which will form a squadron of evolution; and I hope, before the present summer has passed away, that we shall see in our own Channel a squadron, worthy of England and her naval reputation, assembled for the same praiseworthy object. Having mentioned to the Committee the number of men which I conceive to be necessary, I will now explain how it is proposed to dispose of them. When I mention the 2,000 additional men required, the Committee will understand that I do not refer to the 1,000 Coast-guard men. They are a force quite distinct, and I should only embarrass my statement by including them at present. I speak only of the 2,000 additional men required for the manning of our ships.

SIR CHARLES NAPIER: They are included in the full Vote?

SIR JOHN PAKINGTON: Yes. I have explained to the House that, in order to complete the manning of our harbour ships—the ships in commission—we want 1,318 more than we have. The increased Estimate only allows a balance of 379, and therefore there will remain to be made up 939, supposing all the ships to be fully manned. For the Channel squadron, which we hope to be able to fit out in the course of the summer, we shall require 1,500 more; and we shall also require 1,000 additional men for reliefs to be effected during the present year. This will give 3,439 men more than the increased Vote for which we now ask. But, within the next two months, there will arrive from China, from the Pacific, from the Mediterranean, and from various other stations, ships to be paid off, which will set free a force of 3,488 men; and therefore, having provided for the requirements of the ships now in commission—after having provided for such additional ships as we hope will form a Channel squadron, and after providing 1,000 men for foreign relief—we shall have a balance out of the Vote which we now ask for of only 49 men. I admit that it is a large Vote, and I wish it was in my power, consistent with my duty, to propose a lower one; but I hope that the statement which I have made to the Committee will convince it that by this means alone we shall be able to put our fleet into an effective and practicable condition. I trust that it will agree with me that this object could not be effected by the employment of a less number of men; and I must add a hope that, however the number may vary from year to year, the fixed policy of the country—a policy from which nothing will divert it—will ever be that the navy shall be maintained in an effective condition. In order to make it effective, we must have a Channel squadron. In order to make it effective, we must have a reserve of available seamen with which to man our ships in case of emergency, and so avoid an exhibition so unsatisfactory, so humiliating, as that which we have witnessed during the last few months. With this explanation, I will pass to the other Votes.

For the supply and victualling of the fleet, I shall have to place in your hands, Sir, a Vote for £1,027,357, being an increase over that of last year of £165,159, the Vote of last year being £862,198. Of course, the increase on this Vote turns entirely upon the other. I have taken the figures submitted to us by the late Government; and, if the Committee think that the additional number of men required in the first Vote ought to be granted, then of course the additional expense will follow as a necessary consequence of that increase in the naval force of the country. The present Government do not propose to make any alteration in the Votes intervening between the numbers two and eight on the Estimates; but with respect to that latter Vote we have deviated from the intention of the late Administration, and propose a smaller Vote than they had intended to submit to the House. We did not arrive

at this determination without considerable anxiety; but I am bound to say that we arrived at it after the fullest and deepest consideration. I have endeavoured to state in the strongest terms I could, the necessity which exists for maintaining the Navy in the highest state of efficiency, and the House will agree with me that it ought to be done with the greatest practicable regard to economy. With my short tenure of office, I have no right to imply anything which might appear to infer censure upon the proceedings of the late Administration; but I have in my mind an impression that our dockyards are not conducted with that strict economy with which they ought to be managed. I hope the Committee will understand what I mean. I consider it the first duty of any Member of the Government administering the affairs of the Navy, to conduct those affairs not only with the most rigid regard to economy, but with that regard to economy which is consistent only with public efficiency. Extravagance does not promote efficiency. I do not mean to imply that in proposing, as the late Government did, an establishment of 12,190 men in connection with the dockyards they were guilty of extravagance; but I do say that I am unwilling after so short a tenure of office, to propose, without the clearest conviction of its necessity, a Vote which stands unprecedented in our naval Estimates. It is absolutely impossible—and I beg the attention of the hon. Member for Lambeth to the fact, that we can go back to the Estimates of the Duke of Wellington and Lord Grey with regard to our naval establishments. Such an idea is altogether chimerical. Great changes have taken place; the whole system of our Navy has been altered; and without reference to the present establishment, the House, I am convinced, will never be able to go back to that of former days. Let me remind the Committee and the hon. Gentleman of the wonderful change which has taken place in late years with respect to the size of our men of war. It was only the other day that our first-class ships—ships that were the pride of the British navy, that were considered the grandest vessels that had ever been launched—were ships such as the *Neptune*, the *Caledonia*, the *St. Vincent*, the largest of which was about 2,600 tons. What is their size as compared with our first-class ships of the present day? The *Duke of Wellington*, the *Marlborough*, the *Royal Albert*, the other men of war, instead of being 2,600 tons, range from 3,800 to 4,000 tons. I saw last week, on the stocks at Portsmouth, a new ship, the *Victoria*, which will greatly exceed even them. At this moment there is a 32-gun frigate, called the *Diadem*, which measures 2,500 tons—that is to say, within 100 tons of the size of our old three-deckers. Well, then, Sir, I say it is quite impossible that these great changes in the size of our ships can take place without increasing in a proportionate degree the extent and the expenditure of our dockyards. Next, let me remind you of the effect of the introduction of steam. A few years ago your steam ships were an exception; the great majority of the navy was composed of sailing vessels. What are they now? Almost all steam ships. The House is little aware of the wonderful rapidity with which this steam power is extending in the Royal navy of England. I hold in my hand a return, showing the aggregate horse-power of our ships for a series of years. In 1844, only fourteen years ago, the aggregate horse-power was 23,379. In 1852—the year I before referred to—not because it was the year in which Lord Derby was in office, but because it was the year previous to that in which the disturbing causes of the Russian war made their influence felt—the aggregate horse-power was 44,250; and now, in 1858, the aggregate horse-power has risen to 99,512. The Committee will bear in mind that this could not have been effected without vast additional labour and expense; and, therefore, under such circumstances, it would be utterly impossible to return to the days of Lord Grey and the Duke of Wellington. Nor s it possible that the same dockyards used for the construction and repair of the vessels of that time are applicable to the construction and repair of the gigantic steam fleet of the present day. The Committee will, perhaps, allow me to mention the prodigious expense the country has incurred in providing a steam fleet during the last six years. From the year 1852-3 to the year 1857-8 this country, in the machinery for our ships and the machinery for our dockyards, has spent no less a sum than £3,687,000. Of course, the circumstance of the Russian war was one great cause of the expenditure; the major portion, indeed, of that expenditure being incurred during the period of that war. But while I say this, I must also add, that I consider the present pressure of expenditure in our dockyards is to a great extent exceptional. I have already stated

my regret at the step taken by the Government, which had the effect of setting at liberty 3,000 seamen. I know that they took it under pressure; but still the effect of that was to throw out of commission some seven or eight line of battle-ships, besides several frigates, last year, every one of which now being to be brought forward again, a great loss of money to the country must necessarily accrue. I know the pressure under which the right hon. Gentleman opposite acted, and I blame the House more than I do him, being at the same time quite willing to take my own share of censure; but, I say, that if ever there was a case in which we were penny wise and pound foolish, it was when we took the step by which we dismissed those men and dismantled those ships, not a year ago; while now we are spending thousands upon thousands of pounds to put those ships in order which might have remained in an effective state by the expenditure of a comparatively small amount of money. At the present moment the pressure in the dockyards is such that the whole strength of the establishment is diverted from the building of ships to the repairing of those which were put out of commission and dismantled last year. Considering, therefore, as I am justified in doing, that that pressure is exceptional, I must express my reluctance to adopt a measure for an unprecedented amount of force in the dockyard establishments until I am satisfied of its actual necessity. I cannot touch this part of the question without requesting the attention of the Committee to a subject which I know has for several years attracted the attention of naval men as it has that of the present Government during the short time they have been in office. I allude to that most objectionable and unwise practice of commissioning our ships for only three years. In the first place, it is most extravagant in point of money; and in the second, most injurious in point of discipline. You increase the efficiency of the men, while at the same time you increase the expenditure by thousands of pounds. Will the Committee allow me to give them an illustration upon this point connected with the subject of fitting out two of our largest line-of-battle ships? I wish it was in my power to do so by referring to screw line-of-battle ships, but the information obtainable at the dockyards is not sufficient to enable me to do so. I have no doubt, however, that it is larger than the refitting of sailing ships. I will take, therefore, the case of the refittal of the *Queen*, from the time of her launching and being first put in commission in 1845 down to 1852; and the *Rodney*, a large two-decker sailing ship, from her first commission in 1840, to the period when she was last commissioned in 1856. The mean expense of each refitting of the *Queen* was £19,928, and the mean expense of each refitting of the *Rodney* was £22,996. So that the mean expense, taking them both together, of each ship, would be £21,462. Now, if each of these ships were refitted three times only in ten years, it would have cost three times the sum I have mentioned; while, if they were refitted twice in ten years, the practical result would be that the country would save no less than £21,462, or upwards of £2,000 a year on each line-of-battle ship; and I need not point out to the Committee that if that were spread over the whole of the Royal navy, allowing the necessary difference for the refittal of the smaller vessels, the annual saving to the country would amount to a very large sum indeed. Nothing is better known by naval men than that when a line-of-battle ship is sent to sea, that ship is not in the order in which a captain desires to see it under twelve months, and I can mention, upon the authority of one gallant officer, that in many instances our best officers will not be satisfied with the condition of a line-of-battle ship under a year and a half. Not only, then, by this constant recommissioning, are you losing money directly, but, according to some authorities, inefficiency exists for a third, and, according to others, one half the time during which they remain in commission. A point here arises which cannot but be admitted to be of considerable importance. If we were to adopt permanently the system of commissioning ships for four years —my own feeling would be for five years —but, at any rate, if we were to allow the rule of commissioning ships for a longer time than at present, one of the results would necessarily be to produce a material effect on the position and prospects of the officers of the navy; because the number of appointments would be diminished in proportion; and, therefore, I am not prepared, upon the part of Her Majesty's Government, to make any definite proposition upon the subject; but this I will say, that we are prepared to give our best attention to it, with a view to promote the efficiency of the navy, while

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at the same time we shall feel it desirable to give every opportunity to the officers for a fair trial of their abilities at sea. We think that a longer period is necessary for discipline and economy, we see the difficulty arising with respect to the officers; but we hope to be able to effect a great improvement, which will ensure both economy and discipline without proving injurious to the prospects of gallant officers who have a just demand upon our most favourable consideration. In further illustration of what I have just said, I may mention that at this moment there are nine ships in our docks, seven line-of-battle ships and two frigates, not one of which has been in commission more than three years and a few days over—at all events, few under four years—all of which are being refitted and going out at a great cost to the country. If five years' commission was the rule, not one of those ships would need refitting, and every shilling they are now costing would have been saved to the country. I hope I have satisfied the Committee that there is good reason to hesitate before adopting the estimate of 12,190 men, as proposed by the late Government for dockyard establishments. I believe the largest dockyard estimate ever adopted was that which was brought forward last year when a demand was made for 10,850 men. That was an increase upon the years 1855–6 and 1856–7; and I was therefore proportionately surprised when I found that the late Government proposed this year 12,190 men. I cannot help thinking that on the whole, this excess for dockyard establishments has been subject to one great irregularity, and I beg to call the attention of the right hon. Gentleman the Member for Halifax (Sir C. Wood), to the fact that this very question of dockyard establishments was the subject of an inquiry before the Select Committee of the House of Commons which sat upon the Navy Estimates in 1848. That Committee made a distinct recommendation with respect to the dockyards, and they recommended that the establishment should consist of 9626 men. In the year 1850 an Order in Council to that effect was passed, and the additional establishment of 10,050 men, I believe, was without the authority of any such Order, and this year we have a proposal for 12,190 men. It would be better, I think, either to abrogate the Order in Council, or to pass an annual Order in Council, putting the matter on a business-like footing, than by having an establishment of 10,050 men, practically to break the law of the country. While the late Government were prepared to come down and ask for 12,150 men, it is not the intention of the present Government to ask for a permanent Vote to a greater extent than 10,850, and I wish to be distinctly understood that, I have recommended this reduction solely on the ground of caution. It is easier to raise an establishment than to reduce it when once it has been raised. Thinking, as I do, that the present pressure is an exceptional one, I am inclined to believe that the establishment to which I have referred of 10,850 men will be enough. I am willing to admit that at present it is not sufficient; and whatever the navy requires ought to be granted. But I am not satisfied of the necessity for a permanent increase, and, therefore, I shall propose to the House that, instead of increasing the permanent establishment, we take a Vote of £50,000, to be expended in hired labour and extra work, so that it may be proceeded with as expeditiously as possible, during the ensuing summer season. I have not adverted to the 2,000 men employed in the steam factory, nor to the fact that throughout the last year, the establishment of 10,850 has been largely assisted by means of hired labour, and that up to the present moment somewhere about 400 or 500 additional men have been employed. The difference between the Vote which I propose, and that which the late Government would have proposed during the present Session, amounts to about £100,000; and, therefore, I now suggest to the House, to devote £50,000 of that which will be an actual increase upon the Vote of last year, and at the same time a diminution of £50,000 upon the Vote which would have been proposed by the late Government this year for the purpose of expending it in hired labour. In making this announcement, I must also add that, if the present pressure continues at the close of the summer, and we find that the money which has been so taken is not enough—if, in point of fact, we find that the late Government were right, and that they did not exaggerate the requirements of the country—I shall have no hesitation in coming down to the House, before Parliament is prorogued, and asking for the other £50,000, rather than allow any injury to accrue to the public service.

The next Vote to which I wish to advert, is for Naval Stores. This Vote for 1857–8 amounted to £1,395,400, and the Vote

proposed by the late Government, for 1858–9, was £1,464,742. From this reduced Vote, we propose to deduct £75,000. That amount is divided into three items. The first is £15,000, which we propose to take off the item for general stores, the stock of which we find so abundant that, we think a saving to that amount may be effected. We also propose to take off £10,000 comprised in the item for ships built by contract and purchase. The late Government inserted that item by way of caution; but I cannot learn, from all the inquiry I can make, that there is any prospect of our having to build ships by contract, or to buy them ready built; and, therefore, I think a saving on that item may be effected. But by far the largest proportion of the reduction is that of £50,000 which we propose to take on the item of steam machinery. The Vote proposed by the late Government was £300,000, which we propose to reduce to £250,000. I have already stated to the House that in the course of six years, we have spent the enormous sum of nearly £4,000,000 for steam machinery; and I am assured that all the ships preparing for launching during the present year may be completed, and a safe margin left, by reducing the estimate by £50,000. Before quitting this subject I wish to state that Her Majesty's Government are of opinion, considering the enormous amount of property which has thus been acquired by the country, by the expenditure of nearly £4,000,000 of money, including the present Vote, for steam machinery, that we are bound to provide that that property should be well cared for, and the country receive the full benefit of the immense expenditure. It is our intention, therefore, to appoint a small commission of scientific men to investigate the state of this machinery, to report upon its condition, and the best course to be taken in regard to it. In saying this, I beg to state that I do not imply that I have any reason to suspect neglect on the part of the officials in Her Majesty's dockyards. On the contrary, so far as I can form an opinion, from the few days I had an opportunity of inspecting one of those yards, I received a very different impression. I have every reason to think that great care is taken; but I think that good only can arise from the officials in the dockyards knowing that they are liable to have their conduct overlooked from time to time, and that it is only a proper precaution on the part of the Government to institute an inquiry into the condition of, and the best means of preserving in an efficient state, what has cost the country so much money.

The next Vote to which I would advert is No. 11, for New Works. The late Government proposed £694,618 as compared with £578,415 for the year 1857–58. We have carefully examined this Vote, and it appears to us that it may be safely reduced to £585,862, which will be a saving on the original Estimate of £108,756. When we come to the Vote in Committee, I shall be prepared to explain what the various items are by the reduction of which we arrive at this saving. It is a very long Vote—many of the items are small—so small, indeed, that it would be quite unnecessary to detain the House to go through them. I will only mention three of the larger ones—namely, £25,000 for the purchase of land near Devonport, £15,000 for the purchase of land at Gosport, and £15,000 for the dockyards at Malta. I have inquired closely into the position in which the present arrangements stand, and it does not appear to me that there is any exigency which makes it necessary to go on now with these items, or why this expenditure may not with safety and with prudence be postponed.

The next Vote on which we effect a reduction is No. 17, for the Transport Service. Upon looking at this Vote, hon. Gentlemen will see that in the year 1857–58, there was a Vote of £207,500 under this head. The amount proposed by the late Government for 1858–59 is £495,500. But I ought to explain that this apparently great difference does not exist in reality; inasmuch as the Vote of £207,500 for last year was found to be wholly inadequate for its purpose, and of the amount of money voted for the Chinese war, £200,000 was taken in addition, and is therefore fairly applicable to the conveyance of troops to China to make up the deficiency. The Vote, then, is larger than it appears, and we are now of opinion that we may safely reduce it by £85,000. That reduction will comprise £45,000 for freight; and, consequent upon that saving in freight, £40,000 for coal. And we are enabled to effect this reduction in consequence of the several hired steam transports, having been paid off in China, being no longer required, and by the reduction in the expenditure for coals, caused by their being so paid off; Her Majesty's troop ships having, in the meantime, taken the place

of those hired ships. That, then, is the last reduction which I have to state to the Committee.

The general result is this:—We propose to reduce on Vote 8, Wages to Artisans in the Dockyards, £50,000; Vote 10, Naval Stores, and Building and Repair of Ships, £75,000; Vote 11, New Works and Repairs of Yards, £108,756; Vote 17, Army and Ordnance Conveyance of Troops, £85,000: making a difference of £318,756, as compared with the Estimates proposed by the late Government. Those Estimates of the late Government exceeded the Estimates of 1857–58, not including the packet service, by £932,600; and we now hope to effect the reductions to which I have referred, amounting to £318,756, which will leave an excess in the Navy Estimates for 1858–59 of £613,845 over the Estimates for 1857–58.

I thank the Committee for the attention with which they have listened to this long explanation. I have detained them longer than I hoped when I rose to address them; I hope I may be excused. I have endeavoured to state the general results at which Her Majesty's Government have arrived as clearly as I can, and in a manner as free, I hope, from intentional censure of the late Government. I have had only one object in view to urge on the Committee—that which I conscientiously believe to be for the service of the country. In the office which I have the honour to hold, I have the advantage of being assisted by some most eminent and distinguished naval officers, and I may say for those gentlemen, as well as for myself, that as long as we retain office we can have but one object in view—namely, to consult the proper administration of the service, to avoid unnecessary expenditure, but above all things to maintain the naval force of England at that point of efficiency which is required for the honour and dignity and the safety of the country. The right hon. Baronet then concluded by proposing a Vote of 59,380 men and boys, including 15,000 marines, for the service of the Navy for eight months.

Sir CHARLES NAPIER said, that since he had had the honour of a seat in that House, he had heard a great many statements from First Lords of the Admiralty, but he had never heard so good and so clear a speech from any First Lord as he had listened to that night from the right hon. Gentleman opposite. The right hon. Baronet must have been well instructed in the work he had to do, and he had spoken with great propriety of the importance of keeping up the discipline of the service, and maintaining a fleet that was worthy of the country; and he had also cast aside the stupid nonsense which First Lords had been in the habit of uttering about the danger of exposing the real state of the navy for the information of foreign Powers. He thought the right hon. Baronet had shown that he understood his business well, in not being afraid to show other nations what was our position in reference to the fleet. But before the right hon. Baronet made his statement to the House, or the Speaker left the chair, the House ought to have had some explanation given to them with regard to the manner in which the money voted for the Estimates of last year had been expended. He agreed with the right hon. Baronet—although he had heard the same claptrap used by First Lords of the Admiralty for many years past—that we had never possessed so fine a navy; or rather he would say—for "navy" was not the word—so fine a set of ships as at the present moment. It was true that we had incurred vast expense to arrive at this result; but that had been rendered necessary by the blunders of successive Admiralties. First of all, they had the old Navy Board; then a Surveyor of the Navy, who built ships without bottoms. Next, they had the tin-pot or the iron navy, of which there were forty vessels—all of which, with the exception of one or two, had disappeared. Fortunately, however, they had not parted with that excellent officer, Sir Baldwin Walker, than whom, whether as a sailor or an administrator, an abler man did not exist. Indeed, they had only to look at the ships which he had produced, to see what he was made of. He agreed with the right hon. Baronet in what he had stated respecting our present position; and as the right hon. Baronet did not appear to think there was any danger in letting an enemy know how strong we were, he had the pleasure of stating that he had a list of the steam-ships, and from that he found that we had four ships of 800-horse power, one of 700-horse power, six of 600-horse power, three of 500-horse power, and fifteen of from 400 to 450-horse power. In addition to them we had the block-ships, of which, however, he would say, that the sooner they were broken up the better. Of them we had four ships of 450-horse power, and five of 250-horse power. There was some excuse for the building of the first of these ships, but who caused the others to be built he did not know. Into

line-of-battle ships engines of 250-horse power were put, the screws being intended to be only auxiliaries, but at the same time their masts and yards were reduced; and, if bad weather came on at a time when the fires were out and the screw not in action, they must go on shore. The sooner they were got rid of the better. Of ships repairing and altering, we had two of 1,000-horse power each, five of 800-horse power each, three of 600-horse power each, one of 500-horse power, and one of 400-horse power. The House no doubt thought that that was a very fine navy; and certainly it was. Still he could not approve of the right hon. Gentleman's proposal to reduce the artificers and stores.

SIR JOHN PAKINGTON: I do not ask for the increased number proposed by the late Government; but I do not reduce a man.

SIR CHARLES NAPIER: But looking at what was passing on the other side of the water, he implored the right hon. Baronet not to discontinue building and arming those ships, for the French were going on at a very rapid rate. He held in his hand the following list of French line-of-battle ships:—One three-decker of 1200-horse power, five ships of 900-horse power each, eight of 600-horse power each, four of 500-horse power each, four of 450-horse power each, and one of 140-horse power. With such a steam fleet as that the navy of France was by no means to be despised; and it must be remembered that as England, in the event of a war, was naturally the attacking party, it was necessary to have two or three squadrons to watch for one sent to sea. He trusted, therefore, that there would be no relaxation whatever in the building and repairing of screw ships. So far as sailing ships were concerned it was of no use to think of ever going back to them. One caution, however, he would give the right hon. Gentleman. We were now building these fine ships; but that they would be permanently in use was out of the question. He had not the smallest doubt that before that day ten years we should find it necessary to build iron ships, or ships with iron sides, in the same way as Napoleon's floating batteries were now built; and in that case he had no hesitation in saying that a vessel of twenty or thirty guns would be superior to the finest three-decker, and would eventually drive the latter out of the service. He had recommended the late Board of Admiralty, and he now recommended the right hon. Gentleman, to take an old three-decks ship, reduce the weight of her masts, guns, and stores, cut her down to one deck, and line her sides with iron sufficiently thick to resist shells. Then take another old three-decker, with all her guns on board, and placing the two within musket-shot of each other, let them fire away and see which sank first. He would undertake to say that the iron-sided vessel with only thirty guns would destroy the three-decker in half an hour, by making holes in her big enough to drive a wheelbarrow through. The right hon. Baronet had truly stated that, without men, ships were of very little use, and in men we were woefully deficient. In 1856 the number of seamen voted was 60,000 and 16,000 marines. The coastguard and volunteers had begun to be organized, we had a Channel fleet of eight or nine sail of the line, and the country was delighted to see what a navy we possessed; but when 1857 came, and Government announced their intention to dissolve Parliament, the election cry of "economy" was raised by the noble Lord the Member for London, by the right hon. Gentleman the Member for Oxford University, and the right hon. Gentleman the Chancellor of the Exchequer. That might not be a very agreeable statement; but it was, nevertheless, the fact. This House at once echoed the cry; a Cabinet Council was held, and the First Lord of the Admiralty came down, and, without consulting his own officers, issued an order dated the 15th of May, 1857, to pay off the continuous-service men, boys, and even apprentices. When he mentioned this in the House the other day he was told that no such order had been issued; but he happened to hold it at this moment in his hand. Amongst others it contained the following passage:—

"First, petty officers, seamen, and boys, now serving in ships at the home ports or in ships serving in England, are to be allowed to be discharged, if they wish it, and no payment is to be required from continuous-service men and boys so discharged."

SIR C. WOOD: What is the date of that?

SIR CHARLES NAPIER: The 15th of May, 1857. He did not blame the Admiralty or the House of Commons; but he did blame the Prime Minister for not coming down and pointing out to the House the absolute necessity of not discharging the continuous-service men. True, the House of Commons wanted to get rid of the Income Tax, but the Prime Minister should have been firm in his re-

sistance to the reduction of the navy. The First Lord of the Admiralty in 1856 had given very good reasons in a speech of his for keeping up a large naval force; he pointed out the state of the French navy, and showed that both the Dutch and the French could call out a larger force than we could, and he urged that it was not safe that the condition of the navy should be reduced, especially with reference to a war between England and France. Notwithstanding this, the ships were reduced and the men discharged. We had got ships and stores and guns, but what had become of the 7,000 men who were discharged? We had accepted their services during the war; we had kept them as long as it answered our purpose to do so, and turned them adrift at the very moment when they had become well disciplined. But what was the result? Why that this miserable attempt at economising had been attended with a much greater expense than if we had retained every man of them. Another great error committed by the late Government was that they did not commission and substitute screw ships for sailing ships to the extent they ought to have done. There was a number of good screw ships, which ought to be put into commission, and substituted for the sailing flag-ships at all the outports. If this had been done before, the navy would have been as efficient as the present First Lord seemed inclined to make it. Indeed the late Government had begun to do that which he (Sir C. Napier) had recommended last year; and he hoped the right hon. Baronet would carry out the plan further, and put our best ships in the place of our old flag ships, taking care that they were well manned with continuous-service men, and let new commissioned ships be manned by draughts from those ships, by which means, instead of ships taking five months to be manned, it could be done in one. A number of those ships which were paid off last year, the *Colossus*, the *Duke of Wellington*, and others, were those which were now about to be put into commission again. That fleet was paid off in May, 1857; on the 29th of June news arrived of the rebellion in India. If these ships had not been paid off, their lower deck guns might have been taken out, half their men might have been draughted off, and in a few hours 10,000 or 12,000 men might have been sent out in them to the East. The House could conceive the effect which the opportune arrival of ten or twelve sail of the line at Calcutta would have had, and the number of lives which would have been saved. Moreover, troops might thus have been sent out at an expense of £5,000 or £6,000 per ship, while it appeared in evidence before the Transport Committee that the cost of sending out Indian reinforcements by transport ships had not been much less than £50 a head. The late First Lord had opposed the system of giving bounty to sailors, and declared that it was better to improve their condition. But by offering a bounty to soldiers the Horse Guards had added 25,000 men to the army, while the Admiralty were manning with great difficulty a very few ships. Another error had been in taking away without due notice pensions from good-conduct men returning from foreign stations. For this had been substituted the system of carrying stripes on the arm, which entitled the sailors who wore them to additional pay. Yet when a sailor was made a petty officer he was not allowed to carry the additional pay, and the sailor with two or three stripes received as much pay as the petty officer. Then as regarded the Coast-guard, there were very erroneous notions on that subject. He had read in the newspapers that in the event of a war we could blockade the whole coast of France, and he wondered where the men were to come from, and he found it was the Coast-guard which was depended upon. The Coast-guard numbered about 7,000; and they were composed of the best men who had served five years before they could get into that service; and every man, at the end of fifteen years in the Coast-guard, got the same pension as the sailors who served at sea. Living on shore as they did, and sleeping on four-post bedsteads, they could not be such good seamen as they would be if they were obliged to serve five years of the fifteen at sea. The present system of the Coast-guard was the wisest thing the Government ever did. Before the present system they were in the hands of the Treasury, and of course there was a good deal of jobbery. He knew that the Coast-guardsmen were in the Baltic fleet, and in many respects they were very excellent men; but now they were all to be really seamen. Again, he gave the Admiralty every credit for the establishment of the naval Coast-volunteers, but he could not forget that twenty years ago he recommended the raising of such a corps. He thought Her Majesty should have the power of calling out men by sections to serve her in the navy, whether in peace or in war, and regretted that the Coast-volunteers were not obliged to serve except in cases of emergency. The First Lord had not told the House how many vo-

lunteers were actually enrolled at the present moment. Whatever their numbers might be, they were called out for twenty-eight days only. They might learn their drill in that time, but that was not enough. Why should the coast-volunteers not be told off regularly, and appointed to ships at the different ports? The coast-guardsmen ought to be exercised in the same manner, and then there could be no doubt that an excellent set of men would be introduced into the naval service of the country. If, as he believed, before we could get a fleet ready, the French could have a powerful naval force at Spithead, it was absolutely necessary that we should have a Channel squadron. That squadron must be manned; and if the present Estimates were not sufficient, new Estimates must be framed. He ventured to say, that if the First Lord of the Admiralty boldly declared that unless Parliament supplied him with men and money enough to fit out a Channel fleet he would no longer remain in office, he would become a very popular Minister, and a liberal response would be made to his appeal. He now came to the last point upon which he desired to touch. How was the Admiralty governed? At its head was the First Lord, who ought to be a Secretary of State. He had five advisers at the Admiralty, all able men; but, not satisfied with that amount of assistance, he had other five advisers at Somerset House, who were also excellent officers. The first five were continually interfering with the Surveyor of the Navy, the Accountant-General, the Controller of the Victualling Department, and the other officials at Somerset House, who ought to be allowed to perform their own duties and to be made responsible for them. For a Lord of the Admiralty to run to Somerset House, append his signature to a number of papers there, and then return to his own office, was a sheer waste of time, besides an obstruction to business. He intended, when the proper time came, to move that the authorities at the Admiralty should be reduced to three—the First Lord and two naval officers—whose duty it should be to look after the management and discipline of the fleet. When the First Lord wished to have a fleet of ten sail of the line, let him issue the requisite orders to the officers at Somerset House, and no doubt his instructions would be carried into effect without the intervention of third parties. If not, let the officials be punished; but to send a Lord of the Admiralty to interfere with them was tantamount to saying, "We believe you are all rogues, and we are determined to control you." The work would be much better done by the First Lord and two advisers for naval purposes only, the officers at Somerset House being left to manage their own business; and such, he believed, was the opinion of nearly all the persons employed both at the Admiralty and at Somerset House. Let a Commission be appointed to inquire into the management of the navy. If it reported in favour of the existing system, everybody would be satisfied; but on the other hand, if it recommended that a change ought to be made, no delay should take place in making the requisite alteration. He might be permitted to cite a single instance of the loss of time incurred under the present system. The other day he was made a full admiral, and he first received a written letter from the Secretary of the Admiralty informing him of the fact; then he received a printed letter, then he received a letter from all the Lords of the Admiralty. When he was appointed to the command of the Baltic fleet, he could not reckon up all the official letters he received, all announcing that single fact. What was the use of all that correspondence? Let the *Gazette* tell officers that they were made admirals, and do not let the authorities at the Admiralty waste their time in communicating useless knowledge. In conclusion, he was glad that we were at last to have a Channel fleet. He hoped that a new era was about to dawn upon the navy, and he could assure the First Lord that he would give him every assistance in his power for carrying out the views which he had so ably and clearly expressed to the House.

Sir J. PAKINGTON wished to supply an omission which had been pointed out by the hon. and gallant Officer. The total number of naval coast volunteers at present enrolled was 5,800, and of that number in the course of last year 4,600 were taken on board ships and practised in gunnery.

Sir CHARLES WOOD (who was imperfectly heard) said, he was once told by an old friend of his that it was incumbent upon anybody who undertook to address the House upon the Estimates to make his speech as interesting as possible. The hon. and gallant Member for Southwark (Sir C. Napier) had certainly fulfilled that condition, and perhaps no part of his speech was more amusing than that in which he stated that last year he (Sir C. Wood), being then First Lord of the Admiralty,

looking forward to the approaching election, and yielding to the pressure put upon him by various Members of that House, gave orders that 3,000 continuous-service men should be discharged, and that, too, without deigning to consult his colleagues. When he heard that statement from the gallant Admiral, he ventured to ask the date of the order referred to, and he found it was issued on the 15th of May, 1857, being subsequent to the elections. The estimates themselves must have been prepared in January, before there was even any expectation of a general election; and, therefore, he very much regretted, however entertaining the hon. and gallant Member's statement had been, that his information had proved so inaccurate. He was sorry that the First Lord of the Admiralty gave some countenance to the gallant Officer's charge of improper conduct in respect to the discharge of continuous-service men. The right hon. Gentleman had been guilty of the sin of omission, quite forgetting what the circumstances were under which the reduction was made. For the preceding year the House voted the number of men, as really necessary for war at 56,000, but in January, 1857, when the Estimates were prepared, the country was in a state of profound peace and friendship with every neighbouring Power. The number of men to be voted for 1857-58 was then fixed, omitting the Coastguard and marines, at 33,000. Was that, then, an inadequate number for the peace establishment of the Navy? It was the largest number of men voted at any time during profound peace since 1815, and was precisely the same number as was voted in 1853, when war was looming over our heads. He did not know on what grounds the Ministry would have been justified in proposing a larger number than that. The right hon. Gentleman (Sir J. Pakington) had expressed himself satisfied with the number proposed by the late Government for the service of the present year —37,000 exclusive of the Coast-guard— and had stated very truly that on the East India station there were at present 12,000 men, the ordinary number being 3000 men. Now, he agreed that it would be impossible to leave that station with so small a force as 3000 men for some time to come. But there seemed no need for more in 1857, for at that time there was not the slightest expectation of disturbance either in China or in India, and he therefore considered that a vote of 33,000 men was a full peace establishment. He was as much opposed as any man to an unwise economy; but, on the other hand, no Government would be justified in proposing an expenditure in time of peace far beyond a reasonable peace establishment. What was the number of men in April, 1857? Instead of 33,000, there were then 40,000, being 7,000 above the number sanctioned by the House of Commons. The right hon. Baronet reminded the House that the leaders of the great parties—the present Chancellor of the Exchequer (Mr. Disraeli), the right hon. Member for Oxford University, (Mr. Gladstone) and the noble Lord the Member for London (Lord J. Russell), urged upon the Government economy and reduction. What, then, was it the duty of the Government to do? It was as speedily as possible and without injustice to reduce the number of men borne on the Navy to the number voted; but it was found that unless they allowed persons entered for continuous service to take their discharge, if they chose, there was no possibility of reducing the number of men in the Navy to the amount voted by the House of Commons within any reasonable time. This course, therefore, was adopted in May, but no faith was broken, for the men were told that if they liked to go they might, and the Government would not enforce the bond of continuous service against them. In spite of this step, the excess in the month of May was upwards of 3,000 men beyond the number voted by the House of Commons. The right hon. Baronet was not quite justified in saying that a breach of faith had taken place, and he was glad that the right hon. Baronet had retracted that expression. Nor did he in the slightest degree believe that the course pursued operated as any discouragement upon the men, for in several instances the men took their discharge as continuous-service men on one side of the deck and entered on the other upon the terms of ordinary service. The fact was, that many of them did not like to be bound for continuous service, and, though anxious to serve in the navy, they did not like to be bound for ten years. Thus, when the offer was made to them they took their discharge, gave up the higher rate of pay, and entered for a lower rate of pay, not being bound for continuous service. After all, the whole number of continuous-service men was only diminished by 1,000 men—a good proof that by the letter of last year no great discouragement was given to the entry of men for continuous service. And so with regard to the paying off of ships. There was a reduction at the end of the war, when circumstances promised

profound peace as far as could be judged at the time. What pretence could the Ministry then have had to keep the ships in commission? The hon. and gallant Officer said, that if the ships had not been paid off we might have had ships in commission to send our troops to India. He did not mean then to enter upon the question of sending our troops to India in ships of war; but he would only remark that, in order to have done so, we must have kept up a war establishment in time of peace. If that was the wish of the House of Commons they had only to say so, and there was no doubt that no Government would omit to provide an ample fleet, or would find difficulty in getting the men; but, in his opinion, the greatest mistake the House of Commons could commit would be to incur unduly in time of peace a large expenditure to maintain a war establishment for the Navy. The circumstances were exactly as he had stated. The Ministry proposed a larger peace establishment than had ever before been proposed, and it would have been ample for the maintenance of a Channel fleet if it had not been necessary to send troops to India and China, and in the then state of Europe they thought that, under the circumstances at that time, the Channel fleet might be dispensed with. He quite agreed in the necessity of maintaining in ordinary years a Channel fleet, and what had been said on this head had merely been a repetition of statements, which he had himself made in the present and former years; and the measures which the late Government took to provide a Channel fleet for the present year would have been found adequate for the purpose. The hon. and gallant Member (Sir C. Napier) had said that, in consequence of the bounty offered to recruits for the army, there had been no difficulty in obtaining men for that branch of the service, while the want of such an inducement had prevented men from volunteering for Her Majesty's navy. The fact was, however, that during the war, in spite of the bounty, the army was always short of the number voted by Parliament, while the full complement of men required was obtained for the navy without a bounty. It was true, that at the present moment there was some difficulty in manning particular ships; but the fact was, that even now there were 1,600 more men on the books of the navy than had been voted. He thought the attention of the Board of Admiralty ought to be specially directed to the maintenance of an adequate reserve of men who would be available for service in the navy in case of any national emergency. Formerly such a force was not maintained to any extent, but it must be admitted that the measures which had been taken within the last few years to make such a provision for the defence of the country had been attended with most satisfactory results. He did not wish to claim any special credit in this respect for the Board of Admiralty of which he had been a member, for the merit of the improvement was equally due to the administration of the Admiralty under the Duke of Northumberland and the right hon. Member for Carlisle (Sir J. Graham). Last year there were 8,000 men in the Coastguard service, of whom 2,300 were landsmen. The number of civilians had now been reduced to some 1,600 odd, about 600 seamen having been substituted for civilians in that branch, besides the addition which had been made to the naval forces. He had last year inspected a great number of Coastguard ships, and a finer, abler, and stouter set of seamen than those by whom they were manned he had never seen. They had in the Coastguard service a reserve of 6,000 picked and tried men, all of whom had served more than five years, and many of them ten years, and he regretted to find that the right hon. Baronet (Sir J. Pakington) proposed a reduction in the vote for providing lodgings and accommodation for this valuable force. He observed that there was a reduction of £10,000 on this Estimate; but if the force was to be increased, a large additional amount of accommodation would be requisite, and he deemed it of the utmost importance that proper attention should be paid to the comfort of the men at the various stations, for the better treated that they were, the more popular would the service become. The naval coast volunteers, to whom the right hon. Baronet had referred, formed, in his opinion, the cheapest and most efficient reserve that could be provided for the defence of the coast. Although a number of men had been enrolled in this force, none of them were drilled until last year, but the result of the experiment had far exceeded his (Sir C. Wood's) expectations. The men had entered most willingly; they had attended drill with the greatest regularity; and they had exhibited the best spirit while on duty. He might read three short extracts from communications he had received from officers who had superintended the drill of this force. The first of those officers said:—

"The coast volunteers of this district are an athletic and hardy race of men, that would form the most valuable reinforcement to the service, far superior to the average of merchant seamen."

Another naval officer wrote—

"I declare I never saw the ordinary gun exercise better done on board any man-of-war, nor have I ever seen more accurate target practice."

A third officer, who had himself drilled 200 men, said—

"I am convinced that the 200 men who left on the 20th would have been an invaluable acquisition to any ship of the line, and were capable of fighting a real good action the day they were embarked."

Now, all that these men cost the country was £1 a-year, and their pay when called out for drilling. He trusted that the force, which at present numbered but 1,800 men, would be shortly increased, far beyond its present strength, and would form a most valuable reserve, which would be available in case of emergency for service on ship board. The right hon. Baronet had said that the services of these men would only be demanded in case of emergency; and it was most essential that good faith should be kept with them, for great misapprehension had prevailed as to the nature of their duties when the force was first established. They were enrolled for the defence of the coast if any emergency arose; and he believed that where the object of the force was thoroughly understood, there would be no difficulty in providing a most numerous, valuable, and efficient body of volunteers. The right hon. Baronet had referred to the time for which ships were kept in commission. It had of late been the practice to keep ships in commission a much longer time than was formerly usual, but he believed that injurious results ensued both to officers and men, and to the discipline of the crews, from keeping them together for too long a period, and the repairs required to the boilers and machinery of steam vessels would also operate against a longer period of commission. This was a question of great importance, which he thought demanded very serious consideration. He had heard, with much regret, the announcement of the right hon. Baronet that he proposed to make very considerable reductions in Votes 8 and 10. The first reduction was one of £50,000 in the Vote for Wages, and the other of £75,000 in the Vote for Naval Stores, the greatest diminution under the latter head being in the item for the purchase and repair of steam machinery. There had been of late years an enormous increase of charge in the shipbuilding department, in consequence of the great additional expense of repairing steamships as compared with sailing vessels. The expenditure upon sailing ships was chiefly confined to the hulls, masts, and rigging; but in the case of screw steamers not only were the repairs very costly, but it frequently happened that in getting out the machinery the hulls were injured to such an extent that considerable expenditure was necessary to place the ships in an efficient condition. The amount of repair necessary for a screw vessel was therefore much greater than was required for a sailing ship. He must confess he was astonished at the reductions proposed. After the reductions made at the close of the war in the various dockyards it was found that the work could not be properly performed, and constant complaints came from every port. Unless, therefore, some extraordinary change had taken place in the opinions of the most experienced officers, the right hon. Gentleman was acting now in opposition to their conviction. When he was in office, from no yard did more frequent complaints come than from Portsmouth, that the means were inadequate to the work to be done, and, consequently, in the proposal of the late Government, the largest increase was made at that yard. He himself went down to Portsmouth and inquired into the subject. He sent a Lord of the Admiralty and the Surveyor to other ports, and they came back with the conviction, shared in by the whole Board, that the means of building and of making repairs were inadequate at all the yards. It was in consequence of these visits and these recommendations, together with the recorded opinion of the Surveyor of the Navy, that he proposed an increase of £100,000 and of 1,000 men in our naval establishments. Under these circumstances, knowing that, unless there had been the inexplicable change of opinion to which he had referred, he had proposed the smallest sum compatible with the exigency of the service, he was surprised beyond measure to find the right hon. Gentleman proposing these reductions. He could understand that the Chancellor of the Exchequer might have put some pressure on the right hon. Gentleman. He had known of such cases. In one instance a First Lord of the Admiralty was told to reduce his Estimates, and did so with some remonstrance; but after an experience of a very few weeks he bitterly repented having made these reductions. Perhaps he might

give the right hon. Gentleman a word of warning. He quite admitted then the moment of repentance would not come so soon for a retrenchment in the buildings carried on as it had in the case he had mentioned, where there had been a reduction in the number of men. If, however, we were to keep our position among the maritime nations, we must keep up the number of our steam-ships. Sailing vessels, though useful in time of peace, would never be employed again during war. And what was our position respecting steam vessels? He quite agreed with the right hon. Gentleman that it would be absurd to shut our eyes and mouths in that House to the state of affairs in other countries. Formerly we had an immense superiority over other nations in sailing vessels. This superiority has gradually diminished as other Powers built the same kind of ships; but it ceased altogether when sailing vessels were supplanted by screw ships for the purposes of war. Every nation then started fairly, or pretty nearly so, in the race. Formerly we had twice as many sailing ships as France, but would the right hon. Gentleman say that our screw ships were now on a proper footing as compared with those of that country? She had now forty line-of-battle ships afloat, building, and converting, while we had only forty-two. Many of their vessels were more powerful than ours and could work better than ours, and he did not think such a state of things ought to continue. His proposal to increase the staff employed at the yards by 1,000 men at an expense of £100,000 was made with a view to forward the building of suitable ships, and he grieved that the right hon. Gentleman had not adopted the same course. He trusted there was not to be a quarrel with our neighbours. He believed in the alliance, and hoped it might long endure. But who could predict what would happen four or five years hence? The cessation of building in our yards would tell in no long time upon the efficiency of our navy, and we might have to regret it. Then there was another Power to which we ought to look. We had lately been at war with Russia, and in one summer she had built no fewer than seventy steam gunboats. Must not every one feel persuaded that she would exert herself to make an effective steam navy? He hoped and trusted that peace would last for many years; and he did not wish to dwell upon the subject of a comparison between our exertions in shipbuilding and those of other nations; but the best mode of preserving peace, it should be remembered, was to be amply prepared for war. He was certainly for maintaining a peace establishment in time of peace; but he considered it of the greatest importance that in such matters of preparation as the building of ships and the buying of steam machinery we should not hold our hand for a moment. No doubt during the Russian war we built gunboats in private yards, but we could not build line-of-battle ships in the same way. Why? Because it was not worth the while of private builders to keep a large stock of timber on hand, much less of seasoned timber. These gentlemen have exerted themselves greatly in preparing the gunboats, without regard to expense, and he even believed that the contractors in some cases lost money by their engagements, as they felt the building of these boats to be a national affair. The right hon. Gentleman, however, probably knew that in some of these gunboats, not two years old, symptoms of dry rot had appeared. This was reported respecting two vessels in the Mediterranean. Now, it was worth while for the country to keep on hand an adequate stock of seasoned timber which would not be the subject of dry rot. Not only did he regret that the reductions announced by the right hon. Gentleman should be made, but he objected to the mode in which they were made. He did not approve the payment of wages for extra time instead of increasing the establishments. The wages of the dock yardmen were fixed so as to be in ordinary times a little below the usual rate paid in private yards. But the certainty of occupation and other advantages counterbalanced this. In times of war, however, you could not compete with the private shipbuilders. Thus, in the autumn of 1855, he believed the wages paid at private establishments on the river where as high as 12*s.* a day, and the Government workmen at Sheerness all deserted. In this state of things the Government had one resource; they could set the men to work on extra time, and then it was worth their while to stay. It was good policy, therefore, to maintain during peace as many men as would perform ordinary work at an ordinary day's pay, and when a time of pressure came to put them on extra pay. In this way their earnings were increased, and the Government also increased without difficulty their power of meeting an emergency. If the right hon. Gentleman used up that resource in time of peace, and relied upon increasing his establishments in time of

war, depend upon it he would find himself greatly mistaken, and would be deprived of that assistance which was found so valuable during the last war. He would, in fact, be killing the goose that laid the golden egg. He was equally at a loss to understand the wisdom of the reduction of £15,000 for stores, and could not conceive what change of circumstances had rendered that diminution possible. No. 11 contained a great number of small matters, which it would be more convenient to discuss when the Vote was before the Committee; but the right hon. Baronet specified three items which were for the purchase of land, and which he proposed to postpone. That was a bad bargain. The longer you delayed the purchase of land, the more you would have to pay through the nose for it in the end, a lesson in which he should have thought that every one at the Admiralty would by this time have been perfect. As soon as you made up your mind that an extension was needed you ought to purchase the land that would be required for it. With regard to Keyham, the right hon. Baronet said that nothing had taken place which compelled the purchase of the land. Probably that was so, and very likely the owners would be glad to postpone the sale of it for a few years; but the longer it was delayed the dearer would the country have to pay for it in the end. The same observation would apply to the cases of Portsmouth and Malta, and he was therefore very sorry that the right hon. Baronet had determined to postpone these purchases. The Committee could not proceed with these Votes because the paper which purported to have been ordered to be printed on the 4th of February was dated April 7. There was no Estimate before them, and therefore he was dealing not with the Votes, but with the speech of the right hon. Baronet. He could assure the right hon. Gentleman that he had made these remarks in no spirit of hostility to him, and that he perfectly understood his anxiety to reduce the Estimates, if possible. He had, however, felt it his duty to object to the reduction of the amounts taken for building and machinery, for the purchase of land, and for some minor purposes. Reducing the amount for the latter purpose must lead to the postponement of the completion of works which, as in the case of the two docks at Portsmouth, it was very desirable should be finished this year. This, however, was not of so much importance as the reduction of the sums to be spent upon building and upon steam machinery. Those reductions were of almost vital importance, and could not, in his opinion, be carried out consistently with the maintenance of the superiority of our navy to that of any other Power—a superiority which he was convinced that every Member of that House was anxious to preserve.

Mr. DRUMMOND said, that the right hon. Gentleman who had just sat down had spoken of the folly of keeping up an extensive war establishment during a time of peace. As a general proposition there was no denying that. But what was the meaning precisely of a war establishment, of being in a state of peace, and of keeping up their relative positions with other nations? Now, on all those three different questions it was not merely necessary to show that they had not had a declaration of war. Everybody knew that in the country a gentleman was much more likely to quarrel with a neighbour whose state bordered his own than he was with a gentleman in another county. Naturally, therefore, as a nation, we were most likely to quarrel with our nearest neighbour. What sort of person was our nearest neighbour? Was he a dull, slow, heavy, matter-of-fact, circumlocution-loving, red-tape fellow like ourselves? Not at all, but quite otherwise. The Germans were of that nature. One could not expect any very sudden attack from the Germans; but this was a very lively gentleman. One could judge of how a man was likely to act in future by the way in which he had acted in times past: and had not our neighbour acted always by *coups de main*? Did they suppose that, they were going to have a declaration of war, and that he would give them a month's notice to bring their coast guards to their ships? Never. He was much too wise a man for that. He understood his own business a vast deal better. When the people of this country spoke of their own position with regard to maritime force, they should observe that a maritime force was not essential to the existence of any other country than Great Britain. Any other country could afford to lose a naval battle without the smallest detriment to her. France was not a whit the weaker when she lost the battle of Trafalgar; but whenever Great Britain lost the mastery of the sea, there was an end of her. It was not merely a matter of a Channel fleet, but if at any time a hostile force prevented our ships of war sailing from Plymouth to the Thames, there was an end of us. We ought to have a Channel fleet at all times, and always ready for action. It was most extraordinary that the Government of this

country would never believe outspeaking and honest people. He was of opinion that the Emperor of the French had been always perfectly open and above-board with this country. Since he had come to the throne, he had acted honourably and straightforwardly. He had told them what he wanted them to do, and had acted to his word. The Russians did the same. For the last 100 years, Russia had been telling them that she wanted Constantinople. In the time of Catherine II., she christened one of her sons Constantine, avowing that she intended for him the throne of Constantinople. The late Czar told our ambassador at Vienna that, he wanted Constantinople, and made a similar statement to Prince Metternich; but not one word of that, would any one in the Earl of Aberdeen's Government, from the smallest official up to the Premier himself, believe, and even after the army of the Czar had set out and crossed the Pruth, they would not believe it. There was no secret on the part of the Emperor of the French that it was his interest to keep on good terms with this country. His Majesty was quite aware of it; but he had always said, that the time might come, when the people of this country might have irritated and provoked his people and his army to such an extent, that he might not be capable of restraining them. They had only to look at the intelligence contained in every French paper, to see that the Emperor had called his power of conscription into exercise, and obtained 40,000 or 50,000 additional seamen. He should like to know what could be the object of that. Was not the existence of Cherbourg with all its warlike stores, just like a man who held his fist to one's nose, saying, "I have not touched you; you have no right to be angry, for have I not a right to hold my arm as I like?" Was there any chance of the Emperor of France having a naval war with any nation except the English? Had he a large number of colonies to protect? Surely we were not to shut our eyes and refrain from using our common sense. It might not be a proper question to ask, but he should like to know whether they were really secure from a *coup de main* against Malta or Gibraltar—whether those places might not be taken before they could know anything of the matter. Probably a telegram a few days after the event would be the first tidings they would receive of it. He would advise them to reduce neither their number of men, nor the means of keeping up their establishments; and he agreed with the right hon. Gentleman that, to do so, would be a very unwise proceeding.

MR. CORRY said, he readily admitted it would be unwise economy to diminish the efficiency of the navy, but he could not allow that the present Government had done anything which would lead to that disastrous result. Every retrenchment that they had proposed in the Estimates had been so arranged, as not to impair the effectiveness of the service. The right hon. Gentleman the Member for Halifax (Sir C. Wood) had misunderstood what had fallen from the First Lord of the Admiralty, as to the dismissal of the 3,000 continuous-service men in the course of last year. His right hon. Friend had not cast any censure upon the late Government for that step; it was well known they acted under a financial pressure, and he had merely asserted the undoubted fact that, under whatever circumstances it had occurred, the discharge of those men was a misfortune. With regard to the proposed diminution of £50,000 on Vote No. 8, for wages to dockyard artificers, the First Lord had not stated that the Vote, as originally framed, was too large, but merely that he was not prepared, without further experience, to sanction the increase to upwards of 12,000 men, as a permanent establishment in time of peace. His right hon. Friend proposed, in the first six months of the year to spend one-half of the £100,000 proposed by the late Government on hired labour and extra time; and if, at the end of that period, it was found advisable to go on with the same rate of expenditure, he would then ask for a supplementary Estimate for the remainder of the year. There was therefore no risk of the work in the dockyards falling short of what was necessary for the public service since, if more money were required to enable the Government to carry out their intentions with respect to building ships and bringing forward ships for commission, there would be no difficulty in applying to Parliament for the other £50,000. The right hon. Gentleman had objected to the mode in which it was proposed to expend the money, and he would agree with him that the system of working extra time might be objectionable as a permanent arrangement, but the Government did not contemplate making it permanent; and if, at the end of six months, the state of the dockyards showed that a larger force was necessary, they would come down and recommend the increased establishment proposed by their predecessors. Undoubtedly,

great and increased exertions were needed in the repairing and building of ships, and particularly of screw-ships of the line, the number of which was now insufficient. Twenty-six years ago, in the year 1832, the right hon. Member for Carlisle then First Lord of the Admiralty (Sir J. Graham), when the number of our ships of the line was eighty-eight, stated that the strength of our line-of-battle was reduced below what it had ever been since the Revolution of 1688; and that right hon. Gentleman laid it down as a rule that, taking into consideration the age of the vessels of the navy, and the number of years they were likely to last, it was requisite to build three new ships per annum, in order to maintain a proper establishment of ships of the line. Now, a Return which he had in his hand showed that, in the thirteen years between 1832 and 1844, only 20 line-of-battle ships had been launched, or 19 less than three a year; and that in the next thirteen years, between 1845 and 1857, the number launched was 25 or 14 less than three annually, making for, the whole twenty-six years, only 45 line-of-battle ships or 33 fewer than would have been launched if the rule of the right hon. Baronet had been carried out. The Committee might not be aware how reduced the strength of our line-of-battle now was as compared with former times. At the beginning of the French Revolutionary War, we had 117 ships of the line; in 1799 we had 125 ships of the line; and in 1814, just before the peace, we had 118. In 1832; the number was reduced to 88, it was now further reduced to 66, the present number, of which only 29 were screwships; and there were 10 more building. Our real effective force of line-of-battle ships afloat was therefore reduced to 291, for our sailing ships had become useless for naval warfare and the whole of those which were considered fit for it, had already been converted into steam-ships. To show the extraordinary amount of labour now thrown upon the dockyards, in consequence of the size of the steam-ships now being constructed, and their enormous cost, he might mention that the hull of a first-rate ship of the line now cost £30,000 more than it did ten years ago, the machinery also costing an additional £62,000; making a total increase of £92,000. The total extra cost of a second-rate ship was £80,000; that of a 50-gun frigate, £100,000; including, in both cases, the cost of engines, and this difference increased as they descended in the scale, for the cost of a 26-gun corvette was actually £107,000 more than in former times. Of course, those ships represented a much greater force than the old sailing ships, carrying the same number of guns; but the fact remained that whenever a steam line-of-battle ship, a steam-frigate, or a steam-corvette was built, the cost was now greater than the cost of sailing vessels of the same classes by the amounts he had mentioned, and this alone was sufficient to account for the great increase in the Estimates for labour and material during the last few years. He had quoted those figures for the purpose of proving to his right hon. Friend the late First Lord of the Admiralty that he quite concurred with him in the opinion that the work in our dockyards ought not to be permitted to be relaxed, and he, for one, should be unwilling to assent to any reduction in the Vote for wages, had not his right hon. Friend behind him intimated his readiness, should a larger sum be required, to make a further demand upon the House of Commons to meet the necessary expenditure. With respect to the £50,000 taken off the Vote for steam machinery, he could only say, while he was ready to admit the importance of the Vote, that his right hon. Friend at the head of the Admiralty had every reason to believe that the proposed reduction could be made without at all interfering with the efficiency of the service. Such, at least, was the conclusion arrived at after a consultation which had been held upon the subject; and he believed that the sum of £250,000 which was proposed, would provide for all existing engagements, and leave a surplus sufficient to meet the instalments which would become due on the engines it would be necessary to order during the course of the year. The same observation would apply to the reduction of £15,000 for hemp, with which his right hon. Friend opposite seemed to find fault. From a statement which had been sent in by the Storekeeper General, it appeared that, although the store of hemp was somewhat deficient, yet the quantity of yarn was so great, that the reduced Vote would make sufficient provision to leave a store equal to more than three years' expenditure at the end of the year. In reference to the reduction of £108,000 in the case of the Vote for new works, he might observe that it had, to a considerable extent, been caused by what the Government deemed the expediency of postponing

for a time the proposed purchase of land at Keyham and in other quarters. The question of the purchase of land at Keyham, for instance, was one which was quite new to the present Board of Admiralty. It also found that there were certain legal difficulties in the way of the purchase, and, not having had an opportunity of visiting the spot, it had come to the determination not to propose a Vote for that purpose in the Estimates for the present year. He must, however, add that not one of the items to which the right hon. Baronet opposite had adverted, had been struck out of the Estimate without the consent of the head of the department of works, and without his assurance that the new works which had been so struck out might be postponed without detriment to the public service. He had simply to express a hope, in conclusion, that the Committee would adopt the Votes as they stood.

SIR GEORGE PECHELL said, he was disposed to place confidence in the naval Board, who had already shown, by their treatment of the half pay officers at Greenwich, that they were disposed to take into consideration all claims that could be fairly urged upon them. Moreover, it afforded him considerable satisfaction to find that many of those improvements in connection with our naval service, of which he had for several years been the advocate, had that evening been propounded from the Treasury bench. While, however, there was much which had fallen from the right hon. Baronet the First Lord of the Admiralty which he was gratified to hear, there were some observations of his, and especially those relating to the continuous-service men, to which he felt it to be his duty to take exception. The continuous-service men had been raised through the exertions and perseverance of that most excellent officer Admiral Berkeley, when one of the Lords of the Admiralty. The services of those men had been greatly misunderstood, and he did not think the right hon. Gentleman (Sir C. Wood) had acted fairly towards them. They entered for ten years, and many were allowed to quit the service at the end of the war, but it had come to his knowledge that many of them finding the mistake they had made, had been obliged to make interest to get reinstated in the navy. He thought the mode of raising the men for the navy was not altogether quite satisfactory. The inducements held out to enter the service were considerable, and our ships had been manned, by means of volunteers, during the contest with Russia. Therefore, although the right hon. Baronet had stated that, at the present, the contrary was the case, and that more than one of our vessels of war lay at Portsmouth unmanned, he (Sir G. Pechell) could not help thinking that that circumstance was attributable, in some measure, to the captains, who were too particular as to the men and boys who offered themselves for entry. He was of opinion that the required standard of height—five feet four inches for young men and five feet for boys—was somewhat too high, and he had no doubt that there were many useful and active fellows rejected upon that score, who possessed all the qualifications necessary to render their country good service. He was also satisfied that many a sailor had been deterred by the ten years' service. He (the gallant Admiral) had hoped the right hon. Gentleman would have given the House some idea of the policy Her Majesty's Government intended to pursue, with respect to the slave trade on the coast of Africa and of Cuba. If the House voted large sums of money in the shape of increased Naval Estimates, it had a right to expect that a portion of it would be employed in the extinction of that infernal traffic, the abolition of which had already cost this country so much in men and money. When he had recommended the late First Lord to employ gunboats for this service, he was told that men could not live in the tropics in vessels of that description. Nevertheless, gunboats had at last been sent out; and he (Sir G. Pechell) should have been glad to receive some information as to the success of the experiment. Gunboats would be able to pursue the slavers into those numerous shallow waters on the coast of Cuba, from which they had hitherto laughed at our heavier craft; and he read in the papers of that morning, that one of them, the *Jasper*, had taken a most valuable prize, that had 2,000 doubloons on board. With respect to the operations which were going on in the dockyards, he was of opinion that they might have ships a great deal too big. He was afraid they would find that vessels of the enormous size they were now constructing would not be found to answer the end for which they were designed. He thought that the composition of the Board of Admiralty required alteration. He would have no lay Junior Lords at all; for, while a naval Lord could perform all the duties of a civilian member of the Board, there were duties which none but a professional mem-

ber could properly discharge. There was one point on which the speech of the right hon. Baronet (Sir J. Pakington) had given him great satisfaction; and that was the manner in which he had spoken of the long-mooted claims of the poor old lieutenants and captains at Greenwich. These officers had been treated most unfairly by the right hon. Baronet's predecessors, and he (Sir G. Pechell) begged to return the right hon. Gentleman his sincere thanks for the course he had taken with regard to this subject.

Mr. BENTINCK agreed with the hon. and gallant Member for Southwark (Sir C. Napier), that the speech of the right hon. Gentleman the First Lord of the Admiralty was the first which, for many years, had held out the promise of amendment in the conduct of our naval affairs. He had certainly regretted to hear the right hon. Baronet announce an intention to reduce the Estimate for works drawn up by the late Government, who, he thought, were not likely to be guilty of extravagance in these matters; but, as the right hon. Baronet and the Secretary for the Admiralty had explained that those reductions would not be persevered in if they should be found injurious to the public service, he was content with that explanation. He had heard, with great satisfaction, the declaration of the right hon. Baronet, that the country ought never to be without an efficient Channel squadron. He (Mr. Bentinck) had, upon two occasions, endeavoured to call the attention of the late Government to the subject of the defences of the country, but was met with the stereotyped answer, that his apprehensions were wholly unfounded, and that our defences were in an admirable condition. But what turned out to be the fact? The right hon. Baronet had shown that, up to a very recent period, there was not a single man of war in the Channel available for home defence. It was true the right hon. Baronet said there were now three or four men of war able to act upon an emergency, and that, in a month, twenty sail of the line, including blockships, would be available, in case of emergency. But an emergency did not take a month to arrive. A country which could not prepare itself for war in less than a month had no right to consider itself a great country; and that which allowed a whole month for preparation had no right to be called an emergency; for an emergency was an affair of days, and even of hours. He considered that this country ought to be ready with her fleets in as little time as ships could be got out of harbour—that was what he regarded as the true measure of a state of preparedness. He wished to treat this question in a mere mercantile point of view; and to ask as a mere matter of business, as a measure for insuring much valuable property whether it was not advisable to keep up a sufficient force to secure the defence of the country from the danger which had been hinted at—a foreign invasion? No one believed that such an invasion would be successful; but the landing of a few thousand foreign troops, even for a few hours or days, would do such injury to the credit, the character, and position of England, that it would take years and millions to repair. We should keep up such a force as would make invasion utterly impossible. He had been glad to hear the late First Lord of the Admiralty say that the defences of the country ought to be kept in an efficient state; but he thought that right hon. Baronet, when in office, had not acted upon that principle; but he (Mr. Bentinck) did hope that the naval defences of the country would never again be allowed to fall into the state in which they had been during the administration of the late Government. It was truly said, the important question was, how to raise men; and he believed that, unless the system of continuous service was kept up, there would never be a sufficient number of men at the disposal of the Government to enable them adequately to meet any emergency that might arise. One thing had greatly pleased him in the course of the debate. They had not heard any of those frivolous and absurd arguments in favour of what some persons chose to call "economy," but which was, in reality, nothing but an ill-judged parsimony, which was certain ultimately to tend to the most wasteful extravagance. He might refer, for instance, to the waste of money which might have been saved, under a better system, at the commencement of the Russian war. If our naval armaments had at that time been in a proper state, a shilling would have sufficed where, in point of fact, pounds had been spent. He considered that £30,000,000 or £40,000,000, at the least, had been uselessly squandered away, in the course of the Russian war, owing to the undue reduction which had been effected in the strength of our naval armaments. So long as the present composition of the Board of Admiralty continued, it would be perfectly impossible to have an

efficient administration of the navy. The constant political changes which took place necessarily involved additional expenditure; and, so long as the Board was made, in any degree, subject to political jobbing, they must never expect a perfect system.

ADMIRAL WALCOTT: Sir, the decrease in the Naval Estimates for the years 1858 and 1859 is too observable to pass without comment. The revision is effected by the following method of saving:—On naval yards, service afloat, trams, and police, £50,000; purchase of hemp, £15,000; purchase of steam machinery and repairs, £50,000; for vessels building by contract, £10,000; new works, improvements, and repairs in the yards, £108,756; conveyance of troops, freight of ships, £45,000; coal steam transports, £40,000: Total, £308,756. I entertain some misgivings in respect to several items of this proposed reduction, especially as regards a deduction of £50,000 on machinery, and the postponement of completing the purchases of land for the enlargement of the dockyards at Deptford and Keyham, and reconstructing and extension of docks at Portsmouth and Woolwich; but I will trust that this revision of the Estimates is the result of careful consideration and deliberate judgment, and that the efficiency of the naval service will be in no degree impaired. Such a course would be most repugnant to the good sense and wishes of the country. No expenditure is more willingly voted than for the support of the navy, when it is clear that its administration is conducted on sound principles. I therefore desire to impress upon the First Lord of the Admiralty the paramount necessity of making the numbers, strength, and armament of the British Navy, proportionate to the known capabilities, the improvements in scientific appliances, and augmentation of the fleets of foreign countries, whether in actual being or in progress. Any default of such information or state of preparation would, in the event of unexpected hostilities, expose to the most serious disadvantage that arm which is the immemorial, I may say natural, safeguard of England. Much, I admit, has been done to advance the popularity of the Naval Profession by an increase in pay and amount of pensions. Our gunnery has been improved to the highest perfection and accuracy. We have organized a Coast-guard of 7,500 men, composed of petty officers and seamen, and established a force of 5,800 Naval Coast Volunteers. Still three points present themselves as of the utmost importance and consideration:—1st. A just estimation of the influence which the introduction of steam is calculated to exert on those former advantages which were derived from the superiority of our seamanship. 2ndly. The corresponding dependence of the safety of our shores upon the efficiency of our home fleet. 3rdly. The absolute requirement of the highest excellence in the discipline and training of the men, as in numerical strength and perfection of structure in our ships. I would therefore suggest, as a measure of ordinary prudence, that every coast-guard line-of-battle ship should have a training brig attached, in which, for periods, say a month to six weeks, its officers and crew in successive reliefs should be kept in active employment and practically instructed in sea duties, while the gun-boats already attached to each of those ships might be allotted for a similar purpose to the Naval Coast Volunteers. I will only add, that in our Naval Estimates stint is not economy, for the deficiencies, which must be the inevitable result of such short-sighted policy, would have to be made good at an extraordinary cost, and in an emergency would be wholly irreparable, while a state of preparation for war has always proved the best security against the infraction of peace. I, on a former occasion, observed, regarding the vast extent of our commerce, the remoteness of our most valuable dependencies, the uncertainty of any political relation, and the duration of Continental peace, that I trusted this House would be careful to maintain at all times a fleet adequate to the necessities of our occasions, for on this depends the prevention of national disaster, on this hangs the supremacy of England. I wish for no vain parade—I desire no idle ostentation—but then, as now, I protest against deficiency, for in default of an efficient navy, a glorious opportunity may be lost of dealing an effectual blow against an enemy, and crushing him by a decisive stroke in the infancy of a war. I admit, with the gallant Admiral (Sir C. Napier), that as a ship once properly and efficiently fitted out, ought not to require any essential repairs during the five years next following, therefore the expenses and loss entailed by the additional equipment and dismantling under the present system might be spared to the country. But I must observe that it is at once for the advantage of the service and the interests of the country to afford sufficient—and so, necessarily, frequent—opportunities of active employment, in

order that they may preserve a practical knowledge of their professional duties to naval officers. Their numbers are ample to meet every demand made upon them in the event of war, while in peace there is a proportionate decrease in the amount of force maintained at sea. If, then, the plan to which I allude was adopted, I foresaw that those opportunities of service must be sacrificed. A change of officers, and now of men, is proposed to occur at intervals of two years and a half, an arrangement which could not be carried out if a ship were on a remote station, and one eventually distasteful to the sailor, and calculated to indispose him to enter for five years. A blue jacket is a creature of caprice, and likes a complete change of his ship and station at the termination of the present period of a commission of three years. These reasons will, I trust, weigh with the Admiralty against the mere saving of a few thousand pounds, and induce them to pause before they commit themselves to a change so open to question, and likely to prove pernicious in effect.

Lord CLARENCE PAGET said, he had so often unsuccessfully attempted to catch the Chairman's eye that he almost began to think he must have some resemblance to the phantom ship. He had risen at least seven times; but had not been so fortunate as to catch the eye of the Chairman; and now that he had been successful he would not at so late an hour fatigue the House with any lengthened remarks. What had passed that night proved more than ever the justice of the complaint so often made, that those Estimates were not drawn up in such a way as to enable professional men to analyze them with effect. There were two mysterious Votes, Nos. 8 and 10, which seemed to depend upon each other, the two forming indeed one Vote, and it was to that part of the Estimates he wished particularly to allude. The two Votes amounted, in the revised Estimates of the Government, to £2,326,663; but he defied any one to say how that money was to be expended, or to give a professional opinion as to whether the expenditure was such as would combine economy with efficiency. Whether it was to be spent in constructing line-of-battle ships, or frigates, or corvettes, he could not say. If line-of-battle ships, he believed it to be the opinion of the Navy, that it would be wise to pause in the construction of these enormous vessels. That opinion was gaining ground in this country and much more was it gaining ground in France. He had been lately at Paris, and had conversation with French officers on the subject, and, whatever reports the late First Lord of the Admiralty might have heard respecting the French navy, he could give him positive information that, so far from there being any activity there in building large ships, they were waiting to see what would be done in this country. He was persuaded, and it was the general opinion of the naval profession, that line-of-battle ships were not destined to play an important part in future naval wars. It was believed that these ships would be superseded in the line-of-battle, and more particularly in attacking forts, by ships with one tier of heavy guns and their sides cased with iron. He believed with the hon. and gallant Admiral the Member for Southwark (Sir C. Napier) that in ten years three-deckers would be unknown, being cut down into single deck ships; and, holding that opinion, he thought it was a wasteful expenditure of the public money to go on year by year constructing that class of vessels. There were, as far as he could learn from the Navy List, fifteen of these vessels under construction now, and the Secretary to the Admiralty had understated the number, unintentionally he was sure, when he said there were twelve. The right hon. Gentleman the First Lord of the Admiralty was untrammelled with the old prejudices of the Admiralty, and the antiquated rules by which, he was sorry to say, his right hon. Friend the Member for Halifax (Sir C. Wood) was governed. Though he greatly admired the general policy of his right hon. Friend, and the care which he took of the Navy, yet he was too much bound down by antiquated rules that seemed to be unchangeable. He would, therefore, recommend the right hon. Gentleman (Sir J. Pakington), who from his statement that night, and the careful way in which he seemed to attend to the details of the service, would, he was convinced, make a most efficient First Lord of the Admiralty, to select a few of the naval officers, for whom, alas! there was no employment and who were kicking about the streets of London, and form them into a committee to give their professional opinion on the construction of man-of-war ships. Don't let them be taken into the four sombre walls of the Admiralty — they would be alarmed at the sight of the Admiralty, for no naval man ever went within its gates without feeling a certain amount of trepidation. Let them sit anywhere but within the walls of the Admiralty, and let

them give their professional opinion as to the class of ships that should be constructed. But his principal object in addressing the House was to urge upon the Government the duty of giving more information regarding Votes 8 and 10. The Vote —for there was really but one—should be confined to two objects, one for the construction, and another for the altering and repairing of ships. If the Government would bring in estimates for building so many frigates of thirty or forty guns, so many line-of-battle ships, and so many corvettes, then professional men would be able to give a decided opinion upon the matter; but as matters stood they could give no opinion. As an illustration of the present system, he would take the instance of the new frigate called the *Diadem*, just built—a very fine ship under canvass no doubt, but that ship could do nothing more than the old *Leander* did fifty years ago. It was true that by means of an enormous engine she could be driven at the rate of eleven knots an hour for a few hours, but the ship was totally unfit to go any distance, because she carried only four days' coals, and could not be employed in going to India, or to any part round the Cape; whereas he believed there could be no difficulty in constructing a class of frigates that would carry from ten to fourteen days' coal and six months' provision, besides a regiment of soldiers, and go at a speed of thirteen knots an hour. After the outbreak in India every naval-man naturally turned his mind to consider how ships of war might be made available for carrying troops. It was one of the old ideas at the Admiralty that naval officers did not like carrying troops, but it was a libel on the profession. They were proud, every one of them, of carrying soldiers, and the right hon. Gentleman the Member for Carlisle could vouch for the fact that very many volunteered for the duty during the late war. They all felt that, as they could take no share in the business before Sebastopol, the least they could do was to assist in the carrying troops, and so to save the country some of the enormous expense to which it was put by paying for transports. He himself had put this question to an eminent shipbuilder, in conjunction with a first-rate engine builder, who built for the Admiralty,—"Can a man-of-war be constructed, carrying 12 pivot guns of 95 cwt. each, under a covered deck, the tonage not more than 2,600 tons, carrying 16 days' coal under full steam, with a speed of 13 knots, to carry six months' provision for 500 men, with a draught of water not more than 21 feet?" In a fortnight models and drawings of such a ship were brought to him. There was nothing like that in the navy. There was not a man-of-war steamer that could carry four months' complete (including bread) provisions, few that could carry more than four days' coal. Of course he would not guarantee that such a vessel could be built, but he was certain that the persons to whom he had applied would have no wish to give him an exaggerated statement. He entirely concurred in the high encomium passed by the gallant Admiral the Member for Southwark on the Surveyor of the Navy, but he thought too much responsibility was thrown upon that officer. The question of shipbuilding was discussed exclusively by the First Lord and the Surveyor, it was never brought before the other members of the Board at all. The naval members rarely had their opinions asked about the question—it was a sealed book to them. He was aware that the late First Lord had begun to make some improvements in this respect, but until a committee of naval officers was called together and asked for their opinions on the subject of shipbuilding we should never get any thoroughly efficient ships built. On the question of manning the navy he had a simple suggestion to offer to the First Lord—not one of his own, but one which had long been talked over by naval men among themselves, and he trusted that the right hon. Baronet who now presided over the Admiralty, and was evidently determined not to be trammelled by precedent, would listen to it. The *Royal Albert* was a magnificent three-decker, and every one knew the services which she had done in the late war under Lord Lyons; her officers were attached to each other, the men too were attached to each other and to their officers; she might be said to be the *beau ideal* of a three-decker. When she came back to England the process through which she would go would be this:—She would be brought into the dockyard, her men would be paid off and allowed to go home, and such of them as had a longer period to serve would have to make their re-appearance in six weeks. They would then be put on board a receiving ship, made supernumeraries of—or "stupid" numeries of, as they call it—looked upon as in everybody's way until they were draughted off east, west, south, or north, as chance might direct. This was what sailors abominated. They felt that they were not being treated as sailors. He would suggest, therefore, that when the *Royal Albert* came home the

Lord Clarence Paget

Admiralty, for the sake of the officers and of the crew, should try the experiment of keeping the crew together. Let them borrow a barrack at Portsmouth contiguous to the dockyard, from the Secretary for War. [Sir J. Pakington.—He has just borrowed a ship there from me.] And in this barrack let the crew be quartered. Let the petty officers, who were mostly married men, have the benefit of their wives. These were comforts which sailors appreciated as well as other people. They would do the work in the dockyard, and in the Crimea they had proved themselves capable of doing garrison duty. There their camp was in as good order, and the discipline was as strictly preserved, as in any part of the army. The accounts which came home from India at the present time spoke in the highest terms of the excellent conduct of the Naval Brigade there. Then, when they were wanted, if it was for a three-decker, there would be a splendid crew ready; or, if frigates were needed, there would be three frigate crews. Let their officers go with them, and let them all be made to feel that they belonged to each other, just as the officers and men of a regiment. Such an experiment would have an excellent effect. It would be a great boon to the Navy if a system of open competition for cadetships, both naval and marine, assistant-surgeonships, clerkships, and assistant-masterships, were introduced. It was an old saying, that sailors were beggars from their births. No youth could get into the Navy except by begging, but it was time the system was put an end to. On this point a passage from the report of the examiners for admission into the Royal Military Academy at Woolwich in the year 1857, was very important:—

"9. The desire to obtain admission by competition to the Academy has brought into our class some young men of the highest order of ability, who would do honour to any profession in which they might engage. In several instances we have known parents and friends to oppose the wishes of these young men, on the ground that they would obtain more distinction and better incomes in other avocations, but in the end the ardour for military life has prevailed. Is it not better, we ask, to have such men in the command of troops than those who creep in by the old way of lazy, spiritless patronage?

"11. In addition to the observations we have made as to the intellectual superiority of those young men who have already fallen under our notice, we think it right to add a few words as to their physical and social condition. With regard to physical condition, we venture to assert that among those who have succeeded, some are to be found who both as to appearance and muscular condition cannot be excelled in any of Her Majesty's regiments. As to moral and social condition, they are without exception gentlemen well fitted to associate with others, no matter how high their standing may be."

The chaplain of Woolwich Academy corroborated the statement that, so far from lowering the class, if anything, the cadets were higher. It was an injustice to the higher classes to suppose that they would lose by competition. They could afford to educate their children, and assuming that they were only equal in intellect with the lower orders, at all events the additional advantage of a more expensive education ought to give them a better chance. He was sure that the Lords of the Admiralty, to whom the patronage principally belonged, would gladly give it up, and he trusted the Government would take into consideration the propriety of introducing into the Navy the competitive principle.

Viscount PALMERSTON: I entirely agree with my hon. Friend the Member for Surrey (Mr. Drummond), the hon. Gentleman the Member for Norfolk (Mr. Bentinck) and others who have spoken to-night, as to the great importance of having an adequate naval service for the defence of the country. It is, indeed, quite obvious that it is absolutely necessary for our security that our navy should be in an efficient condition. There are three great naval Powers — France, Russia and the United States. They are all of them almost without colonial establishments, and so far independent of naval warfare that, even a naval reverse does not materially affect them; while, on the other hand, our insular position makes naval protection essential for our security, and we have vast colonial possessions scattered over the face of the globe which also require naval protection for their defence. In considering, however, what should be the application of the funds which Parliament may place at the disposal of the Government for naval purposes, it seems to me that between providing a large number of men and what may be called materials of defence, in ordinary times preference should be given to the latter over the former of those demands. In periods when there is no immediate danger, if the amount of your shipping, the state of your dockyards, and the quantity of your stores be not such as they ought to be, I think it is a wiser and more prudent application of the funds at the disposal of Government to apply them in building ships, in organizing the dockyards, and in filling them with stores,

rather than having a greater number of men actually employed. And the reason is obvious. Your are not at all the more secure next year in consequence of having had a greater number of sailors employed in this year, but you are more secure next year if in the present year you increase the number of ships and place your dockyards and stores in a more efficient condition. That was the principle upon which the late Government acted upon the occasion which has been alluded to in the debate of this evening. Last year, when the war with Russia was over, there was a great demand, not only in the House but throughout the country, for the cessation of the war income tax, which rendered it necessary for the Government to reduce the amount of money applicable to the naval service ; and my right hon. Friend the First Lord of the Admiralty judged properly, that it was better to reduce the number of men actually employed, and to go on with those other applications of the public money to which I have alluded. Therefore, when I am told that it was an unwise and improvident act to reduce the number of men last year, I say it was the inevitable result of Government acting in deference to the opinion of Parliament and the opinion of the country. We have been told that the Prime Minister ought to come down and say that he requires that means should be given to supply a certain number of men for naval purposes. It is all very well to say that a Minister should hold that language ; but when the declared opinion of Parliament and of the country is that certain taxes should cease, it will be utterly in vain to urge their continuance as to appeal to the House for a larger sum of money than they are inclined to grant. On the contrary, I say that it is the duty of the Government to submit to the opinion of Parliament and the country, and to make the most prudent application they can of the moneys which may be placed at their disposal. Applying that principle to the course which the present Government is about to adopt, I confess that I think the course which they are pursuing is not the wisest or the most prudent for the interest of the country. I think they are very right in saying that there ought to be a Channel fleet, that we ought to have the number of men which they propose to provide for by the Estimates ; but I think the reductions which they are making in the amount of shipping to be built, in the stores to be provided, in the improvement and enlargement of the dockyards, are improvident retrenchments, and I cannot conceive that there is any financial necessity for any of those reductions, because it is impossible to imagine that the right hon. Gentleman the Chancellor of the Exchequer will find when he produces his budget that that difference in expenditure can make any material difference in the means which will have to be provided for the year. With regard to building ships, my noble Friend (Lord C. Paget), to whose speech the House had listened with the greatest attention and interest, and whose practical knowledge makes him a very high authority, has stated that the building line-of-battle ships is an antiquated prejudice. With all deference to him, it seems to me that until I see other nations have abandoned that practice it is not yet antiquated, and that it would be very imprudent for this country to act upon a different principle. I do not think it would be acting with ordinary prudence to allow England to have no adequate supply of line-of-battle ships when France and Russia are multiplying their fleets of that description. My noble Friend tells us that he has been informed by naval officers in France that they consider line-of-battle ships useless, and it is much better to have smaller vessels. I am not sure that opinions coming from what must be called the rival service of other countries are exactly the opinions by which the Government of this country ought to guide their conduct. Perhaps if my noble Friend had to advise the French Admiralty he would say—"You had better not increase your line-of-battle ships. Content yourselves with gunboats ! Don't follow the error of having a large fleet of line-of-battle ships ! It is better for you to have very few, or perhaps none at all." I think that as long as other naval Powers build an increasing number of line-of-battle ships it is essential that we should be provided with ships of that description. It may be quite true that, although great improvements have been made of late years in the construction of ships, still greater improvements yet remain to be made, and more especially as regards the bows and the lines connected with their rapid transmission through the water. No doubt, those improvements may be made, but I should hope that the present Government will not be led even by the opinion of my noble Friend to discontinue the provision of line-of-battle ships to cope with those which other nations are constructing. We know that the French Government are

taking measures which, in the course of a very few years, will give to France a fleet of screw line-of-battle ships very nearly the number we shall have at the same time. In addition to that, we know that the Russian Government are constructing as fast as they can a formidable fleet of large line-of-battle ships. It would be the greatest, the most extreme imprudence for this country to lay aside all idea of increasing the very inadequate number of screw line-of-battle ships which we have at the present moment. We must recollect that the application of the screw as a motive power has rendered it necessary to rebuild the whole of the fleet of this country, and, as has been stated, the cost of building screw-ships, as well as the cost of working them, is infinitely greater than that which attached to the building and working sailing-vessels. I hope, therefore, that the present Government will reconsider the course which they intend to pursue. The right hon. Baronet the First Lord of the Admiralty said, that if he found in the course of the Session that more money was required he would come down with a supplementary Estimate for the purpose; but I would submit to him and to the right hon. Gentleman the Chancellor of the Exchequer, whether when the right hon. Gentleman has submitted his budget, has made his financial statement, and has proportioned the Ways and Means to the supply voted by Parliament, it will not be eminently inconvenient if at a later period of the Session any Department comes down to Parliament with a considerable Estimate for services not covered by the Ways and Means which have been provided. With regard to the dockyards it is well-known by those who have attended to those matters that most of them are inconveniently small in area. I believe that Cherbourg is as large as many of our dockyards taken together. The increase in the length of ships consequent upon the application of the screw has been such that I believe we have very few docks now which will hold the line-of-battle ships we are building. It is very necessary, then, to increase the size of the docks. We require, also, factories for steam machinery; because the machinery by which the screw is driven is liable to perpetual accidents, and unless we have the means of rapidly repairing and rapidly supplying new machinery it will be in vain that we build the ships. The gallant Admiral says that ships are of no use without men. That is true, but it is also true that men are of no use without ships; and men can be procured in a much shorter time than it is possible to build ships. I say again, that the most pressing application of the funds voted for the naval service is in providing ships which, when once built, will remain, rather than in employing men who, after the year is over, will not add to your strength next year unless you continue the expense. With regard to the purchase of land, there is a power to have land valued by a jury of assessment when it is wanted for purposes of military defence. But there is no such power with respect to land wanted for dockyards, and if the Government give up purchases for which arrangements have been made and assent has been obtained, they may either not be able to obtain the land when it is wanted at a future time, or else the price will naturally be raised. I submit that the Government have taken an injudicious course in the reductions they have made in these Estimates, and I think that the right hon. Gentleman the First Lord of the Admiralty will better consult the interests of the country by reconsidering the subject, and proposing the full amount of the Vote formerly laid upon the table.

Sir JAMES ELPHINSTONE said, that he had listened with great pleasure to the statement of the First Lord of the Admiralty, which he regarded as the precursor of better times for the Navy. In vindication of the proposed reduction in the Vote for steam machinery he would say that it had become highly necessary to pause and consider the circumstances under which that machinery was applied. There were now at Spithead four ships, three of which were the finest of their class. One, the *Renown*, was a 90-gun ship, and another, the *Diadem*, a 32-gun ship. They were both of 800-horse power, yet they sailed within half a knot of each other. The third was the *Racoon* of 22 guns, one of the most servicable ships in the Navy, which sailed within half a knot of the *Diadem*, the 32-gun ship. The *Imperieuse*, one of the finest vessels in the Navy, with 360-horse power, sailed within three-quarters of a knot of the *Diadem*, although the latter had 800-horse power. When results so various were obtained it was clear that the application of steam power and the science of building steamships were still in their infancy. It was therefore requisite to pause till some Commission or inquiry had been appointed to consider very maturely by what means steamships could

be propelled not only fastest, but cheapest, and had reported to the Government. He believed that it would be well to select some one model in each class, which the Admiralty should endeavour to improve upon. The gunboats he regarded as an entire failure. It appeared that they ought to have been mortar-boats, [Sir CHARLES NAPIER: Hear!] and that we had built 120 of the most useless rubbish ever collected together, which would neither sail nor steam, nor carry their crew with any degree of comfort. If they had been constructed upon proper lines they might now be used on the coast of Africa, or Cuba, or in China. A sum of £70,000 had been voted for a place where they could be hauled up, and now that they they were there they put him in mind of the old puzzle of a reel in a bottle. They had been put up on a slip, and a great deal of ingenious machinery had been contrived to place them there and to launch them into a creek; but, unfortunately, that creek contained no water. They might get one vessel launched; but before they could get another down the tide was gone, so that, let the emergency be ever so great, the whole could not be launched in less than ten weeks. With regard to the competitive examinations for the Navy, suggested by the noble Lord (Lord C. Paget), he would submit that the boys entered the Royal Navy at a much too early age for competitive examinations. What was wanted for the Navy was good, thick, stout boys, with plenty of growth in them, and good common sense, and if they were examined when they were twenty years of age the Admiralty would find out what they were good for. At present when boys got a cadetship they went down to Portsmouth and got crammed, and they then passed a juggle of an examination. When he belonged to the East India Company's Navy, boys were taken a year later, and were never examined except when they were put upon the quarter-deck to take charge of a watch. Their midshipmen were fine strong young men, not likely to become unservicable and to leave the service, which he believed was the case to a great extent in the Royal Navy at present.

SIR JOHN PAKINGTON: I listened with sincere pleasure to the remarks of the noble Lord the Member for Sandwich (Lord C. Paget), whose high standing in his profession will obtain the due consideration for every suggestion that has fallen from him. I think that the noble Lord is mistaken in saying that the *Diadem* only carries four days' fuel; I think she carries six days' fuel; but, whether it is four or six, it is not desirable that vessels of this class should steam at full power. It is perfectly true that vessels steaming at half power will frequently sail within a knot as fast as at full power, and the *Diadem* in carrying four days' coal will therefore, under ordinary circumstances, carry coal for eight days. I submit to the noble Lord that these screw steamers are not intended to use steam power except as an auxiliary, and that it is not desirable they should resort to steam except under pressing circumstances. The noble Lord has expressed a wish that we should not continue to build line-of-battle ships; but I cannot agree with the noble Lord to the extent to which he would carry his principle. So long as line-of-battle ships of great power and force are built by other nations, I cannot think it would be wise in us to abandon the building of similar ships. It was the complaint of the right hon. Gentleman the Member for Halifax that we had not line-of-battle ships enough. Between these two opposite statements there is great discrepancy, and I would suggest that the wisest course is to have a sufficient amount of all sorts of ships for our own protection, but not to enter into those races with other nations which are most unwise. I think that if we confine our preparations to taking care of ourselves, and if we set an example of moderation and reduction, other nations will follow it. I had not intended to advert to the comparative question of force between France and ourselves. I purposely omitted it from my opening statement. I should be sorry to say one word which could give rise to the idea that the Government entertain any feeling of alarm. We entertain no such feeling. We feel that at this moment, as at other moments, England ought to be protected—that she ought to be adequately defended—but at the same time we see no cause for alarm. Therefore it was that I did not think it desirable to enter into any comparison as between the French and ourselves; but the right hon. Baronet the Member for Halifax (Sir C. Wood) having referred to that question, I am bound to say that he did not state it quite accurately. He informed the House that we had only two line-of-battle ships more than the French. Now, that statement is strictly true if we take the line-of-battle ships actually afloat, and if we altogether exclude what are called our block-

ships. I grant to the right hon. Baronet that these blockships ought to be superseded by better ships as soon as possible; they are not ships which we would wish to send out to meet the line-of-battle ships of other nations, but still they ought not to be excluded from our calculation. Out of the nine which we have, there are some four or five in good condition; they did good service in the Baltic during the Russian war, and I say, therefore, it is not fair to exclude them, as you must do when you say that we have only two line-of-battle ships more than the French. Again, if we include the ships building and convertible, as well as those afloat, the superiority of England will be still more manifest. The right hon. Baronet has, moreover, fallen into another error. He stated that the French ships are more powerful than ours. That is true to some extent, for the aggregate horse-power of the French steamships is greater than our own; but there is another ground of comparison which is, perhaps, the more conclusive of the two. If you look at the armament of the two fleets you will find that the number and weight of the guns in the English fleet are superior to the weight and number of the guns in the French fleet. The same holds good in respect of the frigates of the two countries, indeed our superiority over the French in respect of steam frigates is still more decisive than in respect of line-of-battle ships. The noble Lord the Member for Tiverton made some remarks upon our proposed reductions, saying that we were about to suspend the building of ships, and the right hon. Baronet the Member for Halifax held much the same language. A more erroneous representation of the views of the Government could not be conceived. We have no such intention; on the contrary, we propose to maintain in our dockyards precisely the same establishments as were upheld by the late Government, the only difference being that we intend to take an additional Vote for hired labour. That was the course adopted during the Russian war. In the years 1855–6–7 the late Government did not propose to increase the establishment of our dockyards, but they met the increased demand by hired labour. We wish to adopt the same method of meeting what we believe to be an accidental pressure. If the pressure turns out to be permanent, and not accidental, it will be our duty to come down later in the Session and ask for an increased Vote; but if, as I hope and believe, there should be no necessity, I think the noble Lord the Member for Tiverton is the last person who ought to object to the course we mean to pursue, seeing that it is the one which his own Government adopted during the last year, when they asked Parliament, at the end of the Session, for an additional Vote of 3,000 seamen. I deny, then, that we are open to the charge of neglecting the national defences. The reduction which we propose has been carefully considered, and our opinion, after ample inquiry and deliberation, is that the sum we have cut off is not required for the efficiency of the service. The Votes we propose to take will be enough to cover all our liabilities, provide the requisite engines and machinery for the ships about to be launched, and leave a margin. We do not think we should ask Parliament for more money than necessity requires. The only remaining point to be noticed is, that we have omitted certain Votes for the extension of dockyards. Now, the Votes in question were intended for the purchase of land and other purposes unconnected with the extension of our dockyards, and one item in particular, £15,000, for barracks at Gosport, may be very well postponed, seeing that the Government has already a quantity of land there of which no use has been made. We would not have postponed any of these items had we thought them essential to the efficiency of the service; but in the present state of the public finances the Government would not be justified in asking for more than is absolutely necessary, and, therefore in deferring those Votes we have only done our duty.

Sir CHARLES WOOD admitted that he had not included the blockships in his calculation as to the comparative forces of England and France. Those ships might be perfectly efficient for the defence of our coasts; but they could not be sent to the Bay of Biscay or the West Indies, and he repeated that of ships fitted for cruising purposes we had only two more than the French. That was true, whether we took the ships-of-the-line afloat or included those building and convertible. From a statement which was prepared for him in December last by the Surveyor of the Navy it appeared that we then had 25 screw line-of-battle ships afloat while the French had 23. Of ships building the French had 8, and we 9, while of ships converting there were 8 English and 9

French, so that the proportion of all, afloat, building, and converting was as 40 to 42. [Sir JOHN PAKINGTON: I can give the names of the ships.] So can I. The explanation of the right hon. Baronet with respect to the dockyard establishments was most satisfactory. The plan of employing hired labour instead of increasing the permanent establishment should be reserved for a time of actual war. It was also a mistake to suppose that the Votes omitted by the Government were not intended for the extension of dockyards. Two of them at least had that object directly in view.

MR. HORSMAN said, that he had no wish to be an alarmist, but much had been heard to-night from the right hon. Baronet which was deserving of the serious attention of the House. He should have been glad if the First Lord of the Admiralty, instead of apologizing for adopting the Estimates of the late Government, had asked for larger Votes. It was clearly the duty of the House to inquire whether the sums they had voted in past years were sufficient for the protection of our shores. At present they were under the rather uncomfortable conclusion that they were not sufficient. Very lately, as they had heard to-night, Government had been dismissing the continuous-service men, and they had been told, too, that the French had forty ships of the line to our forty-two, and, said the right hon. Gentleman who had spoken on the subject, theirs are more powerful. Now, what was the conclusion to be drawn from this, but that at the present moment, when we were professing to be the first maritime power in the world, with our vast and extended commerce to watch over, and our shores to be protected, we actually were not in command of the sea. Reference had been made to certain disturbing and menacing influences in the territory of our nearest neighbour. They all wished that the present Governor of France might live long, and that war between this country and his Government might be impossible. But it was their duty to be secure against accidents and possible contingencies. The present French Government might not endure for ever, and they knew that one of the first proposals made to the Republican Government by one of the French generals was, that he might have a force with which he offered to invade England. Well, a change of Government in France was not, at least, extremely improbable, and in case of change England must be prepared, not only for war, but also against surprise. The blow might come suddenly, and be levelled against this country unawares. And what was its condition? Reference had been made to the enormous works at Cherbourg, and a railway to Cherbourg would be opened in July next. Then the French Government had a magnificent army and a superb navy, to which they could furnish 100,000 men as easily as this country could 30,000. Their steam transports were each capable of transporting 2,000 men and with a railway between Cherbourg and Toulon they had the power of manning two fleets by conveying the men from one port to the other, as most convenient. What was the position of this country? Even with a fleet numerically equal to that of France, this country wanted the power to man it. At this moment England had lost the command of the Mediterranean, for the French Government maintained there double the force of the English. That was not creditable to this country. Supposing war to break out between France and England, France would at the commencement have the advantage from the rapidity with which they could man their fleet, and they all knew that the first month was the most important period of all. It was well known that Napoleon I. desired the command of the Channel for only twenty-four hours, and it must be admitted that if a French army landed upon the English shores the position of this country would be critical. He agreed that there was nothing in this for alarm, but there was great reason for precaution, and as the right hon. Gentleman had deviated, and had received credit for so doing, from the routine course pursued by his predecessors in office, he advised the right hon. Gentleman to deviate in another respect. Let him not in future allow that unjust charge to be made against the House of Commons, that it refused to the Minister the necessary supplies for the defences of the country. He had heard many discussions and witnessed many divisions in that House on the subject, but he had not seen any division which had not been carried by the Government by large majorities, and he had never known an important minority divide against the Government on a question of our military and naval establishments. It was true, as stated by the noble Lord the Member for Tiverton, that last year there was a pressure on the Government to re-

duce taxation; but that was always in relation to the case laid before the House by the Government, and if the Government would be mysterious on the subject of the national defences, and if they had not the heart to tell the truth lest foreign Governments should learn it (though all the while they knew a great deal more about the matter than many Englishmen), and if they did not in consequence make out a case, then the House would not vote the necessary supplies. But let the Government take the course which the right hon. Gentleman had most properly taken to-night, let the state of our Navy and our dockyards, which was as well known to the French Government as it was here, be fairly explained, and not, from a false delicacy, concealed, and then, if the Government called on the House for supplies, he ventured to say that the reply to an appeal on such a subject would be on the part of the House generous and magnanimous. When the House was tested and unnecessarily refused what was asked, then let the responsibility be thrown upon it; but until the demand was refused, he hoped the House of Commons would not allow any Minister of the Crown to evade his responsibility, and throw it on the House.

Mr. KINNAIRD said, he would suggest the propriety of assimilating our mode of retirement to that which prevailed in France, according to which retirement was secured at a certain age, and thus a great benefit was conferred on the officers in command.

Mr. W. WILLIAMS said, he must complain of the great increase which had taken place in the Estimates for naval and military purposes since the time of the Duke of Wellington's Administration, and also of the Administration of Lord Melbourne.

Vote *agreed to*, as were also the following Votes:—

(2.) £1,401,599 to complete the sum for Wages to Seamen and Marines.

(3.) £577,357 to complete the sum for Victuals.

Mr. P. W. MARTIN moved that the Chairman report progress.

Viscount PALMERSTON said, he wished to inquire whether the Government intended to proceed with the Army or Navy Estimates on Friday?

The CHANCELLOR of the EXCHEQUER: With the Navy Estimates first; and if there should be time we shall afterwards go on with the Army Estimates.

Viscount PALMERSTON: Before the Budget?

The CHANCELLOR of the EXCHEQUER: I propose to bring in the Budget on Monday.

Sir CHARLES WOOD said, it had been usual to take the Votes for the two great services before the Budget was introduced, and he wished to know whether the Government intended to obtain all the Votes for the service of the Army and Navy before the financial statement was made?

The CHANCELLOR of the EXCHEQUER said, he was aware that such a course was usual, but it was not necessary. The Navy Estimates, he thought, would not occupy much time, and it was possible the Army Estimates might be got through rapidly, but it was certainly his intention to bring forward the Budget on Monday.

House resumed; Resolutions to be reported *to-morrow*.

OATHS BILL.—THIRD READING.

Order for Third Reading read.

Lord JOHN RUSSELL moved that the Bill be now read a third time.

Motion *agreed to*.

Bill read 3°, and *passed*.

House adjourned at a quarter before One o'clock.

HOUSE OF LORDS,

Tuesday, April 13, 1858.

Minute.] Public Bill.—1ª Oaths.

NEGRO IMMIGRATION INTO JAMAICA.

THE ACT OF LEGISLATION.—EXPLANATION.

The Earl of CARNARVON, referring to a question which had been put to him by a noble and learned Lord (Lord Brougham) before the Easter recess, referring to an enactment of the Legislative Assembly of Jamaica, which he apprehended might tend to a revival of the slave trade, stated, that although the Bill, which had been received from the Legislature of Jamaica, contained many valuable provisions, still, as there were in it two or three objectionable clauses with regard to immigrants into that colony, the Government had had no alternative but to disallow the whole measure.

THE NEW COURT OF PROBATE.

APPEALS.

Lord LYNDHURST wished, without putting any question on the subject, to call

the attention of his noble and learned Friend on the Woolsack to circumstances likely to attend the hearing of appeals from the Court of Probate, established under the recent Act of Parliament. Under the old system the appeal was from the Ecclesiastical Courts to the Judicial Committee of the Privy Council, and such appeals were, he was informed, usually heard and decided within a period of three or four weeks. Under the Act recently passed the appeal was to their Lordships' House; and the result would be, that if these appeals were brought in in the ordinary course, nearly two years would elapse before judgment could be given, during the whole of which time the creditors of the estate in dispute and the legatees would be kept out of their money. What he would suggest to his noble and learned Friend was that, these appeals should be placed in a separate list, and that arrangements should be made for bringing them on at regular intervals.

THE LORD CHANCELLOR was obliged to his noble and learned Friend for calling attention to this subject; but he thought that his suggestion had better be addressed to another noble and learned Lord (Lord Cranworth), who he believed would shortly have charge of a Bill for the amendment of the Probate Act.

LORD CRANWORTH said, that he should be happy to take the suggestion of his noble and learned Friend into consideration.

LORD CAMPBELL said, he believed that the country would never be satisfied until there was an opportunity of trying appeals at the bar of their Lordships' House throughout the whole judicial year. The cases to which his noble and learned Friend had referred required great despatch, and it would be gross injustice to creditors and legatees to keep them out of their property until such appeals could come on in their regular order. There were many other cases which were not less urgent; and he therefore hoped that his noble and learned Friend on the Woolsack would consider whether some provision could not be made for disposing of the appeals which came to that House in a manner which would be satisfactory to the public and creditable to their Lordships.

LIBEL BILL.

SECOND READING. NEGATIVED.

Order of the Day for the Second Reading read.

LORD CAMPBELL said, that, in asking their Lordships to give this Bill a second reading, he would occupy but a small portion of their time, for it seemed to him that he ought rather to apologize for not going further with the proposed alteration of the law than to combat the objections that had been urged against moving at all in this matter. Even if the measure he now proposed became the law of the land, it would still not be in a perfect state, although within the last few years very great improvements had been effected in it; more particularly by that Act which provided that the party charged with having published a libel might plead the truth of the statement on which the action was founded, and that it was for the public benefit that the matter charged should be published. When that Act was before Parliament there were some who expressed their apprehension that the proposed alteration would lead to an increase of libellous accusations; but he could take upon himself to say to their Lordships that the effect had been quite the contrary — that it had had a manifest and sensible effect in discouraging slander. It had had, besides, this very beneficial effect—that persons who were subjected to actions for slander or libel could no longer allege, as they used formerly to do, that if the law allowed them they were able to prove the truth of the statement, and that they were only found guilty because they were not allowed to prove that what they had said was true. Now they were allowed to plead that it was true, and the consequence was, they thus were more chary of their assertions. Another of the beneficial enactments of the Act of 1843 was, that those infamous attempts to extort money by threatening to publish slanderous statements in low-class newspapers unless money were given for the suppression of the libel, had been put an end to, and the class of publications which existed by these means were at an end. Still, much remained to be done to place the law of libel in a satisfactory state. The distinction between verbal and written slander could not easily be defended. As the law now stood, to say at a public meeting that a man was a coward, a liar, and a scoundrel afforded no cause of action unless some special damage had been sustained. So also a woman, if assailed by the coarsest language that could be used, could obtain no redress unless she could prove that she had suffered some special injury. He had himself tried most strenuously in the year 1843 to redeem our law from that reproach; but he failed then; and he did not now feel encouraged to renew his

attempt. He feared that the present Bill would cause great disappointment to those who had petitioned in its favour. They had asked for a great deal more than he proposed to grant. This movement owed its origin to the action of "Davison *v.* Duncan," of which their Lordships had probably heard, which had been brought in the Court of Queen's Bench against the proprietor of a respectable journal in the county of Durham, because he had published an account of what took place at a public meeting held under a local Act appointing Commissioners with large powers and authority to impose taxes for public objects. It was pleaded in that action that a true and faithful report had been given of what occurred at the public meeting: but on the case being argued on demurrer, this was held to be an insufficient justification. Great sensation was produced by the ultimate result of the action, for, the demurrer being overruled, the parties went to trial, and the jury found that the report in the newspaper was a good and true representation of what was spoken in public, and that it had been published without any malice. The jury, however, were told, and very properly, by the Judge, that, technically speaking, the publication was a libel, and that they must find a verdict for the plaintiff. They accordingly found a verdict for the plaintiff, with one farthing damages. The defendant had not to pay the costs of both sides, but his own costs in the action amounted to about £400. Upon this, petitions came in from various parts of the country, praying for a complete change in the law of libel; most of the petitions asked that there might be entire immunity to the proprietor and publisher of every public journal for the publication in newspapers of all that is spoken at all public meetings, if the report be faithful; that the only remedy should lie against the person by whom the words at which offence was taken had been uttered at such meeting; and that if it were proved that the party had spoken anything, however calumnious, the individual injured should have no redress whatever against the publisher. That appeared to him (Lord Campbell) to be an excessive and unreasonable demand, and it purported to be based on a misconception of what was called Lord Northampton's Case, which was supposed to have established the rule that one might say or write anything respecting any man, woman, or child, provided only that he gave the name of the author of the slander. That was certainly a very alarming doctrine; but it had no foundation; no such thing as that had been ruled in Lord Northampton's case. In the discharge of his duty, he had last Session moved for a Select Committee to consider whether the same immunity might not be given to reports of the proceedings of both Houses of Parliament which was now given to reports of the proceedings in courts of justice, and whether it might not also be extended to other public meetings. A Select Committee was appointed, composed of some of the most distinguished members of their Lordships' House, chosen from all shades of politics. Some most eminent members of the Committee thought that there was no occasion for alteration, that there was no serious practical inconvenience from the present state of the law on the subject. But a considerable majority were of a different opinion; and they recommended that the same immunity should be granted to faithful reports of the proceedings of either House of Parliament at which strangers have been permitted to be present, as was now granted to reports of the proceedings in the courts of justice; and they further recommended that there should be a certain concession made to those who complained of the present law respecting reports of public meetings, namely, that in the case of reports of public meetings called by lawful authority, where there was every reason to suppose that nothing but what was lawful would take place, and where the report was faithful, there should be this protection for the publisher of the report,—not that he should have complete immunity, but if the jury should be of opinion that no actual injury had been suffered by the party complaining, so that they would only give, if required according to the present law, one farthing damages, they should be at liberty to find a verdict for the defendant, which would relieve him from any damage arising from the action, and throw all the costs upon the pettifogger who got up the proceedings. The Bill consisted only of three clauses—the first referring to reports of proceedings of the two Houses of Parliament; the second to reports of public meetings called by the public authorities, by the publication of which no damage could be proved to have been occasioned to any person; and the third defining what are public meetings. He could not understand on what ground

a difference should be made between the reports of the proceedings of the two Houses of Parliament and the reports of Courts of Justice. It had been solemnly determined that a fair and faithful report of what took place in a court of justice afforded no ground for an action of libel. In the case of "Curry *v.* Walter," decided more than seventy years ago, it was solemnly declared that such was the law of England, Mr. Justice Eyre stating that as to a true account of what had taken place in a court of justice, which is open to all the world, the publication of it was not unlawful. That had been called judge-made law. It was true there was no Act of Parliament for it, but he thought the Court was well authorised in coming to that decision. Why, then, should not the reports of the proceedings of the two Houses of Parliament be put upon a similar footing? His Bill, he should add, proposed to restrict the immunity to reports of proceedings within the Houses at which strangers should have been permitted to be present, and not when they were sitting *foribus clausis*. Was it not for the advantage of the public that that should be done? He admitted that between the proceedings of the two Houses of Parliament and the proceedings of general meetings there was, for purposes of this kind, a very great distinction. Some of the witnesses examined before the Select Committee upon this subject went so far as to claim, even for the reports of public meetings in Hyde Park on a Sunday, for seditious and mischievous purposes, the same immunity as was given to the reports of proceedings in a court of justice. In this he (Lord Campbell) could not concur; but he had high authority in favour of the proposition; but he would only trouble their Lordships with the opinions of two distinguished men. Mr. Justice Lawrence, one of the greatest Judges that had ever adorned the bench in the country, in the case of "Curry *v.* Walter," said:—

"Though the publication of such proceedings may be to the disadvantage of the particular individuals concerned, it is of vast importance to the public that the proceedings in courts of justice should be made universally known. The general advantage to the country of having those proceedings made public more than counterbalances any inconvenience to private persons whose conduct may be the subject of investigation. The same reason also applies to the proceedings of Parliament. It is of advantage to the public, and even to the legislative body, that due accounts of their proceedings should be generally circulated; and they would be deprived of that advantage if no person could publish them without being punished as a libeller."

His distinguished predecessor (Lord Denman), when examined before a Select Committee on the law of libel, which sat in 1843, said—

"The result of my consideration of the subject generally is, that a faithful report of all proceedings in a court of justice ought not in any case to be considered libellous, unless it tends to corruption of manners; I extend this even to *ex parte* applications with a view to ulterior proceedings, because I think that on the balance of evils that evil is much less, and that it is upon the whole the more desirable course even for parties publicly questioned. I have no doubt that the publication of police reports is extremely useful for the detection of guilt, by making facts notorious, and for bringing those facts more correctly to the knowledge of all parties interested in unravelling the truth. The public, I think, are perfectly aware that those proceedings are *ex parte*, and they become more and more aware of it in proportion to their growing intelligence; they know that such proceedings are only in course of trial, and they do not form their opinion till the trial is had. Perfect publicity of judicial proceedings is of the highest importance in other points of view, but in its effects on character I think it desirable. The statement made in open court will probably find its way to the ears of all in whose good opinion the party assailed feels an interest, probably in an exaggerated form, and the imputation may often rest on the wrong person; both these evils are prevented by correct reports. With regard to the reporters of debates in Parliament, I cannot help entertaining a strong opinion that no faithful report of a debate ought to expose the publisher to an action or to a criminal proceeding. This is a question involving privilege, and therefore one of great delicacy; but as long as the debates are practically public, it seems to be unjust and wholly inconsistent with public freedom to subject their promulgation to punishment."

The great objection which had arisen against the first clause of his Bill was a question of privilege. Now, he (Lord Campbell) had always been a "privilege" man. When he was a Member of the other House of Parliament, he on all fitting occasions resolutely defended its privileges, and if the privileges of their Lordships should ever be invaded he should defend them with equal zeal. This Bill would not in the remotest degree interfere with the privileges of either House of Parliament. Time was when there was an order in both Houses that the proceedings should not be published by their own Members or by public journals. But already, in both Houses, all these orders had been practically done away with, and he would show that if this Bill passed it would not be necessary for either House to alter one single syllable of its existing Standing Orders. He would give their Lordships a

history of the origin of the supposed privileges of Parliament with reference to publication of their proceedings. Until he had closely investigated the subject he had been at a loss to understand that extreme jealousy on the subject of the publication of their proceedings which had induced both Houses of Parliament to make Standing Orders constituting such publication a high breach of privilege; for in all other countries where similar assemblies existed, and in which those assemblies enjoyed the right of canvassing the acts of the Executive, full liberty of publishing their proceedings had been enjoyed. Their Lordships knew very well that some of the greatest orators and lawyers of antiquity —Cicero, for example — published with great applause and effect their speeches before senates and courts of justice immediately after their delivery. Why should not we in England enjoy the same privilege? The reason why the Orders prohibiting the publication of the debates had been passed by both Houses was this:— During the progress of the struggle between the Crown and the two Houses of Parliament every effort was made by the two Houses to prevent the Crown from exercising the illegal power which it had usurped of punishing Members for what they spoke in Parliament, and it was then that these Orders were made. Secrecy was then of great consequence, because when the Crown heard that proceedings which it disapproved were going on in the House of Commons next morning, the Black Rod would knock at the door and summon the Commons to the Upper House, and Parliament was dissolved. Sometimes matters went further than this. Members were summoned before the Privy Council and examined as to their speeches, and if they could not give a satisfactory explanation they were sent to the Tower, there to pass their time until the prorogation. It was to prevent the Crown from getting notice of what was going on in Parliament that these Orders were made, and they were chiefly directed against the publication by Members of their own speeches. On the 13th of July, 1640—not to go further back—the Commons ordered that "No Member shall either give a copy or publish in print anything that he shall speak here, without leave of the House;" and on the 22nd of March in the same year—"that all Members of the House are enjoined to deliver out no copy or notes of anything that is brought into the House, propounded or agitated in the House." On the 28th of March, 1642, the Commons resolved that "What person soever shall print or sell any act or passages of this House under the name of a diurnal or otherwise, without the particular license of this House, shall be reputed a high contemner and breaker of the privilege of Parliament, and so punished accordingly." Their Lordships followed the example of the Commons, and made similar orders; and they summoned persons before them for publishing accounts of their proceedings. But, as their proceedings were more moderate and discreet than those of the Commons, they had not the same dread of punishment, and their Orders were not so frequent. On the 13th of March, 1647, a message came up from the Commons with a vote for inhibiting the publication of Parliamentary proceedings, in which the Lords were desired to concur. They did not, however, immediately concur, but replied that they would send an answer by a messenger of their own. After the Revolution, when constitutional government was established, it might have been expected that, as the reason for the rule had ceased, the rule also would have ceased; but this was not the only instance in our history of old customs and laws remaining in force long after the cause for them had ceased. It was just at this period that their Lordships made the Standing Order which was now the only one remaining on their books in reference to this subject. In 1698 there was published by one Churchill a book which called in question this very jurisdiction of their Lordships; whereupon it was resolved that "it is a breach of the privileges of this House for any person whatsoever to print, or to publish in print, anything relating to the proceedings of this House without the leave of this House." Until the year 1771 both Houses set their faces steadfastly against any publication of any part of their proceedings: but the rule was violated by reports under fictitious names. There were reports, for instance, of the proceedings of the Parliaments of Lilliput and of Utopia, in which the speeches of Bolingbroke and other great speakers of the reigns of Anne and the first two Georges were given under fictitious names. But there was great apprehension that the publisher of these might at any time be sent to prison. Since 1771, however, the rules against the publication of reports had been relaxed, in consequence of a memorable

crisis that then occurred, and of which an excellent account was given in Lord Mahon's history, when the House of Commons tried to enforce their order to prevent the publication of debates, and sent a messenger to arrest the publisher. But the messenger himself was arrested and sent to Giltspur Street Compter; and although the House of Commons sent the Lord Mayor and an alderman to the Tower for contempt, the House was finally baffled, and from that time any person who pleased had published the debates in Parliament without fear. The question was, whether there was anything upon the records of either House to prevent this Bill obtaining the approbation of the Legislature. Their Lordships were governed by the Order of 1698, which forbade the publication of any of their proceedings without the leave of the House, and he maintained that their Lordships had given this leave in the most ample and authentic manner. In 1849 a Committee was appointed, at the instance of Lord Beaumont, to consider the accommodation of the new House, to which were referred several petitions relative to the reporting of Parliamentary proceedings. That Committee made the following report:—

"The Committee have examined witnesses respecting the facility of hearing in the temporary gallery erected for the convenience of strangers connected with the public press, and in consequence of the evidence given by them the Committee feel themselves justified in recommending a permanent structure on the plan submitted to them by Mr. Barry. Mr. Dod, the senior reporter, and Secretary to the Reporters' Committee, states that they hear in the present gallery of the House of Lords as well as in the House of Commons, or as well as they ever heard in any House of Parliament. Other witnesses corroborate Mr. Dod's evidence. But notwithstanding the success which has attended the experiment made by Mr. Barry, neither the strangers who are allowed to be in the precincts of the House, nor even the Members present in the House itself, can expect to hear distinctly unless strict order is preserved both below the bar and on the steps of the throne. The Committee recommend that a portion of the space at the foot of the throne be railed off."

Again, on the 30th of July, a Resolution was carried for an Address to the Crown, praying that a gallery, according to the recommendation of the Select Committee, and upon the plan of Sir C. Barry, should be erected. The Address was presented, and upon that Address the gallery was erected which was now occupied by the reporters. Until 1845 there were positive orders of the House of Commons against the admission of strangers:—

"Ordered that the Serjeant-at-Arms attending this House do from time to time take into his custody any stranger whom he may see, or who may be reported to him to be, in any part of the House or galleries."

It was forbidden to any stranger to come into any part of the House or gallery belonging to the House. It was also ordered:—

"That no Member of this House do presume to bring any stranger into any part of the House or galleries."

In consequence of a Motion of his friend Mr. Christie, those Orders were reformed in 1845, and now stood in this shape:—

"That the Serjeant-at-Arms attending this House do from time to time take into his custody any stranger whom he may see, or who may be reported to him to be in any part of the House or gallery appropriated to the Members of this House.

"That no Member of this House do presume to bring any stranger into any part of the House or gallery appropriated to the Members of this House while the House or a Committee of the Whole House is sitting,"

The prohibition directed against the admission of strangers, therefore, now only applied to those parts of the House appropriated to Members, and there was no necessity for the slightest alteration in the Standing Orders of either House of Parliament. Both Houses had, in fact, recognised the presence of strangers, reserving at the same time the right to exclude them. That right would not be affected by the passing of the present Bill; and he agreed that if any person published reports of what took place when either House had ordered that strangers should be excluded, he would be justly punishable, as now, for the breach of privilege. But it was said that there was no necessity for the Bill, because no practical evil had arisen from the present state of the law. But an action might be brought, or an indictment preferred, for the publication of anything that transpired in the course of their Lordships' proceedings that could be construed as reflecting upon the character of any one. And no later than last Session the noble Earl opposite (Earl Grey) had, while bringing forward the case of "Shedden *v.* Patrick," found it necessary to make the strongest imputations against private character, for which an action might have been brought against the journal publishing a report of them. It would be seen whether it was true that no one suffered by the evidence given before the Select Committee. One of the first witnesses was Mr. Dobie, a very respectable solicitor,

who was the solicitor for *The Times* newspaper. Mr. Dobie gave this evidence :—

"Will you be good enough to state any facts which have come within your experience bearing upon this subject? I consider that this fact will arise from the experience which I have had in defending the proprietors of *The Times* newspaper from the consequences of actions for damages in reporting proceedings of the House of Commons and proceedings in public meetings :—If the press had the same immunity or protection in publishing the reports of the proceedings of Parliament and public meetings as they enjoy with regard to courts of justice, it would be a great benefit to them and a great advantage to the public.

"Have you known any actions brought against *The Times* newspaper for reports of proceedings in either House of Parliament?—I defended one action for a speech of Dr. Lushington's and another for a speech of Lord George Bentinck's, and the proprietors of *The Times* were put to very considerable expense in justifying the truth of those two speeches, as well as proving that they were true reports."

One of those instances was a speech of his learned friend Dr. Lushington, who, in representing the misconduct of an individual, said he had been suspended as a proctor three times. It turned out that the man had really only been suspended twice, but Dr. Lushington said three times, and was correctly reported; but for this inaccuracy an action was brought against *The Times*, the proprietors of that newspaper were harassed by legal proceedings, and they had to pay some costs. In the other case of Lord George Bentinck there was a scandalous informer who had raked up a long-forgotten Act of Parliament, and had brought an immense number of *qui tam* actions upon an obsolete statute. Lord George Bentinck very properly spoke strongly of such a scandalous use of an old Act of Parliament, and for a report of what Lord George Bentinck said an action was brought against *The Times*. If it had occurred in a court of justice there would have been complete immunity; and why should there not be the same immunity when a matter was discussed in Parliament? Mr. Hansard, a name well known to their Lordships, after stating that he had not had actions brought, but had been in constant dread of them, gave this evidence :—

"Your Lordships are very well aware that my publication is the only publication which professes to record the proceedings of Parliament *in extenso*, and with very considerate fidelity, but that I am not in any way recognized—that I have no protection whatever more than any other person who should publish *in extenso* or otherwise any reports of debates in your Lordships' House or of debates in the other House. Now, the consequence of the present state of the law of libel is this: that if matter is uttered in debate in either House which would be libellous and would be unprotected if published out of the House, I am obliged to consider whether it would be safe for me to print that matter; and if I am clearly of opinion that it would not be safe for me to do so, inasmuch as the publication is not of such a nature that I could stand the expenses of a prosecution, the result is that I strike the matter out without any attempt at modification or otherwise.

"That apprehension induces you to suppress that which ought to appear if the report were fully accurate? It is, advisedly and systematically so.

"Earl Stanhope: Am I to understand you to say that those instances occur often?—Not often; but they do occur with sufficient frequency to be, as I conceive, of material consequence."

It had been said that if his Bill were passed into a law, and if immunity were given, persons would come to public meetings and deliver libellous speeches, which would then be published with a view to libelling their enemies. But no such thing could happen. There was a case in the books—"The King *v.* the Earl of Abingdon." The Earl of Abingdon made a speech in that House libelling his steward, which speech he afterwards published. For that offence the Earl of Abingdon was very properly indicted, convicted, and punished; and if parties followed the Earl of Abingdon's example the same result would occur, for the publication of such a speech would not be a fair or *bonâ fide* use of the privilege of publication of the debates in Parliament Their Lordships need be under no apprehension that such an abuse could possibly occur if this Bill should pass. It was argued that as no action would lie against a Member of Parliament for what he had spoken in his place in Parliament, so an aggrieved man would be deprived of all remedy if he could not proceed against the journal which published such a speech. But the same thing took place daily in the courts of justice. No action could be maintained against a counsel for a speech made in a cause, or against a Judge for a charge to the jury, or against a witness for what he might say in evidence. Therefore, it might be said that a person whose reputation suffered was left at present without any remedy for the loss he had suffered. But what loss could thus be sustained which could counterbalance the infinite advantage offered by the publication of the proceedings of courts of justice? He trusted, therefore, that their Lordships would agree to this clause of the Bill. He now came to the second clause of the Bill, the great object of which was

to protect the public press from vexatious and pettifogging actions, which were now sometimes brought where no injury had been sustained. This object had been in some measure attained by a recent Act of Parliament, enacting that if the damages were under 40*s.* costs equal to the damages should alone be given; but this Act had not afforded that protection to the press which it was entitled to. The press had a right to expect that where actions were brought against them without foundation all the costs should be thrown upon the plaintiffs. But still in an action where the jury might find for the plaintiff with a farthing damages, by which he would be entitled to no costs, yet the defendant would have to pay his own costs, which might amount to £300 or £400. Surely, where the report published contained a *bonâ fide* account of the transaction and no damage had been done, the person who published it should not be saddled with his own costs. It was supposed that some of the journals had declared that his Bill would be of no advantage to the press; but he believed that journalists looked to the Bill with great expectations of relief, and two witnesses, who were examined before the Select Committee, stated that they should gratefully accept such a measure. A most respectable witness, Mr. Baines, proprietor of the *Leeds Mercury*, gave the following evidence:—

"Has it ever suggested itself to your mind that it might be a relief if, under such circumstances, the plaintiff were liable to pay the costs of the defendant if the jury should be of opinion, by finding a farthing damages, that the plaintiff had no real cause of action?—It would be a very important relief to the press if the plaintiff were thus rendered liable.

"In that case the danger of vexatious actions being brought would be very much lessened?—It would be exceedingly lessened."

Mr. Dobie, the solicitor of *The Times*, was asked—

"Do not you think it might prevent actions from being brought where there has been no real damage sustained if the law were to be, that upon the jury finding only the nominal damages of a farthing the defendant should be entitled to recover costs from the plaintiff?"

He replied—

"Certainly it would be a very great assistance to the defendant."

That would be the exact result of the second clause, because it would allow the defendant to plead in bar to an action that it was a faithful report of the proceedings of a public meeting lawfully assembled, and then the jury might find a verdict for the defendant and all the costs would fall upon the plaintiff. Who would be injured by such a clause? If any real damage had been sustained the remedy was untouched, the jury would find for the plaintiff and the defendant would have to pay the damages and costs; but if no damage had been sustained, no one could say that the party to a pettifogging action would be at all aggrieved if he had to pay the costs that had been incurred by the defendant. The only other clause in the Bill referred to the definition of public meetings, to which he was not aware that any objection had been made. In the category of public meetings were comprehended all meetings the publication of the proceedings of which was likely to be of service to the public. such as meetings called by any public functionary authorised to call such meetings, meetings to petition the Queen or either House of Parliament, meetings for the election of Members of Parliament, meetings of town councils, of local boards, and generally of all meetings held under the authority of Acts of Parliament. It was of as much advantage to the public that the proceedings of such bodies should be reported as that the debates in Parliament should be published. These were meetings of bodies at which decency would be observed, and over which some control would always be exercised. He had never contemplated giving an unrestricted liberty of publishing all speeches made at any public meeting whatever without any remedy for parties aggrieved. His noble and learned Friend (Lord Lyndhurst) was of opinion that the speaker at a public meeting ought to be equally liable for what he said when his speech was faithfully reported and published in print as he would be if he himself had published it, or caused it to be printed and published. Objection might be taken that this would be doing away with the distinction between written and spoken slander; but the answer was that such a distinction was absurd in this particular instance, for if a man knew that his speech would be taken down by a shorthand writer with a view to publication, and if he spoke the speech with a view to its publication, then he ought to be liable for it as he would be if he published it himself. This would enable the party aggrieved to resort to the speaker in all cases, and there would be no apology for the person who said that he was injured by words spoken at a public meeting not bringing his action against the person who made the speech.

Lord Campbell

The change might be made without injury to any individual, and with a most beneficial effect. With these observations he must leave the Bill in their Lordships' hands, and trusted that they would give it a second reading. No doubt they would hear many predictions of evils which would follow the change which he proposed. Such predictions had been made before, and had always been falsified. There was no record of what occurred when the application of the *peine forte et dure* to persons who refused to plead was abolished; but no doubt that alteration of the law was not made without many predictions as to the evils which would follow it. Similar predictions were uttered when the law was altered so as to allow witnesses to be sworn for prisoners, and to give to accused persons the benefit of counsel. Many persons whose opinions were entitled to great respect were much opposed to the latter of these two measures, and apprehended that it would produce the most serious consequences. The last great improvement which was made was allowing parties to a cause to be examined as witnesses. His noble and learned Friend opposite (Lord Wensleydale) was at the time opposed to that measure, but he had since given to it his important sanction, and had admitted that it had been productive of great advantage to the administration of justice. His noble and learned Friend disapproved this Bill as he did of that, but he trusted he would live to see the day, and that not a distant one, when it would be shown that his apprehensions in this case were as groundless as those which he entertained in the other. The noble and learned Lord concluded by moving,

That the Bill be now read 2ª

[Here the EARL OF DERBY interrupted the debate, and communicated the receipt of a telegram announcing the fall of Lucknow on the 19th. The telegram was read amid general cheering.]

LORD LYNDHURST: My noble and learned Friend the Lord Chief Justice in closing his address referred to something which fell from me with respect to this measure on a former occasion, and I therefore feel called upon to state as shortly as possible the views which I take of it. I need hardly say that I entertain all proper respect for my noble and learned Friend, and also for the Select Committee to whom the present question had been referred, and upon the Resolutions of which this Bill, as I understand, is based. At the same time, I must recall to your Lordships' recollection the fact that only one-half of the said Committee was present when these Resolutions were agreed to, and that less than one-third of the Committee voted in their favour. The Committee consisted of sixteen members, of whom eight were present when the Resolutions were discussed, and five voted in their favour. I therefore feel that I am perfectly at liberty to entertain my own opinions upon this subject without running the risk of being charged with being either obstinate or presumptuous. I must say that I altogether dissent from the conclusion at which the Committee arrived. With all deference to my noble and learned Friend, I think that, if it is necessary to legislate at all upon this subject, the measure which he has brought forward is most inefficient for the purpose, and ought to be greatly extended. In my opinion, as the Bill stands at present, it would be almost wholly inoperative. Every one of your Lordships, I feel certain, will admit the importance of the reports to which the measure relates. They are indeed marvellous for their accuracy. Every man, without stirring from his home, is made acquainted by them with all the circumstances attending all these public meetings—held not only in the Metropolis, but in every part of the Kingdom — and with all the facts and arguments which are discussed at them. It is hardly possible to overrate the advantages which result from this system, and it is, I conceive, the duty of Parliament, as far as possible, to do justice to those persons to whom we are indebted for these great advantages. Now, my Lords, a word upon the law. My noble and learned Friend very properly drew a distinction between libellous and defamatory words spoken, and those words when actually reduced to writing. With but few exceptions, persons may calumniate and defame by word of mouth to almost any extent with perfect immunity, and without being subject to any punishment; but the same words, when reduced to writing, may subject a party to a prosecution, and to the payment of damages, if found guilty, to the person injured. The principle upon which this distinction is founded I imagine is this. Words may be uttered hastily, in a moment of passion, and without consideration; they may have been misreported, and may be forgotten; whereas, writing denotes premeditation, care, opportunity for consideration. The written libel

is permanent, and may be extensively circulated. These are the grounds upon which the law at present draws a distinction between words spoken and words actually written. Now, apply the principle upon which this distinction is founded to the meetings which are the subjects of this Bill. A man attends a public meeting, and from the most malicious motives makes a speech defamatory of the character of another person. He knows it will be taken down in writing; he sees the reporter before him. He knows that it will be published; the very object for which he speaks it is that it may be published. Yet that man passes with impunity; the law cannot take hold of him. On the other hand, the reporter, whose mind is intent upon one object only,—taking down accurately what he hears,—who has no time for consideration as to whether the language uttered be libellous or not, who sends his slips off one after another as fast as they are completed; who, when he revises them, revises them in the utmost haste because they must be published immediately and without delay; such a man, under such circumstances, having no malicious motive, perhaps not knowing the point on which the calumny turns, is made the scapegoat; an action is brought against him, and he is fined in damages, or he may be indicted for the libel, and punished as a criminal. Now what can be more unjust than that state of things? My Lords, when you come to consider the circumstances attending a public meeting such as I have described, the principle on which the distinction between written and oral slander is made, hardly applies. A man goes to a meeting prepared with a slander. He sees it taken down; he speaks it for that purpose; he knows it will be published. Take, however, another illustration. Supposing I dictate words detracting from the character of another man to a person who puts them down, and I wish him to publish them. In that case I am responsible, and may be indicted for the libel. It is true that in the example we are now considering there is no authority given—no expression of a wish that it should be published. But everybody knows that it is the intention of the speaker that it should be published; and therefore I say, the distinction between oral and written slander does not apply to the case we are now dealing with. The law should be so altered as to make the party who utters the slander solely responsible. A very trifling link in the chain, if supplied, would do justice to the parties. I mention these facts in the presence of my noble and learned Friend, to give him an opportunity of considering them, with a view to giving effect to the principle I have stated. But if he should think it impracticable to adopt that principle, still, looking at the Bill in its present shape, I must hold it to be very inadequate and imperfect. The second clause provides that if an action be brought to recover damages for the publication of a report the defendant may answer that "this is a faithful report of what passed at a public meeting lawfully assembled for a lawful purpose." And if the jury under those circumstances should be of opinion that the plaintiff had sustained no loss or injury, the defendant will be entitled to a verdict. The consequence of his being so entitled to a verdict is, that all the costs of the proceedings must be paid by the plaintiff. No doubt, this would afford great relief to the publisher, because as the law now stands, if the publication be in strict law a libel, however small the damages, be they only one farthing, the plaintiff has to pay no costs, and in the case of Davison *v.* Duncan, to which my noble and learned Friend has so repeatedly referred, we have an instance of the costs under such circumstances amounting to between £400 and £500. Therefore, if the Bill stopped here, it would give a very great relief to the publisher; but, unfortunately, it does not stop here. The very next clause entirely neutralises the provision which precedes it. Clause 3 defines the meetings which are to be deemed lawful meetings lawfully assembled within the meaning of the Act. Never was there so extraordinary a definition! My noble and learned Friend gives, under four heads, meetings as convened by lawful authority, namely, for presenting petitions to either House of Parliament or to Her Majesty; meetings of Town Councils; meetings for the election of Members of Parliament; and, lastly, meetings held under any local Act for the purpose of imposing any rate or transacting any business with respect to a parish or a district. On first seeing this limitation, I turned it over and over again in my mind to discover upon what principle it proceeded. Is it that these meetings are meetings where order and decorum pre-eminently prevail? If I wished to select any meetings of a contrary character, I should se-

Lord Lyndhurst

lect one of the very heads inserted in this Bill. Take for instance a vestry meeting for the purpose of making a church rate—is that the kind of meeting which is peculiarly marked by order and decorum and by an absence of personality? My Lords, I have seen a vestry meeting presided over by the clergyman of the parish. Argument goes on, turbulence succeeds to argument, the clergyman is obliged to abandon the chair; some other person takes his place, when renewed confusion and perhaps tumult ensue, and certain resolutions are passed which are probably of a most objectionable description. And yet this is one of the special, or, according to the phrase of my noble and learned Friend, one of the "favoured" meetings to which his measure extends. He has condescended to include the meetings of this House and of the other House of Parliament. We, too, are "favoured" meetings, we are "lawful meetings," and are to enjoy the benefit of my noble and learned Friend's Bill. We shall not be turned out of this House; he does us the honour, and I am grateful to him, of styling us a lawful meeting within the operation of the Act. But, my Lords, what will the right rev. Bench say to it? The right rev. Bench remained present during three quarters of an hour of my noble and learned Friend's speech, but they abandoned their places before its conclusion. What, however, would they say, if they were here and heard that Convocation is not a "lawful" assembly? Neither the Lower nor the Upper House of Convocation is included in the Bill. In the Lower House, indeed, perhaps a few sharp words might be exchanged.

LORD CAMPBELL here interrupted the noble and learned Lord.

LORD LYNDURST: I beg you will hear me out; you will have an opportunity of replying if you wish.

LORD CAMPBELL: I did propose to insert the House of Convocation, but I was out-voted.

LORD LYNDHURST: The Upper House, presided over by a most rev. Prelate, and consisting of right rev. Prelates, the dignitaries of the Church—sober, quiet, silent, unruffled—what does my noble and learned Friend say to it? Why he excludes it entirely from his Bill. There really never was such a Bill framed before for the consideration of Parliament. A Select Committee meets day after day to consider it, and at last they come to the conclusion that Convocation is an unlawful assembly. Certain meetings, held at Exeter Hall, are presided over by a right rev—I mean by a noble Friend of mine who has a seat in this House. Those meetings, which occur three or four times a-week, are of a religious character, or for a charitable purpose; sometimes they are meetings on behalf of schools, and are attended by Clergymen of the Established Church and Dissenting Ministers. The speeches are sometimes of great eloquence, and the questions discussed most important. Yet they are not lawful assemblies within the meaning of this Bill. They are all deemed unlawful! Why my Lords what a Bill it is! I wish that a noble and learned Friend of mine—a walking cyclopœdia, who is now doing suit and service in a neighbouring country, were now present. He would, I have no doubt, feel himself somewhat aggrieved by the definition given by his noble and learned Friend, as to what would be lawful meetings under this Bill. I remember reading the report of an address which my noble and learned Friend (Lord Brougham) delivered last autumn at Birmingham. The meeting, on that occasion, was held to consider very important subjects, most interesting to society, and it comprised Members of Parliament, literary and scientific men, and, in fact, the *élite* of the population of this country. I don't know whether the attention of my noble and learned Friend opposite was directed to that meeting. I hardly know how to characterize it. I am not quite sure that I have organs sufficient to articulate the name of it. It was called a Sociological Society, and I am not sure whether a noble Duke opposite was not one of the Vice Presidents [The Duke of ARGYLL shook his head]. At all events, this combination of Latin and Greek is, I think, most amusing; and the objects of the society appear to be very comprehensive. That society, however, if it should still be continued, will not be a lawful society under this Bill. Need I go further, my Lords? It may be remembered that about this time last year a meeting was held, presided over by a noble and learned Friend of mine, whose absence on the present occasion I greatly regret, upon a subject of the utmost possible consequence in a commercial country. It was, I believe, attended by commercial men from the large towns in the north, and, if I am not mistaken, some countrymen of my noble and learned Friend were present. I refer to the great meeting held for the purpose of considering the law of Bankruptcy. Now, what could be a more proper subject for a public meeting?

Yet that would not be a lawful meeting within the terms of this Bill. What does the Bill mean? What does it include? It excludes everything; it includes literally almost nothing. Before I left home this morning, I noted upon a paper a number of cases, including meetings of the greatest gravity and importance that were not included in the Bill. I came to one hundred and four, and then I stopped. I certainly expected to hear my noble and learned Friend, coming fresh as he does from a great judicial trial at which he was presiding, offer some more satisfactory explanation on this head, but I am grievously disappointed. The proposition of my noble and learned Friend seems to me most extraordinary. If a jury are of opinion that there is no damage, how can it be material at what kind of meeting the alleged libel was uttered? Mark how the Bill will operate. An action is brought for libel. It is proved that the meeting at which the alleged libel was uttered was a lawful meeting, assembled for a lawful purpose, and the jury say, "We are of opinion the plaintiff has no damage." The defendant says, "Oh, then I am entitled to a verdict."—"Oh no," exclaims the Judge, "this was not a vestry meeting; it was not a lawful meeting within Lord Campbell's Act—a carefully drawn measure." The meeting might have been held to consider the propriety of raising a monument to one of the best and bravest heroes of modern times—General Havelock—but the Judge must direct a verdict for the plaintiff, who may have his farthing damages, while the defendant is saddled with costs amounting to £300 or £400. What foundation, then, is there for this restriction? The noble and learned Lord said, as I understood, in the Committee, that it would not do to include all meetings in the Bill, because then the proceedings at seditious or treasonable meetings would be protected. Seditious meetings! treasonable meetings! — it is impossible, my Lords, for they are not lawful meetings, assembled for a lawful purpose. Such a ground, then, is no pretence for supporting the Bill. What I would suggest to my Noble and learned Friend, if he does not choose to assent to the alterations I propose in the first instance, is that he should agree to strike out the third clause altogether in Committee, and leave the second clause as it is, applying to any "public meeting lawfully assembled for a lawful purpose." Is not that protection enough. It should also be distinctly laid down that nothing in the Bill should affect the privileges in any way of either Houses of Parliament. I wish the Bill to be read a second time, and to go into committee upstairs, in order that we may ascertain whether this Bill is not totally inefficient and inoperative, and that we may devise a measure marked by some common sense.

LORD WENSLEYDALE, who was very imperfectly heard, said, that he had always been an advocate for useful reforms in the law, and scarcely any measure with that object had been brought forward by his noble and learned Friend (Lord Campbell) to which he had not given his active support. He could assure his noble and learned Friend, therefore, that it was with very great reluctance he felt obliged to oppose the present Bill. Any one who contemplated the history of English law for the last quarter of a century must be struck by the importance and with the extent of the improvements which had been made in the common law, in criminal law, and in equity law; and if the noble Earl (Earl Stanhope) should complete the history which he had commenced, he would undoubtedly refer to that period as distinguished by the most valuable improvements that had ever been effected in the legal institutions of this country. He entertained very strong objections, however, to the present Bill, and he did not agree with his noble and learned Friend who last addressed their Lordships, that it ought to be allowed to pass a second reading. One chief objection was, that it would have the effect of placing a person charged with verbal slander on the same footing as the man who was charged with written slander. It had long been established as the law of this country, that with respect to verbal slander an action could only be maintained when offences were imputed, for the commission of which the offender would be punishable by law, or for saying what might exclude the person slandered from society, or hurt his trade or livelihood, or discharge him in an office of public trust—indeed, the cases in which such actions could be maintained were very limited; but an action would lie for any slander in writing or in print, because this writing or printing gave the slander a character of perpetuity, and also extended it far more widely than it could be spread by verbal publication: the injury inflicted by a written or printed report was therefore much greater than that done by verbal slander. The proprietors of public journals were undoubtedly at perfect liberty to pub-

lish fair and correct reports of the proceedings of the two Houses of Parliament; and the public had been greatly benefited by such reports. But the Bill raised the question, whether newspaper proprietors should be permitted to publish with impunity, speeches vilifying the character of individuals on the ground that those speeches had been made in Parliament. That certainly ought not to justify the publication of slander. Among several witnesses examined before the Select Committee was the solicitor to *The Times*, who stated that the proprietors thereof had been sued for having printed a speech made by Dr. Lushington in the House of Commons, and had to pay the costs of the action brought against them by the party who considered himself aggrieved by the report of the speech. That, in fact, was the only instance in which an action had been brought against *The Times* for printing reports of the proceedings in Parliament; and, in fact, the witnesses altogether failed to show that newspaper proprietors suffered any practical inconvenience from the law of libel as to reports of Parliamentary proceedings. They admitted that the law made them act with great caution with reference to speeches in Parliament of a libellous character. The law at present gave ample privileges to every person to express his opinions upon all subjects, so long as it were done fairly and without malice; but this Bill introduced a new provision into the law which had hitherto been unknown. At present every man had a right of action whose character was injured by slander; but the noble and learned Lord wished to lay it down that, a man must have suffered some pecuniary loss or damage before his action for slander would lie. No sufficient reason had been shown for these innovations on the ancient law, and he should therefore move that the Bill be read a second time that day six months.

Amendment *moved*, to leave out "now" and insert ("this day six months.")

Earl GRANVILLE said, he would not have ventured to introduce his unlearned opinion amongst those of the noble and learned Lords who had addressed the House, if he had intended to enter into any detail or make any minute examination of the question. He rose only to suggest that the House should give the Bill a second reading, and that his noble and learned Friend on his right should consent that the Bill, having been so read, should be referred to a Select Committee. No doubt there was a great difference between libel and slander. The slander might be spoken at some district meeting of a person, it might be of a tyrannical or bad character, but would never become known beyond the meeting or the district; but if those statements were reported in the newspapers all over the kingdom, and remained uncontradicted, no doubt it created a great difficulty; and the greater the publicity that was given to them the more highly injurious to the individual. At the same time it had been suggested by the noble and learned Lords whose opinions had great weight, that a person so speaking had a right to expect that his words would be reported, and consequently was justly liable for the injury done. Provisions to suit these difficulties might be made in committee on the Bill with respect to the practice of publishing reports of proceedings in Parliament. It appeared to him perfectly monstrous that, after both Houses of the Legislature had given every possible convenience to reporters to report their proceedings, and when they expected to have them properly reported, that they should be held liable for these reports. He had only heard of two accusations against the press—only two complaints, one to the effect that their Lordships' speeches were too condensed, and another of a noble Lord who complained that he was not reported at all. He thought the general feeling of Parliament and the public alike, was one of astonishment that the press gave the debates so well immediately after they were spoken. It was unreasonable too that the publishers of those reports should be held liable for whatever might be said, when it was impossible in many cases, to say whether such reports were libels or not. It was very undesirable that the reporters should be left to exercise their own discretion in such matters. In a great many cases, that which was spoken affecting the character of one man was the only defence of another, and it was better for the public to have the whole thing than to have mere garbled extracts. He was not sure whether or not it was not even to the advantage of persons accused that the greatest publicity should be given. It was of advantage under all circumstances to have the most accurate report, and that it should be brought before the public eye in the best and widest way. It was surely much better that a man against whom something had been said in either House of Parlia-

ment, should learn what had been said from an impartial report, rather than from the casual and often imperfect report of a friend. He did not wish to go more fully into the merits of this case, but he did feel it desirable that they should give the Bill a second reading. The noble and learned Lord had told them that he had had occasion to observe a deficiency in the law, and that he had accordingly brought the matter before the House, and it was carried before a Select Committee composed of some of the most eminent men in the House. He (Earl Granville) did not belong to the Committee, which certainly was composed of some of the most eminent men of their Lordships' House; but when he found that only five Members of that Committee voted on the question, and eight were absent, it appeared to him to be a most extraordinary thing. When he observed that there were on that Committee the noble and learned Lord (Lord Campbell), holding one of the highest positions in the criminal judicature of the country, the then Lord Chancellor, and three noble Earls, he thought it was for the dignity of their Lordships' House that they should support the measure which had resulted from the Report of the Committee. Under the circumstances, he thought that the Bill should go to a second reading, in order that it might go before a Select Committee, which would have the advantage and might avail themselves of the discussion that had taken place upon the question, and be able to collect the details and bring about a good and effective remedy to the blot that had been discovered in our legislation.

The LORD CHANCELLOR:—I regret, my Lords, that I for one cannot agree with the suggestion of the noble Earl (Earl Granville) to permit this Bill to go to a second reading for the purpose of referring it to a Select Committee. The proposition is one which I am sorry to say I cannot accede to; and I think, my Lords, there is not in the slightest degree anything undignified in your Lordships' coming to the conclusion as to the impropriety and undesirableness of giving this Bill a second reading, because my noble and learned Friend who has proposed it to us presents to us a certain principle, on which we are called on to decide at this stage of the Bill, as it is a principle to which I intend to address your Lordships' attention; for I think my noble and learned Friend has not established any case whatever for the Bill which he now proposes. My Lords, I have been so accustomed for years to pay implicit deference and submission to my noble and learned Friend, that I feel as if I were guilty of some impropriety in venturing to put forward my opinion in contradistinction to his. My noble and learned Friend has a very great advantage over me in the discussion now before your Lordships. The noble and learned lord has had great experience, he has entitled himself to considerable weight and respectful consideration in your Lordships' debates; he has entitled himself to weight and authority both in and out of this House;—and he is the author of many very excellent laws, particularly one upon the law of libel; and if my noble and learned Friend had never passed any other measure than his recent one, by which he suppressed the sale and circulation of impure and infamous publications, I think he would be entitled to the gratitude of every one who has the morality and well-being of society at heart. But, my Lords, my noble and learned Friend must not be allowed to draw too largely on his stock of merit, and upon the influence which he possesses in your Lordships' House, by calling on your Lordships to take upon trust, without very careful examination, any proposal which he submits to your Lordships' attention. The Bill proposes alteration in the existing laws; and the real question is, is there any necessity for the change? is there any grievance? or is there any mischief arising from the present law which requires that any alteration should be brought about in the law? My noble and learned Friend has, I think, failed altogether in the establishment of any case in support of his Bill. Now, a full consideration of the question is requisite for the purpose of enabling your Lordships to come to a determination. The law is perfectly well known, and has been acquiesced in by the public press for a great number of years; they know precisely the extent of their responsibility, and they are constantly acting under a sense of it. A case has occurred which appeared suddenly to have roused them to a sense of their danger. A report was published in the *Durham Advertiser* of proceedings at a meeting of the West Hartlepool Improvement Commissioners. Whether it was a lawful meeting or not, I will not stop to inquire; but in the course of the proceedings some very injurious remarks were made against the

chaplain and secretary of the Bishop of Durham on the subject of a licence of a chaplain to the West Hartlepool Cemetery. The secretary brought an action against the newspaper in the court over which my noble and learned Friend presides. The editor of the paper pleaded that what he had published was a faithful report of the proceedings of that meeting. To this plea, the plaintiff demurred; which is an admission of the truth of the statement and that it was a faithful report, but denies that it was any answer to the action. The Court of Queen's Bench decided in favour of the demurrer—decided according to the well-known law upon the subject. This decision, however, appears to have excited a great deal of attention. I will not say in consequence of what appeared in the public journals, but following upon this publicity, my noble and learned Friend moved for a Select Committee to determine whether the same privilege could not be accorded to reports of proceedings in Parliament and at public meetings, such as was accorded with regard to reports of proceedings in courts of justice. The Committee, undoubtedly composed of most distinguished members of your Lordships' House; but I must be permitted to say, with the greatest deference to them, that their inquiry appears to me to have been much more directed to the consideration of the matter as regards the newspapers than how the interests of individuals and their security against slanders and calumny should be secured. My Lords, there were four witnesses—and only four, examined before this Committee — Mr. Baines, the proprietor of the *Leeds Mercury;* Mr. Dobie, solicitor to the *Times* newspaper; Mr. Hansard, the well-known publisher of the *Parliamentary Debates;* and Mr. Hargrove, the proprietor of the *York Herald.* No other persons than those who were concerned for the protection of the newspaper publications were called before the Committee. Now, what was the result of that inquiry? Was there any grievance established on the part of the press? Was there any inconvenience, any mischief shown to have arisen from the present state of the law? Mr. Baines, the proprietor of *The Leeds Mercury,* stated that for thirty years there had never been any action brought against that newspaper for any slanderous or calumnious publication. Mr. Baines, on the question being put to him—"Do you know of any practical evil from the present state of the law?" answered "None whatever." A similar inference might be drawn from Mr. Dobie's evidence with regard to actions brought against *The Times.* Why was that? Why, the answer was to be found in the evidence of the persons examined before the Committee. No actions had been brought against the proprietors of newspapers because they exercised care and caution in what they published; they acted under a sense of responsibility which attached to them. What Mr. Hargrove says on that point is rather material: "In the existing state of the law I take care not to insert anything which has a libellous tendency." Now, my Lords, I say it is for the advantage of the public that this state of things should continue; that there should be a responsibility attaching to the proprietors of newspapers. It has been suggested, that if the law were changed there would be the same care and the same caution observed, and the same abstinence from publishing anything which would have a tendency to injure the character of individuals. My Lords, I must be permitted to doubt whether that would be the result. I know how much easier it is to be indiscriminate in publishing everything that is taken down; how difficult it is, in the hurry of publication, day by day, to select the portion of a report which is fit for publication, and to reject that which is not. Your Lordships may recollect this, that we are here dealing not only with those respectable journals to which the noble and learned Lord has alluded, and the editors of which would most likely be careful of private reputation, but that the privileges which they are to enjoy under this Bill are to extend to every newspaper throughout the kingdom; and I ask your Lordships whether there are not some journals at least which it is not likely would be extremely guarded and careful as regards doing injury to private character. When I look to the Resolutions which ultimately emanated from the Select Committee, and to the names appended to those Resolutions, I find that some noble Lords, Members of that Committee, whose opinions would have been extremely valuable, were not present when those Resolutions, which were carried by a majority of five to three, were put to the vote; for upon the decision of the Committee has been founded the Bill of the noble and learned Lord, which contains only three clauses, but those are of great importance. The noble and learned Lord proposes, in the first place,

to legalise the reports of all proceedings in either House of Parliament, however defamatory, however injurious these reports may be to the character of individuals; and the noble and learned Lord proposes that any person who is injured, and may be ruined by the report of debates which take place and in which his character has been assailed, should be utterly remediless; that proof of the publication being a faithful report of proceedings in either House of Parliament should be a complete answer to any action against the newspaper. I cannot help adverting to a little difficulty which seems to me to arise in the terms of my noble and learned Friend's clause. My noble and learned Friend proposes that the answer should be that the report is "a faithful report of the proceedings in Parliament." Now, how is the fidelity of thé report to be established? On whom is the burden of proving that it is "a faithful report" thrown? Will it be sufficient for the proprietor to state that he considers what he has published to be a faithful report? If he is bound to prove it, how is he to do so, except by an invasion, in some degree, of the privileges of Parliament, by proving what actually passed in either House of Parliament? My noble and learned Friend assimilates the proceedings in Parliament to the proceedings in courts of justice; but there is a marked distinction between the two classes of proceedings. In courts of justice the proceedings are not *ex parte*. The whole case is heard, from beginning to end, on both sides; and the whole is published for the information of the public. But with regard to slander which takes place in the course of debates in either House of Parliament, it is mere *ex parte* statement. No answer may be given—probably no answer can be given—at the time the charge is made, and that constitutes, as it appears to me, a material and striking difference between the two cases. Consider the danger to which private persons will be exposed, if this Bill passes. I am sure that, if the noble and learned Lord's Bill passes, no noble Lord would abuse the decorum that pervades your Lordships' House by taking advantage of the altered state of the law in order to make his speech in debate a vehicle for private malice. I am sure that the same may be said of the Members of the other House of Parliament; but I can imagine that Members of some future House of Commons might avail themselves of the advantage afforded them by a law as proposed to be altered by my noble and learned Friend, and knowing that what they said would be circulated throughout the country on the following morning, might use their position, and embrace the opportunity given them for the purpose of gratifying their private malice. My noble and learned Friend who proposed this Bill, referred to the case of Lord Abingdon. He might have referred to a similar case—that of Mr. Creevy; but both those were cases in which the speakers published their own speeches. The Bill, I admit, will make no alteration in the law in such a case. But the alteration which the noble and learned Lord proposes, refers to newspaper publications. At present, if a newspaper publishes slander spoken in the course of a Parliamentary debate, an action may be brought against the newspaper, and the party bringing it has an opportunity of vindicating his character; and the proprietor of the newspaper has this advantage, that if the statement be correct, he may plead that fact in justification. I will suppose a case in which a Member may be acting honestly and faithfully in the discharge of a public duty, and may yet commit a great wrong on an individual—do him, perhaps, an irreparable injury if the statement which he makes of that individual be published. I must be permitted to illustrate this by a case which lately occurred before the Privy Council. Proceedings were taken there in which certain respectable merchants of the city of London were charged with having been implicated in certain slave-trade transactions. The matter was debated and discussed at very considerable length before the Privy Council, and their Lordships took time to consider their judgment. Now, I have reason to know that the publication of those proceedings was most injurious to the credit and character of those respectable persons, and that it was only when the judgment was pronounced, in which they were entirely acquitted of all participation in the nefarious traffic, and in which very strong observations were made on the proceedings of the Crown, and the Crown was saddled with the costs, that their characters were vindicated. I can imagine some Member of this or the other House of Parliament, whose heart burns within him when he speaks of the abominable slave traffic, breaking out in indignant reproach at the conduct of some London merchants whom he supposes to

have been engaged in it. My Lords, as long as that language is confined within the walls of this or the other House, the injury done those merchants would not be so great; but if on the following morning all that has been said flies through every part of the country, and is taken up by the country newspapers, the characters of the individuals, who are upon the assumption wholly innocent of any participation in this infamous trading, are completely destroyed, and they are irreparably injured. If this Bill passes, they will have no opportunity of vindicating their characters; all the remedy they will have will be, that they may address a letter to all the newspapers which have inserted the injurious statement contradicting it. This letter may be inserted, or the newspapers may say, "From pressure of matter, we are unable to insert the letter;" and then the consequence of this measure which my noble and learned Friend deliberately proposes to the House, will be, that these persons will be irretrievably ruined and left without a remedy. My Lords, I cannot help thinking that this would be a most dangerous innovation and a most mischievous change in the law, which I think has been found, even on the evidence before the Committee, to provide a sufficient protection to newspaper proprietors, and, at the same time, has not left the characters of individuals defenceless. I now come to the clause of my noble and learned Friend's Bill which refers to proceedings at public meetings. It is perfectly true, that for words spoken, no action can be maintained unless they charge some indictable offence, with the single exception of cases in which it can be shown that special damage had resulted from the speaking of the words. My noble and learned Friend does not propose to abolish this distinction; indeed, the Report of the Select Committee condemns any such alteration. The Report says:—

"To meet this objection it has been proposed entirely to do away with the distinction between verbal and written slander, or to make the speaker at a public meeting always liable for all true printed reports of his speech. But we think that such alterations of the law are unnecessary, and would be inexpedient."

He must be permitted upon the subject of these reports of public meetings to quote the words of my noble and learned Friend himself—words not uttered in this House, but used in the course of that case which has given rise to this discussion. My noble and learned Friend said,—

"If this plea is good, a fair account of what takes place may be published, whatever harm the publication may do to private character, provided it take place at a meeting of a public nature—a wide description, embracing all kinds of meetings, from a county meeting to a parish meeting. At such meetings things may well be said very irrelevant to the subject in hand, yet very calumnious. In what an unhappy situation a calumniated person would be if a calumny might be published, and yet he could not bring an action and challenge the publisher to prove the truth of the statement."

That was the language of my noble and learned Friend, who now proposes to legalize the publication of all reports of what takes place at a meeting lawfully assembled. [Lord Campbell: Not so!] My noble and learned Friend must forgive me when I say that this is the effect of his clause. I admit that he allows an action to be brought for damages; but the party is not to be entitled to recover unless he can prove loss or damage. Now, my noble and learned Friend knows that that means pecuniary loss or damage; the consequence of which will be, that in ninety-nine cases out of a hundred the person calumniated at a public meeting will be deprived of all remedy, because he cannot show that he has sustained any pecuniary loss or damage. Suppose he be a person not in trade, and that he be charged with a gross breach of morality, or with being guilty of some falsehood. Now, such an imputation is more painful to an honourable man than a pecuniary loss of thousands of pounds. My Lords, are we to set a money value only on reputation? Is it to be weighed against a quantity of gold? I trust the time will never come when, in this country, the reputation of a man will cease to be considered as the dearest of his possessions. I am sure that if such a time ever arrives it will not be until this country has been reduced to the lowest standard of morality. It has been suggested that the Bill should be committed, with the view of introducing into it an Amendment, constituting the person who published the agent of him who uttered the words. Of such a course I cannot approve. After the humorous description which has been given by a noble and learned Lord (Lord Lyndhurst) of the great number of public meetings which had been omitted from the definition contained in this Bill, I think that if the Bill ever goes into Committee my noble and learned Friend will find that the difficulties in its way are so great as to be insurmountable even by his great power of overcoming obstacles. Under these

circumstances I cannot, consistently with my position, give a silent vote on this subject, nor can I, after the most careful attention I have been able to give to this important matter, bring myself to agree to the proposal of my hon. and learned Friend. I do not find any real grievance in the existing state of the law. I think my noble and learned Friend was bound to establish some case. He has utterly failed in doing so; and, therefore, I think the Bill ought not to have a second reading.

LORD CRANWORTH thought that, although the Bill of the noble and learned Lord Chief Justice might not be adopted in its integrity, it at least contained the germ and foundation of a good measure, and that, therefore, it ought to be read a second time. As to the reporting of Parliamentary proceedings, he doubted very much whether they were not proceeding altogether upon a fallacy. He did not believe that the character of a person calumniated in Parliament was likely to be damnified by the slander being reported; on the contrary, the fact of publication the next morning afforded him the best means of becoming acquainted with the charges made against him, and of refuting those charges. But for that report he might never know of the calumny, and might, therefore, suffer from imputations which he never had an opportunity of refuting. It was not at all clear to him, therefore, that it was not for the interest of the very person calumniated that there should be no restriction of publication at all, and, therefore, he thought that this alteration of this law should be made. But the case of journals publishing reports of public meetings required the utmost consideration. Was the law, as it stood, in a satisfactory state? It was said that there had been no cases of hardship. There had been one case, at least, and, in his opinion, it was the duty of their Lordships, when the principle of the law could not be justified, to act even upon a single instance. It was a great hardship to the publisher of a Durham newspaper that he should have had to pay £400 because he had published something which was actually stated at a public meeting held with reference to the improvement of the town of Hartlepool. And what had happened in that instance might, and most likely would, happen in many others. He did not, however, think that oral should be treated in the same manner as written slander. Such a rule would give rise to disgraceful, pettifogging actions as was exemplified in the lawbooks of the reign of James I. and Charles I., when endless questions were raised as to whether such and such words were not slanderous so as to subject the person uttering them to an action. He was glad that, whether by judge-made law or otherwise, we had escaped from those difficulties, and, practically speaking, oral slander was not a ground of action. The case, however, was very different when the oral slander was uttered at a public meeting. There was little distinction between the act of directing libellous words to be published and that of uttering such words orally in public with the knowledge that they would be published; a person so speaking might properly be regarded as his own publisher, and it would be consistent with reason and justice to make him the party responsible. But under this Bill the injured party would bring his action against the publisher, who might plead that the report was a true and faithful one, made without malice. He would not encourage the notion that they ought to legislate on a mere theory; but when they saw that a certain amount of practical evil had already resulted from the state of the law it would not be wise to overlook what had occurred, and wait till further mischief arose before applying a remedy. He therefore hoped that their Lordships would read the Bill a second time.

LORD CAMPBELL rose to reply, when

THE EARL OF DERBY said, that the noble and learned Lord had already addressed the House at considerable length, and that on the Motion for a second reading he had no right to a reply.

LORD CAMPBELL said, he was not aware of any instance in which the courtesy of a hearing in reply had been refused in such a case; but the noble Earl, not content with having overwhelming numbers on his side, insisted that there should also be no argument. He should be most willing, if the Bill was read a second time, to refer it again to a Select Committee; but it should be remembered that the measure had already been carried by a large majority in the Select Committee. Under those circumstances would their Lordships affirm that it was so vicious in principle that they could not hope to improve it at any subsequent stage? The powerful speech of the noble and learned Lord (Lord Lyndhurst), whose jocular observations had enlivened a very dull debate, was to a great extent favourable to the measure. It had pleased

the noble and learned Lord to assume that all meetings not included in the third clause, and, among others, those of Convocation, were unlawful. Now, it so happened that in the Committee he had himself proposed to include Convocation, but he was outvoted on the ground that it was disrespectful to suppose that anything libellous could fall from so grave and venerable a body. His reply to that had been, that he had heard right rev. Prelates use very sharp words in the House of Lords. To have enumerated meetings for the purpose of raising a monument to an illustrious General, or the meetings at Exeter Hall, to which reference had been made, might, he thought, have been deemed indecorous; but, if desirable, they might yet be included in the Bill when in Committee. His noble and learned Friend on the woolsack had done him the honour of referring to some of the measures he (Lord Campbell) had had the good fortune to originate and to carry into law, and, among others, to the Act for Preventing the Sale of Obscene Publications. His noble and learned Friend might have been aware that that measure was assailed even with more bitterness than the Bill now before their Lordships, and that all means were adopteed to cover it with discredit and ridicule. That Bill, however, received the sanction of their Lordships and of the other House of Parliament, and it was admitted by his noble and learned Friend, and by other eminent lawyers, that it had operated most beneficially. If the present Bill should pass and should become the law of the land, he believed it might receive as high commendation. [*A laugh.*] It was impossible to foresee what might happen, and in the course of the year this measure might receive the approval of some other occupant of the woolsack. The object of the Bill was, in the first instance, to give immunity to reports of Parliamentary proceedings; and next, to protect the public press, to a certain extent, in the publication of the proceedings at meetings of a particular description. Were their Lordships prepared to say that *in secula seculorum* they would invite reporters to attend, and would allow reports of their proceedings to go forth to the public; but that they would leave the proprietors of newspapers liable to be sued by civil action, or imprisoned upon criminal information, for the faithful discharge of this duty? Did the proposal to change this state of things involve so vicious a principle that their Lordships would refuse a second reading to the Bill? Would they refuse to entertain any proposition for giving protection to the public press in the publication of faithful reports of proceedings at public meetings, and were the proprietors of newspapers to despair of any remedy or redress for the grievances of which they now complained? His noble and learned Friend had greatly misunderstood the object of the second clause, for he (Lord Campbell) had always regarded as wholly inadmissible the claim that complete immunity should be given with regard to everything that was said at every public meeting, and the clause applied exclusively to cases where no loss or damage was sustained. He foresaw what the fate of the Bill would be; but he had discharged his duty in bringing the subject under their Lordships' consideration.

On Question, That ("now") stand part of the Motion? their Lordships divided:—

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Resolved in the *negative*; and Bill to be read 2ª *this day Six Months.*

House adjourned at Nine o'clock, to Thursday next, half-past Four o'clock.

HOUSE OF COMMONS,

Tuesday, April 13, 1858.

Minutes.] Public Bills.—1° Juries (Ireland); Hainault Forest (Allotment of Commons), 3° Customs Duties.

MILITARY SURGEONS—QUESTION.

MR. BRADY said, he would beg to ask the Secretary for War if a Memorial was received by him from the Militia Surgeons of the embodied regiments, asking to be placed on a permanent footing; and, if so, what are the intentions of the Government on the subject?

GENERAL PEEL said, he had received the Memorial alluded to by the hon. Gentleman, and had returned answer that he could not, under present circumstances, increase the expense of the permanent Staff of the Militia, which at present amounted to £159,000.

CHELSEA BRIDGE—QUESTION.

MR. BRADY said, he would now beg to ask the Chief Commissioner of Works if he is aware that Foot Passengers entering on the New Chelsea Bridge are compelled to pass over whether they desired it or not, and then to pay a second toll to be allowed to return; and, if so, whether he purposes taking any steps to remedy this inconvenience?

LORD JOHN MANNERS said, he was aware that such was the case, and the arrangement had been entered into with the view of consulting the public convenience. When he mentioned that not less than 30,000 persons went over the bridge on Sunday last, it must be obvious that if, when they went part of the way over the bridge, they were then to turn round and walk back again on the comparatively narrow footpaths, much inconvenience would result. Of course, if public inconvenience resulted, some other arrangement would be made.

KENSINGTON GARDENS—QUESTION.

MR. W. EWART said, he wished to inquire of the First Commissioner of Public Works whether there will be any objection to give the Public the benefit of an increased number of Seats round the larger trees in Kensington Gardens and Hyde Park?

LORD JOHN MANNERS replied, that before the hon. Gentleman placed his Notice on the Paper, arrangements had been made for providing additional seats.

MEDITERRANEAN TELEGRAPHS. QUESTION.

MR. CRAWFORD said, he would beg o ask the Chancellor of the Exchequer whether any arrangements have been concluded, or are now under the consideration of Her Majesty's Government, for extending the Mediterranean System of Telegraphs to Alexandria, and for bringing India into Telegraphic Communication with this Country by the way of the Red Sea, or by any other route; and whether, in the event of such arrangements having been resolved upon, Her Majesty's Government will lay upon the Table of the House the correspondence in reference thereto. He might, perhaps, be permitted to state, in explanation of the question, that a similar question was addressed to the noble Lord lately at the head of the Government, at the commencement of the Session, to which he replied that Government had been in communication with parties in reference to the extension of the telegraphic communication between Corfu and Alexandria, but that no arrangements had been entered into on the subject, and that no proposals had been made to the Government with regard to the extension of the telegraphic communication with Indja.

THE CHANCELLOR OF THE EXCHEQUER: No arrangements, Sir, have yet been made to effect the objects to which the hon. Gentleman refers, but I have hopes that in a very short time arrangements embracing all those objects will be concluded.

MR. WILSON said, that he had a notice on the paper for certain Returns relating to this subject, but, as the negotiations were still pending, he was ready to postpone his Motion, if such was the wish of the right hon. Gentleman.

THE CHANCELLOR OF THE EXCHEQUER: It will be more convenient if no papers are moved for until all the arrangements are completed.

MR. CRAWFORD said, he would beg to inquire whether the right hon. Gentleman would lay upon the table the correspondence on this subject, and also an estimate of the expense of establishing the proposed communication?

THE CHANCELLOR OF THE EXCHEQUER: Until the arrangements are completed I cannot pledge myself to produce the papers, but in all probability there will be no objection to lay them on the table. As, however, I cannot foresee what communications may take place, I cannot at present give any pledge that they will be laid before Parliament, neither can I submit to the House any estimate of the expenditure until the nature of the engagements into which it may be necessary for the Government to enter, is fully known.

Mr. WYLD said, he wished to know whether any arrangements were pending with the Austrian Government on this subject?

The CHANCELLOR of the EXCHEQUER: Although, Sir, I think it advisable that the rule of the House which requires that hon. Members should give notice of their questions, should be adhered to, I feel no difficulty in answering the inquiry of the hon. Gentleman. Arrangements on this subject are at present in progress between the Austrian Government and that of Her Majesty, but I may be permitted to say that a portion of those arrangements as originally planned, which would have given a monopoly to the Austrian Government, does not form part of the negotiation now pending.

Mr. CRAWFORD said, he would give notice that on that day fortnight he should call attention to the subject of telegraphic communication with India, and would submit a Motion to the House.

NATIONAL COLLECTION OF PICTURES.

QUESTION.

Lord ELCHO said, he wished to ask the Chancellor of the Exchequer whether the Government intend to take any steps during the present Session with a view to providing increased accommodation for the National Collection of Pictures?

The CHANCELLOR of the EXCHEQUER: I should be sorry to say that Her Majesty's Government do not intend to take any steps on this subject during the present Session; but it is not in my power to state specifically what measures they may propose. The matter is one which for many reasons cannot be long neglected; but I cannot at present submit any specific proposition to the House.

THE BRITISH ENVOY AT TURIN.

QUESTION.

Mr. WISE: I wish to ask the Under Secretary for Foreign Affairs whether Sir James Hudson is to remain at Turin as Her Majesty's Envoy Extraordinary and Minister Plenipotentiary; and whether it is intended to recall the Secretary of Legation, Mr. Erskine, from the same Mission?

The CHANCELLOR of the EXCHEQUER: In reply to that question, I have to inform the hon. Gentleman that there is no intention of recalling Sir James Hudson from Turin. Great services are not cancelled by an act of carelessness, however it may be regretted for the moment. With respect to Mr. Erskine, he has been recalled to this country in order to explain his conduct, and he has been suspended.

STRAITS OF MALACCA.

CORRESPONDENCE MOVED FOR.

Viscount BURY said, he rose, pursuant to notice, to call the attention of the House to the condition of the settlements in the Straits of Malacca,—namely, Penang, Singapore, and Malacca — commonly called the Straits Settlements; and to ask the Chancellor of the Exchequer whether there would be any objection on the part of Her Majesty's Government to except the Straits Settlements from the action of the Bill for placing the territories of the East India Company under the control of the Crown, and to place them under the immediate control of the Secretary of State for the Colonies. He had put his notice on the paper in the form in which it stood, because as Her Majesty's Government had given an intimation that they were willing to submit a series of Resolutions on the subject of the Government of India in Committee of the House, perhaps they would allow this matter also to form one of the points so to be considered by the House. If hon. Gentlemen referred for a moment to the geographical position of the Straits Settlements, they would perceive that they were so situated at the base of the great Malayan peninsula as to be in the highway, as it were, of the commerce between the east and the west, and that they also formed the most natural depots for the trade of the south and the east. This being the case, it was evident that the subject to which he now invited attention—the condition of the colonies of Singapore, Malacca, and Pulo Penang—was one of great national importance. In the earliest times, before Europeans traded in those seas, the Arabs and Hindoos, who then held the trade and commerce of India, had stations at those places, and every succeeding Government which had held the command of those settlements had invariably established trading points on the coast there, and regarded them as of great commercial importance. When the Dutch held the settlement of Malacca, when the British power was growing up in India, and when British traders began to establish commercial intercourse with China, it was found necessary to impose some check upon the aggressive and regressive policy of the

Dutch, the object of which was to prevent the native States from trading with British merchants, and at the latter end of the eighteenth century the settlement of Penang was formed. It was not, however, until 1819 that Sir Stamford Raffles, who had been Governor of India, appreciating the enormous commercial importance and valuable resources of Singapore, inaugurated that policy which had the effect of establishing British ascendancy in the Straits of Malacca. After great trouble both with the authorities in India and at home, he obtained leave to establish a settlement at Singapore, and in the course of a year the trade which had heretofore been carried on at Penang was almost entirely transferred to the new settlement. From that time to the present the trade of the Straits Settlement had enormously increased, and according to the last return for 1857 it amounted to the value of £15,000,000. After Sir Stamford Raffles had made the settlement at Singapore, and whilst it was progressing in this rapid and almost unprecedented manner under the control of the East India Company, whose servant he was, and in whose name he had founded and maintained it, the trade of the East India Compnay with China ceased to be a monopoly ; consequently it ceased to be a matter of great importance to India whether Singapore and the Straits Settlements continued to flourish or not. But in proportion as it ceased to be an object of exclusive importance to India whether the trade flourished or not, in that proportion did it become a matter of importance to this country. These Straits Settlements were, in the strict sense of the word, "colonies ;" for bodies of men were established there under British rule, attracted by the security of British laws, and perhaps the personal influence of British subjects. These were by no means a conquered people, such as were the inhabitants of India, who were ruled and kept under entirely by the strong hand. In very many respects they were placed in a much more advantageous position than the people of India. Their trade, which in 1840 amounted to only £4,000,000, had, as already stated, increased to £15,000,000 in 1857. By a very fortunate accident, at the first establishment of Penang the land tenures were granted in perpetuity. When the Dutch were in possession of the country they granted enormous tracts of land to any one who chose to claim them ; but when the settlements were ceded to the English there was a difficulty in carrying out the land tenures as they had been ceded by the Dutch, because, though the Dutch settlers were willing enough to give up all the lands which they did not use, yet they reserved to themselves the right that if these territories should afterwards pass out of the hands of the British, then their heirs would be replaced in possession. The Straits Settlements had properly no connection with India. They had ceased to be of any importance to that empire since India had ceased to trade exclusively with China, in fact, they appeared to be only regarded by the Indian Government as useful for a convict station. The whole of the convicts of Bombay, Madras, and Bengal were sent there, and one of the principal complaints made in the Singapore petition, which he had the honour of presenting to this House some few weeks ago, was that they were not only made the receptacle of the scum of the Indian population, but by a system of injustice, which he believed to be almost unprecedented in history, were compelled to pay the whole expense, not only of the convict establishments, but of the military who guarded them. Another instance which showed how little the Government of India knew or cared about the prosperity of Singapore was an interference with their currency. The East India Company wished to establish one uniform currency all over their territories, and introduced the rupee and smaller Indian coinage into the Straits Settlements, which had always hitherto been accustomed to a dollar currency. The small Indian coinage did not fit into the dollar currency, and great confusion and embarrassment to trade had resulted. Another complaint made by the inhabitants of Singapore related to the restrictions which at various times had been sought to be imposed on the freedom of their trade. The great foundation of the prosperity of Singapore was that it had heretofore been a free port, and therefore attracted much of the shipping which passed the Straits on its way to China. The East India Company, however, attempted to impose tonnage dues upon shipping frequenting the port, and were only prevented from inflicting this injustice upon the people of Singapore by the most energetic remonstrances to the home Government. All these circumstances proved, he thought, that the interests of the Straits Settlemenrs were very much more Imperial than Indian, and that those settlements would be much better govern-

Viscount Bury

ed if they were brought immediately under the control of the Secretary of State for the Colonies. Another point was that Singapore required protection against the aggressive policy of the Dutch, who prevented the native States from trading with them and diverted their trade into Dutch ports. At present these settlements were under a delegated authority from India, consisting of a governor at Singapore with resident councillors at Penang and Malacca, on whose reports, made secretly, the Indian Government were obliged entirely to depend. The population had no means of forwarding their views to head-quarters, and questions were often decided without any regard to their feelings, and in fact entirely at variance with them. One advantage, indeed, they possessed. Their laws were not administered by the Company's civil servants, but by trained barristers ; and they also had the advantage of a grand jury, which might, he hoped, hereafter form the nucleus of a constitutional Government there. These grand juries had repeatedly, when the Judges were on their circuits, pointed out the different requirements of the colonies ; but the unvarying answer of the Indian Government had always been that, without entering into the rights of the question, they were not prepared to entertain the subject at all. Since the Singapore petition had been sent home all public works in the Straits Settlements had been stopped ; but it was surely very hard that this colony, which had really nothing more to do with India than Nova Scotia or Canada, should be deprived of all useful public works simply because of the events which had happened in India. These were the principal grounds on which they begged that they might be removed from the control of the East India Company, and placed immediately under the authority of the Crown. Looking at the enormous progress which these settlements had made in a few years, the large European community assembled there, and their peculiar advantages and position for trading purposes, he hoped to hear from the Government a satisfactory answer to the question of which he had given notice. In 1809 the island of Singapore was nothing but a resort of Malay fishermen and pirates; now there was a large settlement there under English laws, which, situated as it was, midway between India and Australia, effected a junction between the trade of the North and the trade of the South. In addition, he begged to move for copies of any correspondence which had taken place between Her Majesty's Government and the East India Company on the subject of the Straits settlements, in order that the House might have the advantage of listening to any discussion which might arise.

Mr. BAILLIE said, he was free to confess, as the noble Lord had anticipated, that the subject which he had brought under the notice of the House had not sufficiently occupied the attention of the Government. The fact was that they did not consider it necessary, at a time when the whole Government of India was about to be discussed in this House, to deal with questions of detail respecting what must at present, at all events, be considered a portion of the Indian empire. Nor was it possible for the Government to have taken this subject into consideration, for in order to do that, it would have been necessary to communicate with the Home Government of India and the Governor General, since, as the noble Lord had stated, this colony was one of the great penal stations for Indian convicts. With regard to the complaints made in the petition, which had been presented by the noble Lord, and reiterated to-night, he (Mr. Baillie) could not altogether admit their justice. It was alleged, first of all, that the Indian Government had made repeated attempts to impose duties on the trade of Singapore, which attempts had only been frustrated by appeals to the home authorities. Now, the petitioners could hardly complain that their interests were unattended to when their grievances had thus been redressed. Again, with regard to the complaints about their currency, it was very natural that the Governor General should desire to establish a uniform currency throughout the whole of the territories subject to his authority. But, after the complaints made at Singapore, this grievance also was redressed, and the currency which had been imposed on the colony was changed back to the dollar currency. He thought that this, therefore, did not give the petitioners a right to complain. The only just ground of complaint which, in his opinion, those colonists could urge was, that Singapore had been made a penal settlement, and that, no doubt, was a complaint which was well entitled to consideration. It should, however, be borne in mind that Singapore had been made a penal settlement before it had risen to its present importance, and that the prosperity which it now enjoyed

was to no small extent the result of convict labour. The convicts had been employed in dock labour and on public works, and now, as often happened with the colonies, when they rose to wealth and power, they desired to get rid of those very means by the help of which they had risen. But, although he was prepared to admit that the complaint to which he had just adverted was one which was deserving of notice, he could by no means concur in the justice of the statement which had been made by the noble Lord, to the effect that the expenses connected with the maintenance of the military establishment at Singapore were entirely defrayed by the colonists. Such was by no means the case, and he might add that the military defences of the colony involved a question of the utmost importance for the consideration of the Government; because, if Singapore were to become a Crown colony, this country would have to take upon itself the onus of defraying the charge for its military defence—a charge which could not be estimated at a less sum than £300,000 per annum. The House would recollect at the commencement of the Chinese war great excitement prevailed in Singapore, inasmuch as there were 40,000 or 50,000 Chinese at the time in the colony. It had, therefore, been deemed expedient to increase, to a considerable extent, its military defences, and he believed that there were at the present moment no less than three regiments stationed in the settlement. At no period, indeed, could its garrison, in his opinion, be estimated at less than two regiments and a battery of artillery, the maintenance of which would cost this country nearly £300,000 per annum at the very lowest calculation; for that was an amount of expenditure which could not be thrown upon the resources of the colony itself, inasmuch as its revenue was barely sufficient to defray its ordinary civil expenditure and to admit of its furnishing £15,000 a year towards the outlay for military purposes. The subject, therefore, was one which was well worthy of serious consideration; and before Parliament proceeded to take any active steps with respect to it, it would do well, he thought, to bear in mind that the commerce of Singapore had within the last six years increased at least 75 per cent.—a fact which afforded the best evidence of the prosperity of the colony. Under these circumstances, he trusted that the noble Lord would be satisfied with the explanation which he had given in reference to a subject which had not as yet been brought under the special consideration of the Government, and which, when the future Government of India was settled, might at any time press itself upon their attention.

MR. HORSMAN said, he thought the case of Singapore was one of those instances in which the Legislature showed an ignorance of, and want of sympathy with, the settlements and dependencies of the country by no means creditable to it. The hon. Gentleman who had just sat down treated this question as if it were one of complaint against the East India Company, but he believed, from all the information he had been able to obtain, that the question was rather one of public policy. There was not in history an instance of such remarkable growth as the settlement of Singapore. Forty years ago it was a mere haunt of pirates, but now its trade had risen to the value of £10,000,000 per annum,—a trade which had, as had been stated by the hon. Gentleman who had just spoken, increased 75 per cent. during the last six years. Now, that progress had been made in spite of misgovernment which, if it ever came to be detailed, would surprise the House. Take two of those cases which had been mentioned. Nothing could be more natural, said the hon. Gentleman who had just spoken, than that the Governor General should think that the currency which was suitable for India would also be suitable for Singapore, and so by a single stroke of the pen the prosperity of the whole island was jeopardized. The other case was still more remarkable. Singapore, though a small island, was made the depôt for criminal convicts from all parts of India, and the colony was not only made to pay their expenses, but, as if to cap the climax, they had to receive Sepoy regiments to guard them. Now, suppose these Sepoys had sympathised with their brethren in Bengal and mutinied, let the House conceive what would have been the effect in Singapore. The real question for their consideration was, what had Singapore to do with India? They were now legislating on the principle that India should govern India; but why should it govern Singapore? Ceylon was only eighty-five miles from Singapore, but it was a colony independent of India; but Singapore, though it was nearer to China than to India, and though it had more trade with England and with China than with India, was dependent upon India.

They might as well have made Hong-Kong, or Australia, or the Cape of Good Hope, colonies dependent on India, as Singapore. Singapore, with its thousands of Chinese inhabitants, was well called the Liverpool of the East, and he thought they ought to seize every opportunity of fostering its trade. The hon. Gentleman, however, had stated very fairly that this question had not yet been considered by the Government, and his noble Friend had properly refrained from pressing the Government to come to an early decision on the subject. He thought his noble Friend had acted wisely in doing so. If the Government should—which he did not anticipate—decide against Singapore, it would then be time to appeal to the House, and he had no doubt the House would support him.

Sir JAMES ELPHINSTONE said, as one possessing some knowledge of Singapore, he wished to say a few words upon the occasion. He, certainly, had never until now heard any suggestion that Singapore should be placed under the control of the Colonial Office, and he was not at present prepared to give an opinion upon the point; but, having been at Singapore in 1820, when the settlement was first formed, he would give the House some information respecting it. At that time, it was an island, inhabited only by a few Malay fishermen; but, being singularly well adapted, by its position, to intercept the whole trade of the Eastern Archipelago, Sir Stamford Raffles, one of the ablest men who ever visited the East, recommended its settlement. In consequence of its advantageous position, the progress of the settlement had been extraordinarily rapid, and it was now a vast *entrepot* for the commerce of that part of the world. In the first instance, it was necessary to send thither convicts, to perform public works, roads, and harbours; and a very small military force was sent, to keep them in order; but, as the settlement increased in importance, the elements of disorder increased likewise, for the population, which resorted to Singapore for the purposes of trade, was drawn from the most lawless and savage of Eastern races, —the Bugis, from Celebes; the Sarawak Dyaks, from Borneo; the Syaks, inhabitants of Sumatra, and other wild races, furnished their quota to the population of Singapore. In addition, however, there was a large Chinese population, who resorted to the settlement in order to make money, with which to return to China. Those men came unaccompanied by women, and they associated with the natvei women of the country, from which connection had sprung a numerous race, called Klings, a most disorderly people. It had, therefore, become necessary to increase the military force, to preserve order among those people, and not on account of the convict population in the settlement, of whom he had never heard any complaints made, but from whom, on the contrary, the residents usually selected their domestic servants. He once knew a lady, the wife of an officer in high position, at Penang, who told him she always selected her servants from that class; and, upon his asking whether she preferred thieves or murderers for service in her nursery, replied that she always chose murderers, their crimes having been generally committed from motives of jealousy, and those motives ceasing, they were very desirable servants. He had never heard that the convicts were at all disagreeable to the residents in the settlement; but he knew that they were useful in constructing roads, bridges, and other public works, which otherwise would not be performed. He was inclined to agree with the hon. Gentleman the Secretary to the Board of Control, that it would be a great burden for this country to take upon itself the charge of maintaining peace among that mixed and lawless population. He had no doubt there might be defects in the management of the Strait Settlements, but there could be no doubt but that these settlements were rising in importance. There was, however, an insuperable obstacle to the colonization of the island of Singapore, and that was the immense number of tigers which swam over from the opposite shore, from which Singapore was separated only by a small stream. The opposite coast was an impenetrable jungle, tenanted by vast numbers of tigers, more bold and ferocious than any to be found in other parts of India; and scarcely a month passed without some native being carried off bodily by those animals. That circumstance operated to prevent the cultivation of spice and sugar, for which, otherwise, the country was excellently adapted.

Mr. MANGLES said, that he did not wish, on the part of the East India Company, to put forth a decided claim to the control over the Strait Settlements; but he

wished to correct some statements which were contained in a pamphlet, written by an esteemed friend, Mr. John Crawford, the author of *Our Eastern Archipelago.* In that pamphlet, it was stated that the revenue of the three Strait Settlements—Malacca, Penang, and Singapore—were burdened with charges which were never imposed upon the local revenues of any colony, and that out of it were defrayed the expenses of the military and naval services, and also for the maintenance of transported felons from Madras, Bombay, and Bengal. The fact, however, was, that the charge for the convicts was borne by the Presidencies whence they were sent, and all the military and naval expenses were also defrayed by India. The gross revenues of the Strait settlements in 1855-6 was £97,904; the expenditure for purely local charges, independent of the cost for military and naval purposes, was £74,753, leaving only a balance of £23,151, to meet those expenses which, it had been said, were defrayed by the inhabitants of those settlements, but which, in fact, were paid for by the poor ryots of India. At this moment, the Indian Government was building gunboats at Bombay, to put down piracy in the Straits, the expense of which must come upon the British Government if the wishes of the noble Lord were agreed to. The right hon. Member for Stroud (Mr. Horsman) had stated that the settlement of Singapore was exposed to danger from the convicts; but the last speaker had shown how unfounded was the apprehension. The real danger—and a most serious one it was—arose from the large Chinese population in the Strait Settlements; and he would warn the hon. Gentleman opposite, and the House, that, unless strong measures were taken, such as the Government of India were now considering, with respect to the Chinese population and their secret societies, the safety of the settlements would be more jeopardized by those people than ever it would be by the convicts or the tigers. That being the case, he did not know that the control of those settlements was of great importance to the Indian Government, especially as, having lately taken possession of the Andaman Islands, they no longer needed Singapore as a depôt for their convicts; but he would advise the Government not to deal with this matter without consulting the Governor General.

Mr. Mangles

If that officer should see no objection to the change, he did not know that the East India Company would be at all unwilling to part with its control over these settlements.

Motion *agreed to.*

Copies *ordered,*—

"Of any Correspondence which may have taken place between Her Majesty's Government and the East India Company on the subject of the Settlements in the Straits of Malacca."

THE STADE DUES—ADDRESS MOVED.

MR. J. L. RICARDO:* Sir, I rise to move an Address to the Crown with the avowed object of obtaining the abolition of the Stade Dues.

Every one who has paid attention to the Returns of the Board of Trade must have looked with alarm at the falling off of our exports during the last two or three months. The amount of our exports during the first two months of 1858, as compared with the corresponding months of 1857, is less by £3,800,000, while for the same period the amount of tonnage has diminished 207,000 tons. I am aware that the House and the country have of late been more inclined to look for prosperity to ships bristling with cannon than to fleets laden with merchandise, and to regard our armies in the field as of more importance than the legions labouring in the factory; but trade has created a population which we cannot maintain, but which can maintain itself if we give free scope to its labour and full development to its industry, and any obstacle or impediment in its way demands the anxious and patient consideration of this House, and the immediate attention and action of the Government of this essentially commercial country. On this ground I ask the indulgence of the House whilst I make a short statement on the subject of the Stade Dues, which I regard as no mean impediment to the progress of our trade.

Not the least important part of our foreign trade is that which we carry on with the free city of Hamburgh. It involved a money value, during the last year, for exports alone, exceeding £13,000,000 sterling. The approach to Hamburgh, as every one knows, is by the River Elbe, one bank of which is in the territory of the Duchy of Sleswig Holstein, and the other is under the dominion of Hanover, by whom it was somewhat irregularly acquired only in the year 1715. About

forty miles distant from the mouth of the river, and twenty-three miles from Hamburgh (I speak in round numbers), just at the confluence of the Elbe, and the smaller stream of the Schwinge, is a little town called Stade, and an insignificant fortress, and still more insignificant harbour, designated as the Port and Fort of Brünhausen. At this point every ship of every country, with the exception of those of Hamburgh and of Hanover, is called upon to interrupt her passage, and is compelled to bring-to and show her papers (many of which are specially required for the purpose) to the Hanoverian functionary; and on these being considered satisfactory by that redoubtable individual, she is graciously permitted to proceed on her voyage. On her arrival at Hamburg, a Hanoverian Commissioner stationed there makes his appearance, and proceeds to charge duty on the goods forming her cargo—such duty amounting to from one-fourth to three-eighths per cent. *ad valorem*, though upon many articles, principally the staple commodities of the country, the charge is considerably higher; and not until all demands are satisfied, and all the arbitrary regulations imposed by the Hanoverian authorities are complied with, is the ship permitted to break bulk, and the cargo allowed to be discharged. It is an axiom in political economy, indeed one of the universally acknowledged rudiments of that science, that the cost of production of an article is not the outlay expended on the manufacture of the merchandise when it leaves the factory door, but the cost which has been incurred in respect to it when it arrives at the market where it meets with the competition of other manufacturers. The only proper way therefore in which we can calculate the incidence of this tax, is to look to the proportion that it bears to the freight, and to ascertain how far the cost of carriage is enhanced by the additional burden of the Stade Dues. Now I have before me a well-authenticated statement with regard to a cargo of goods from Hull to Hamburgh, which shows the relative proportions of the freight paid by the merchant, and the toll levied upon him by Hanover upon the absolute cost of the goods; and it will be found that the cost of the carriage of goods to Hamburgh is increased by the exaction of these dues in a proportion the House probably will hardly credit.

From the statement to which I refer, it appears that on two cargoes of woollen carpets, the freight was 1 5-8 marcs banco, and the toll 1 1-16, showing 65 per cent. additional expenditure on account of the toll. On five casks of drugs there were paid 18 9-16 marcs banco for freight, and 12½ for toll, being 66 per cent. additional expenditure. On 28 bales of woollen goods (five cases) there were paid 59 7-16 marcs banco for freight, and 57¼ for toll, being 96 per cent. additional expenditure. For one cask silk goods there were paid 13 marcs banco for freight, and 14⅞ for toll, being 108 per cent. additional. For 58 bales of cotton goods there were paid 158 marcs banco for freight, and 202 for toll, making an addition of 128 per cent. For two cases of cotton and silk goods there were paid in freight 2 marcs banco, and for toll 3 3-8, or 168 per cent. additional expenditure. This is startling enough; but in addition to this increased cost there is another and still more serious impediment to the free course and current of all commercial transactions. Under pain of a heavy fine, levied upon the slightest infringment of the regulations, on the sole assumed authority of Hanover, in a port not her own, the British merchant is obliged to carry two sets of papers with his ship, and, beyond the ordinary documents usually required, he has to furnish a description of the origin, nature, and value of his cargo, and to state particulars that he is not called upon to show at any other ports in Europe. I need not say how great is the delay, inconvenience, expense, and annoyance of these arbitrary proceedings, but it is only on a due compliance with her despotic commands that Hanover condescends to allow British ships to enter a port where she has no natural authority whatever, or accords to the Englishman her affable permission to return home to a British harbour. But this not the full extent of the evil. Not very long since Hanover, contrary to the position of things when the treaty of 1844 was signed, had joined that combination against maritime trade, and that antagonistic system to British commercial interests generally, which is known as the Zollverein, and has thereupon proceeded to make a political engine of the Brunhausen Toll, by exempting ships going to Harburgh from the operations of the tax, while those bound to Hamburgh remain subject to the imposition. The object of this, of course, is to divert the trade from the free port of Hamburgh to the inconvenient and shallow harbour of the Zoll-

verein at Harburgh — to drive our trade from a city and population where we are received with every facility, all free reciprocity, and with a cordial and friendly co-operation which for centuries has endured, and which I trust may continue for centuries yet to come—to a port where we are met by every form of protection and prohibition, and regarded as rivals and antagonists. It may be said now, as indeed it has been said privately to me by those high in office, and for whose judgment I am bound to feel respect, that this is a question not between England and Hanover, but between Hanover and Hamburgh, and that it matters little to England whether their commerce is carried on through one port or the other. But those who advance this position, however sound and undoubted may be their diplomatic experience, can have little practical knowledge of the details, the necessities, and the deep-rooted habits of commercial intercourse. Do they imagine for a moment that it would be an easy matter for British merchants to change the course of that mighty trade which has long been directed through Hamburgh, scattering thence our goods and manufactures to all parts of Germany and the north of Europe? Do they suppose that it is a simple, nay that it is a possible, task to change at once their agents and correspondents, to repose in new men, under new conditions, that confidence and to afford that credit which is at the bottom of all commercial transactions. If the trade of Germany is to be diverted from that great city which has made for itself wealth, population, and importance—without territory, without an army, with no fleet save its merchantmen, but by the mere force of its industry, its energy, its perseverance, and its enterprise—let me warn the House to beware lest it be diverted not only from Hamburgh but from Great Britain—lest it be carried on, not by British ships, but by foreign railways, and lest the restrictions and the protections of the Zollverein come to the aid of the Hanoverian Stade Dues to the exclusion of British merchants and British shipowners—not altogether, perhaps, for British energy is not easily defeated, but in a degree that will be seriously felt by the working classes and the manufacturers of England.

We complain, then, that we are subject to a toll which enhances the cost of our manufactures, and militates against our competition in the German markets and in those of northern Europe; we complain that we are subjected to a differential duty as between our ships and the ships of Hanover and of Hamburgh; we complain that an attempt is being made, by means of these duties, to divert our trade into a new channel, where we shall meet our rivals under a disadvantage; we complain of expense, delay, annoyance, and injustice, and we call upon the House of Commons and the Government to come to our aid in our emergency.

And what is it that we receive for all this arbitrary interference with our traffic? What service does the Crown of Hanover perform for which payment is required? None whatever. The whole expense of maintaining the navigation of the Elbe, from its mouth to its last navigable point, is defrayed, not by Hanover, but by this very city of Hamburgh against whom the taxation and the exemption are, with equal oppression and injustice, more especially levelled. Surely there must be some remarkable or extraordinary circumstances which can induce Europe and the United States to submit to this tax upon their commerce for the benefit of a country which is not concerned in it, and which has no means of enforcing its arbitrary demands. If such there be, I have been unable to discover them. We might just as well consider ourselves bound by a law enacted by Edward the Confessor to pay a toll to a private individual for the power of passing through the street as to hold ourselves shackled by an edict of Conrad the Second, passed in the year 1038, to pay for the privilege of passing a particular point on the river Elbe. But such is the position; we are submitting now to an ordinance of eight hundred years ago, when might was right, and each man took who had the power, and each man kept who could — the ordinance of an almost forgotten dynasty ruling over a long since dismembered empire. It is not my purpose to trace the history of the Stade Dues over this eight hundred years, it may suffice to say that this right of mulcting the commerce of the world and levying black mail on ships of free nations trading to a free port has been bought and sold and given as a marriage portion and made the subject of treaties and wars, just as if it had been a territory or a property to be bartered like merchandise. I shall come at once to the year 1715, when Hanover first assumed the right of that imposition; and I call the attontion of my hon. Friend

Mr. Ricardo

the Under Secretary of State for Foreign Affairs, whom I see industriously taking notes of what I say, to put this down among them. In the year 1715, Denmark, having conquered from Sweden the Duchies of Bremen and Verden, the possession of whose territory involved under the edict of 1038 the assumed right of levying these dues, sold them to George the First King of England and Elector of Hanover, for a sum of £150,000. £150,000 was paid from the taxation of the people of England for the territory which claimed the power of exacting the Brünhausen Toll. I know very well that it was pretended, and it was asserted in Parliament, that the King paid this amount, to use his own expression, "out of his own pocket." "Out of his own pocket!" when it is well known that he arrived in this country an impoverished man surrounded with a rapacious following. "Out of his own pocket!" when no less a sum than £700,000 was voted in that very year of 1715 for his civil list and personal expenses. But this £150,000 was but a small part of the cost to England of the acquisition of these dominions: one of the stipulations made by Denmark and the main part of the consideration demanded and accorded for the cession of the Duchies was, that England was to declare war against Sweden, to raise an army to defend her new possessions, and to send a fleet to the Baltic; and in accordance with this agreement a fleet did actually sail under Sir John Nicol, which is a matter of history. Will any man say, will any interested functionary have the effrontery to assert, that this war expenditure was defrayed from "the King's own pocket"? Will any one assert that the taxation wrung from the people of England was not used to purchase a power, or a claim to a power, now exercised against us, and that we ourselves have not paid for an imposition levied against us till this day? I am not asserting here anything which is not a matter of historical record. In 1717 the King sent a message to Parliament, asking for an extraordinary supply to fit out a fleet to maintain possession of the Duchies of Bremen and Verden, but the vote only passed by a majority of four, and that not without opposition. I think that there are few here who will doubt that, notwithstanding the Parliament of that day was an unreformed representation of public opinion—that it was a Parliament composed of men more or less under the influence of the Government and of the Court—nevertheless there was sufficient patriotic feeling even then to make it certain that that majority of four would have been converted into a considerable minority had any one been able to suppose that there was the slightest probability that the Stade Dues would be continued to be levied against us, or that it were possible that it would be necessary in the year 1858 that any Independent Member of Parliament should be standing up in his place to protest, as I am protesting now, against the interference of Hanover with British commerce and British shipping. I will not weary the House (which has been good enough hitherto to accord to me so close an attention) by quoting historical authorities, but I cannot refrain from reading a short extract from Belsham's *History of Great Britain*, describing the manner in which part of the money for the expenses of the fleet raised for the Baltic was granted by the House of Commons. Belsham says (this was in January, 1817):—

"A supply of £250,000 was accordingly voted, but by a perilous majority of four voices only, and not without vehement debate and opposition, chiefly in consequence of an alarming division in the administration, and the eventual secession of various of its members distinguished equally by eminence of station and ability—amongst whom Lord Townshend, sometime Secretary of State, and lately appointed Lord Lieutenant of Ireland, and Mr. Walpole, who had succeeded the Earl of Halifax as First Commissioner of the Treasury, appeared most conspicuous.

"The leaders of the secession, by the faint and languid support which those who took any part in the debate gave to this Motion, and the obstinate silence of the rest, sufficiently showed their disapproval of the conduct of the Court, which, for the sake of an useless acquisition of territory in Germany, scrupled not to involve Great Britain in an expensive, dangerous, and destructive war. And it was now clearly perceived, though unfortunately at a period too late, that the separation of the Kingdom from the Electorate ought to have constituted the basis of the settlement of the Crown upon the House of Hanover. The Message was declared by Mr. Shippen to be unparliamentary and unprecedented; penned, he supposed, by some foreigner totally unacquainted with their accustomed forms of procedure, and their invariable usage of granting money only on estimate and for certain specified services."

Such was the manner in which this outlay was regarded in 1817; but the cost to this country of the Stade Dues did not end here. Not only did we pay the sums to which I have alluded on being involved in a war with Sweden—the political consequences of which went nigh to change the dynasty of England, and had almost led to an in-

vasion of the country—but on the termination of hostilities, which happily occurred on the death of Charles the Twelfth, a further sum of a million of rix dollars was paid by England, not out of "the King's own pocket," but out of the taxation of the people, to retain peaceable possession of the ceded territories, including of course the power of levying the Stade Dues. But, so strongly was it felt, and so universally was it admitted, that England had been sacrificed in these transactions, and that the position that she was to be called upon for heavy contributions to achieve her own disadvantage was utterly and demonstrably indefensible, that in the reign of George the Second the duties were remitted; the Brünhausen Toll was abandoned so far as regarded the ships of Great Britian; and there is a Memorial extant from the merchant adventurers trading to Hamburgh, "thanking his Majesty and accepting only as their undoubted right this act of justice and equity;" even as there is a Memorial or rather a remonstrance in the succeeding reign indignantly complaining of the re-imposition of these dues; for it was not until long after the accession of George the Third to the Throne, and under a Regency of which we have no reason to be proud, that the Stade Duties were re-imposed. Their re-imposition was submitted to only because it took place at a time when it was supposed that the Congress of Vienna, which was about to meet, would settle all matters relative to the navigable rivers of Germany—and so it was. By the Treaty of Vienna it was agreed that the navigation of all German rivers should be free, and that no charge should be levied upon the ships of one country which was not paid by those of another. By the Treaty of Vienna the navigation of the River Elbe became as open and as unimpeded and as free as is the navigation of the River Thames, so far as pen and ink could make it.

Article 108 of the Convention of the Congress of Vienna, dated 9 June, 1815, sets forth as follows:—

Les Puissances dont les états sont separés ou traversés par une même rivière navigable s'engagent a régler d'un commun accord tout ce qui a rapport à la navigation de cette rivière.

Elles nommeront à cet effet des Commissaires qui se réuniront au plus tard six mois après la fin du Congrès et qui prendront pour bases de leurs travaux les principes.

109. La Navigation dans tout le cours des rivières indiquées dans l'article précédent, du point où chacune d'elles devient navigable jusqu'à son embouchure, sera entièrement libre, et ne pourra, sous le rapport de commerce, être interdite à personne, bien entendu, que l'on se conformera aux réglemens relatifs à la police de cette navigation, lesquels seront conçus d'une manière uniforme pour tous, et aussi favorable que possible, au commerce de toutes les nations.

110. Le système qui sera établi tant pour la perception des droits que pour le maintien de la police, autant que faire se pourra, sera le même pour tout le cours de la rivière, et s'étendra aussi, à moins que des circonstances particulières ne s'y opposent, sur ceux de ses embranchemens et confluens qui dans leur cours navigable separent ou traversent differents etats.

But the Elector of Hanover, represented by the Regent, counting upon the support of a subservient ministry in England, and obtaining that support, I am ashamed to say, even against the best interests of her people, had no idea of abandoning a revenue exclusively enjoyed by himself, and being a part of his own private emolument. Using therefore his power as King of England to serve his purpose as Elector of Hanover, what was the pretext he availed himself of for continuing the Stade Duties, and thus evading the arrangement of Vienna? When the Commission of the Riverian States assembled to adopt the necessary police regulations, it was contended on behalf of Hanover that this was a sea and not a river duty, and under that miserable pretence the impost was retained. Had the interests of England alone been considered in Downing Street, had the Government of that day not aided and abetted in the infliction of a great wrong to the trade and commerce of their country, I do not believe that this argument would have been sustained for twenty-four hours; but every possible influence was brought to bear upon the Commission, every possible delay and impediment was thrown in the way of the settlement of all the complicated questions before them, until this point was attained, until at last the Commissioners, worn out by the pertinacity with which it was advocated, and protesting that they submitted to an assumption which they were powerless to prevent, reluctantly and guardedly allowed the dues to be continued. In the year 1844 the manner in which the dues were levied, which I am bound to say was still more vexatious than the present mode adopted, and their injurious effects on our commerce, led to a compromise being effected, and somewhat precipitately, and, as I think, very unwisely, in that year a treaty was concluded, under which the arrangements I have mentioned still remain in force. That treaty

and that alone is the one single acknowledgment of England's submission to be taxed at all. What, therefore, I want the House to do is to present a respectful Address to the Queen, asking Her Majesty to instruct Her Ministers to take advantage of a clause in the Treaty of 1844, which was evidently penned in contemplation of the arrival of a time when the people of England would no longer submit to this imposition, and to give notice that at the expiration of twelve months the treaty would terminate. I am far from advocating such a proceeding as that of attempting to evade a treaty. The Treaty of 1844 undoubtedly exists, and so long as it continues in force every remonstrance addressed to Hanover will be met as it has been met by the simple rejoinder, that she will not argue the question with us; that, right or wrong, whether reasonably or unreasonably, we have entered into a treaty in which we undertake to pay tribute for the privilege of trading with Hamburgh, and she will call upon us to act up to the provisions of that treaty. And consistently with that good faith which is the pride and boast of Britain, we have no alternative but to bow our heads and submit. If, however, notice were once given (and I say it is incumbent upon us that it should be given without delay) of the termination of the treaty as provided for by its 8th Article, we should be free to place Hanover upon her defence, while she herself would be compelled to adopt a very different tone, and to show herself more accommodating and more accessible to our reasonable remonstrance. I have carefully studied this particular point: I have sought for information on the subject both from English and foreign jurists, and I cannot concur with those who, having given, perhaps, less attention to the subject than myself, apprehend that the extinction of the treaty would send us back to the complicated and still more onerous state of things which existed previous to the arrangement of 1844. By the Convention between the Elbe-bordering States, signed at Dresden April 13th, 1844, the tariff now in force has been determined; and the first article of that Convention distinctly lays down that it cannot be altered without the consent, not of the majority, but each particular one of the contracting States. The words are: "That the Regulations which will come into force in October, 1844, cannot be altered without the common consent of the contracting States." It is true that Hanover may withdraw, if she be allowed to levy this duty at all, so much of her concession of 1844 which accepts two-thirds of the toll specified in the tariff of the 15th of April, 1844, on certain articles; but these same reductions have been granted subsequently to the vessels and goods of all other nations, and it is not to be anticipated that she will be enabled to make a general advance, however trifling, in her arbitrary claim upon the commerce of the world. So that if the Treaty of 1844 were abolished to-morrow, it would scarcely be otherwise than that the existing regulations would, so far as Hanover desires, still continue in force, while there will be no official acknowledgment on our part of the power of Hanover to levy these duties at all, and we shall be at liberty to take any course we please with regard to them. Doubtless, by the same rule under which Hanover levies ¼ per cent she may levy 50 per cent; by the same rule and right under which she detains ships four-and-twenty hours in the Elbe she may lay an embargo upon them for a fortnight: but surely the forbearance of Europe has a limit, and it is possible that we may pluck up courage enough to defend the interests of England, even though we have no Treaty of 1844. There are those, and they are to be found principally in the ports more immediately and especially injured by this toll, who advocate the redemption of these duties by a money payment, and who look to a simple, easy, comfortable, and speedy severance of the knot by the purchase of the Brunhausen Toll upon the same principle as that upon which the Sound Dues were redeemed; but it is plain, obvious, and undeniable that no analogy exists between the two cases, and, for my part, I have no idea of calling upon my constituents to subscribe a sum of money for the purpose of funding an injustice or of capitalising a wrong. Whether this tribute be paid annually or all at once, it is equally indefensible and equally extortionate. If it can be shown that there exists any international law which justifies the interposition of one country for its own private benefit between the commerce of others; if it can be explained that there is any, the slightest, service rendered which justifies a demand for a reasonable payment in return; if it can be proved that any strategical position is occupied which comprehends a claim for an acknowledgment in the shape of tribute from the ships of the world; if this levying of black

mail can be defended by any fiscal right, or is authorised by any commercial usage, then it will be time enough to consider, not what amount we shall pay for its redemption, but what sum should be deducted as a set-off from our claim upon Hanover for the cost of the Duchies of Bremen and of Verden.

In submitting my Resolution to the House, I have no wish to embarrass Her Majesty's Government in the matter, and I cannot but think that if they accept it they will thereby strengthen their position, inasmuch as Hanover will perceive that the Parliament of Great Britain will no longer submit to an unfounded and an unjustifiable claim. The Thames, and the Tyne, and the Mersey, and the Clyde, are as free to the ships of Hanover as to those of the United Kingdom. Every British port from Plymouth Sound to the Frith of Forth is open to the merchantmen of the world on the same terms and under the same regulations as to our own. And it is a humiliation and a disgrace to the flag of England that it should be under the command of any country in any particular spot of the world, and that our ships should not enjoy the same immunities and the same facilities as we ourselves accord to those of other nations. I believe that the exaction of this toll is an infringement of international law, a sordid and grasping attempt to interpose between the intercourse of nations, and a disgrace to the usages of the civilised world, and, so long as I have the honour of a seat in this House, I shall not cease my exertions to abrogate what I regard as a most oppressive tax upon the commerce of this country; and so, Sir, I beg to place in your hands a Resolution.

Mr. BRAMLEY-MOORE seconded the Motion. He most cordially concurred with the hon. Mover in thinking that this obstruction, which it was now in the power of the Government to put an end to, should no longer be allowed to exist. It was a burden upon the commerce of the country, and an obstacle to its increase. He hoped the Government would avail themselves of the power which the treaty gave them to put an end to it. Last year they had voted £1,125,000 for the redemption of the Sound Dues, but he hoped the Government would never entertain the notion of buying up the Stade Dues, because they had been purchased with English money. Hanover might have had some pretext to levy them if both banks of the Elbe had belonged to her. It would be derogatory to England to submit longer to pay these dues, because she did not enjoy the same privileges as other nations did in the trade to Hamburgh.

Motion made and Question proposed,—

"That an humble Address be presented to Her Majesty, respectfully representing the injury to British Commerce inflicted by the Tax levied by Hanover on Merchandise and Shipping ascending the River Elbe, under the denomination of the Stade Dues; and praying that Her Majesty will be pleased to give directions to Her Ministers to give notice of the termination of the Treaty between the United Kingdom and Hanover, of the 22nd day of July, 1844, according to the terms of the Eighth Article of that Treaty."

Mr. HENLEY said, he should only make a very few observations in answer to the hon. Member. He thought it was not necessary for him or any one to say that the payment of a turnpike was a great nuisance, and ought, if possible, to be got rid of. That nuisance might also be accompanied by circumstances as disagreeable as the payment of the money itself. He believed in respect to the present case some of those circumstances existed; such, for instance, as the obligation to stop and deliver in papers at the place where the toll was originally paid. It was not necessary for him to say that the toll amounted to a considerable charge on vessels going into the Elbe; but he must say, in passing, that he was extremely glad to find the new kind of light which had come ou the hon. Gentleman who made the Motion, because the House used to be told that all these charges on an article fell on the consumers. However, let that be as it might, he should be very glad to see the toll in question properly got rid of. His observations in answer to the Motion would have been very short, if it had not been for the interesting historical question raised by the hon. Member, and the conclusion he deduced from the facts he narrated. The hon. Member by no means confining himself to the inconvenience of the payment in question and to the actual trouble it occasioned to the persons engaged in shipping, had distinctly and directly raised the question as to the legality of the payment. There was no doubt, however, but that the question was surrounded with considerable difficulties. The length of time during which the tolls had been paid, the *quasi* recognition the payment had received from treaties, and the declarations made by no less a person than the noble Lord opposite within a recent period, all showed that the case was not so simple as the hon. Member

seemed to consider. He thought the course suggested by the hon. Member was, perhaps, not the best calculated to get rid of this matter. The question having been broadly raised as to the legality of the payment of the duties, he thought that before the House asked or compelled the Government to take so decided a step as the giving notice of an intention to put an end to the treaty, it would be more prudent to have the matter investigated, in the same way as in the case of the Sound Dues, by means of a Select Committee. It would put the Government in a position of advantage if anything like the cases put by the hon. Member should be made out by investigation in a Select Committee; but he must say that he had seen no facts that led him to believe that such would be the case. Still as the mover and seconder of the Motion had raised the question of the legality of these dues, he thought the question would be best submitted to a Committee. The investigation would not take up a long time, and would put them in a better position to deal with the question. Some doubts might arise whether, if the tolls were put an end to, the same advantages would be enjoyed by the trade as at present. Quite agreeing, however, that it would be a desirable thing if these tolls were got rid of, he thought the wiser course for the hon. Member to adopt was, to move for a Committee of inquiry, as in the case of the Sound Dues, rather than call on the Government to take at once so decided a step as putting an end to a treaty. If the hon. Member should adopt that course, he was quite ready on the part of the Government to assent to the appointment of a Committee.

VISCOUNT PALMERSTON was not disposed to take the same view of the question as the right hon. Gentleman who had just sat down, for it appeared to him that the present was not a parallel case with the Sound Dues, and was one that ought to be referred in the first instance to a Committee of the House. The question with regard to the Sound Dues was this: the Government wished to propose to Parliament to buy up and redeem those dues; and the question referring to a Committee to consider was, whether, balancing on the one hand the charge to the public by that payment, with the relief on the other to our commerce from the cessation of the Sound Dues, it was expedient for Parliament to grant the sum, which, it was agreed, would be received, if Parliament sanctioned the grant for the redemption of those dues. That was therefore a very fit subject for the consideration of a Committee. The Government had first acted on their own responsibility in ascertaining what were the terms on which the Sound Dues could be redeemed, and it was proper for the House of Commons to determine whether they would sanction the payment of that amount. But, as the right hon. Gentleman put the question, the point to be considered relative to the Stade Dues was whether they were legal,—whether, according to international law, to long-standing custom, to the proper interpretation of treaties, to the admissions made by the British Government at different periods, Hanover was entitled to continue to exact these payments. Now, with all submission, it appeared to him that that was not a question to be thrown loose before a Committee of the House of Commons; it was rather a question which the executive Government, in conjuction with their law advisers, ought to investigate. They ought to make up their minds, after proper investigation and legal advice, whether the Hanoverian Government were entitled to require the continuance of the Stade Dues, and they should then state to Parliament the views which they had formed, and propose whatever course they, upon their responsibility, might think it right to pursue—either that the treaty should be put an end to by the notice which his hon. Friend suggested, or that payment should be refused; or, if they were advised to concur in the opinion that the dues could not legally be refused, recommended Parliament to adopt the same course as was pursued in the case of the Sound Dues. He did submit to the right hon. Gentleman, (Mr. Henley) therefore, that the reference of this legal and international question to a Committee of the House of Commons would not be a proper course to pursue. On the other hand, he agreed with the right hon. Gentleman that we were hardly prepared as yet to concur in the Motion of his hon. Friend the Member for Stoke (Mr. Ricardo), and that so decided a measure as giving notice of the cessation of the treaty would be premature, at least before it was known in what condition the country would be left if that treaty were terminated. It might be that in such a case we should fall back on some anterior state of things out of which we were extricated by the treaty, and that we should be for the moment in a worse position than that which we now occupy. At all events, he hoped the Govern-

ment would bestow full consideration upon the question, and, having made up their minds as to the legal obligations of the country, would state to the House the course which, on the whole, appeared to them most desirable for the national interest.

MR. CLAY said, that the comparison drawn by the right hon. Gentleman, between these dues and the toll taken on turnpike roads was not a very apposite one, because it was necessary that roads should be kept in repair; but, in this instance, the persons who received the tax did nothing in return for it. Nor did it meet the case to suggest that the consumer paid these dues, because the vexation and annoyance caused by them were of even more consideration than the mere amount of money levied. He was glad to find that his hon. Friend had brought forward his Motion, because he felt quite sure that an early abolition of the nuisance must be the result of a discussion of the subject in that House. He fully believed that, in consequence of the toll, our trade with Hamburgh was in course of rapid diversion. A gentleman, largely concerned in the Baltic trade, had told him that his vessels to Stettin were going out full of cargoes which formerly went to Hamburgh. It might be said that, so long as we carried these cargoes, it did not much matter to which port they went; but the Hamburgh route was naturally the cheapest and most convenient, and it was hard that the legislation of man should close up the channel which nature provided. He believed the matter to be really urgent, and required to be dealt with at once; but he certainly doubted whether the course suggested by his hon. Friend would provide the most rapid means of getting rid of this nuisance. The Earl of Clarendon had been engaged, for at least a year, in endeavouring to put an end to the tax by negotiation; and the records of the Foreign Office would supply ample evidence of the necessity which existed for getting rid of the dues, and of the means adopted by the late Foreign Secretary with this object. He believed, however, that the Earl of Clarendon made up his mind at last that the impost could not be removed by negotiation. If the treaty were put an end to, it appeared to him (Mr. Clay) that they would return to the state in which they were immediately before it was made, or something worse. Under these circumstances, then, he thought that the best course which could at present be pursued would be, to treat the question as the question of the Sound Dues had been treated, and to purchase out the right claimed by the Government of Hanover. His hon. Friend the Member for Stoke had expressed his disapproval of such a step, and had argued that no advantage would be gained by paying a certain sum in a lump, instead of spreading it in the shape of small contributions over an indefinite period. But his hon. Friend seemed to forget that the great objection to that tax was not so much its amount, as the delay and the vexation to commerce which it occasioned. He (Mr. Clay) believed that a sum of about £200,000 would be sufficient to purchase a cessation of the nuisance; and the cost of the operation might be considerably diminished, if an allowance could be obtained in favour of this country, as a compensation for the payment of £150,000 made out of the English funds in the time of George I. to Hanover, for the purpose of purchasing the right of that country to exact the charge.

MR. HUTT said, he regretted to find, from all he could gather, that the President of the Board of Trade appeared to have no opinion at all on this subject. He often had occasion to admire the acumen and the ability displayed by the right hon. Gentleman; but he confessed, that never during the whole time he had occupied a seat in that House did he remember an instance in which a Minister had come down so little prepared to express an opinion on a subject which had for so long a time occupied public attention. By the course he had recommended, the right hon. Gentleman and his Colleagues might perhaps save themselves from some trouble at present, but the time was not far distant when they would certainly regret it. The Stade Dues had been ceded to the King of Hanover through the mediation of England, and this country had paid a good round sum of money for the precious bargain, by means of which that arrangement had been effected. Sir Robert Walpole, however, had defended that expenditure of money upon the ground that it was extremely desirable that those dues should be placed in the hands of the Hanoverian family. At the time of the Congress of Vienna the question of the collection of the dues had been referred to the consideration of the river-bordering States, with the injunction that they were to observe in their mode of dealing with the subject certain liberal principles. The King of Hanover, however, who had been repre-

sented at the Congress of Vienna, had refused to submit to its jurisdiction, and the consequence had been that the tolls continued to be levied in the most arbitrary and illegal manner. Subsequently, the noble Lord the Member for Tiverton had taken the matter into his hands, and had prevailed upon the Government of Hanover to agree to a proposition for referring the Stade Dues to a mixed Committee, in which this country should be represented. A Committee had accordingly assembled in Hanover in 1841, in which Mr. Ward, a gentleman of great intelligence, had represented England, and had laid it down as a principle that the stipulations of the Swedish treaty should be adhered to, and that Hanover should not be permitted to levy more than one-sixteenth per cent upon the commerce of the Elbe. The King of Hanover, however, had refused to accede to that limitation, and the Committee had separated, having effected nothing beyond placing upon record its deliberate opinion that the Stade Dues should not exceed a certain amount. In 1843 the question had fallen into the hands of the Earl of Aberdeen, and he had succeeded in inducing the Government of Hanover to submit to the jurisdiction of the Elbe Committee, which had awarded the King of Hanover $\frac{1}{4}$ per cent upon all the traffic of the river Elbe, notwithstanding that the Swedish treaty in the most explicit manner had set forth that the dues should not exceed one-sixteenth per cent. Instead, however, of protesting against that illegal proceeding on the part of the Elbe Committee—which might just as well have handed over to the King of Hanover the right of closing the Elbe altogether—the Government of England had adopted the decision with complacency, and had made it the basis of a convention, stipulating only that certain articles of British manufacture should be liable to a lower rate of charge than that which the Committee had fixed. Such was the position in which we now stood in reference to the question; and his hon. Friend who had introduced the subject to the notice of the House simply proposed to relieve British commerce from the grievous imposition under which it was suffering, by repealing the convention of 1844. That proposition, however, would not, even if it were carried into effect, release our shipping and commerce from the Stade Dues, which differed from the case of the Sound Dues which had been levied by the King of Denmark in so far as that, while the latter had contributed in some degree to facilitate navigation by the erection of buoys and lighthouses, no such advantages were afforded by the King of Hanover. For his own part, he saw no means of escaping from the difficulty except by following the plan proposed by his hon. Friend the Member for Hull (Mr. Clay), and buying up these vexatious and mischievous tolls altogether; but whether the Chancellor of the Exchequer would be in a position to take that course during the present year it was not for him (Mr. Hutt) to say. He should, however, maintain that the necessities of British commerce required that some decided step in the matter should be speedily taken.

Mr. MILNER GIBSON said, the question under discussion seemed to him to have become somewhat complicated. He had listened to the speech of his hon. Friend who had introduced the subject to the notice of the House with great attention, and he felt convinced, by the arguments which his hon. Friend had adduced, that it must soon become the duty of Her Majesty's Government to devise some mode by which the Stade Dues should be abolished. The question certainly could not be allowed to remain in its present position, but he confessed that he was anxious to see some fruit produced by the Motion at the present time. The noble Lord the Member for Tiverton objected to the proposal which had emanated from his (Mr. Gibson's) hon. Friend, and also to the proposition of Her Majesty's Government to appoint a Committee of Inquiry; but the noble Lord had failed to point out any means by which a profitable result should flow from the Motion which had been submitted to their consideration. The hon. Member for Gateshead (Mr. Hutt) and the hon. Member for Hull (Mr. Clay) had told the House that the revenue derived from the tolls in question by the King of Hanover must be redeemed, and, as his hon. Friends had devoted much attention to the subject, he (Mr. Gibson) thought it was a question well deserving of consideration whether a Committee should not be appointed to inquire how far it was worth the while of the Government to redeem the Stade tolls out of the taxes of the people of England. He should therefore advise his hon. Friend the Member for Stoke (Mr. Ricardo) to accept the offer of the Government of a Committee of Inquiry. It was quite certain that the operation of these dues was most injurious to the trade of the manufacturing districts, and, without en-

tering into detail at present, he would only mention the simple fact, that upon cotton goods sent from Hull to Hamburgh the tolls levied amounted to 128 per cent upon the freight. Inasmuch as the ships of Hamburgh and Hanover were exempt from those dues, he thought it would be admitted that British shipping and commerce were most unfavourably affected by them. He repeated his advice to his hon. Friend to accept the offer of the Government, being convinced that a full investigation of the subject must lead to satisfactory results.

Mr. BRISCOE said, he thought the right hon. Gentleman (Mr. M. Gibson) had misconstrued the observation of the noble Lord the Member for Tiverton, who did not object to the appointment of a Committee of Inquiry at the proper time, but said that the question of legality having been distinctly raised, it was the duty of the Government to satisfy themselves upon the point by investigation and reference to the law advisers of the Crown. When that matter had been determined, it might be proper to have a Committee of Inquiry, but in the first instance he should wish to know whether Her Majesty's Government were prepared to take the opinion of the law officers upon the question of legality.

Lord ASHLEY said, that as one of the Members for Hull, he wished to impress upon the House the necessity for taking some steps with regard to this most vexatious tax. They might appoint Committees without end, but it was certain that the only way to get rid of these dues was to purchase them. He had formed part of a deputation that waited upon the late Secretary for Foreign Affairs upon this subject, who made a very satisfactory declaration that the matter was undergoing the consideration of the Government. His constituents were ready to make any reasonable sacrifice in the way of expenditure that might be necessary to get rid of these tolls, as, in truth, it was not merely a matter of money, but of annoyance and delay. At present every master of a merchant ship visiting Hamburgh had to make out a separate manifesto of his cargo, and, in addition to that inconvenience, there was the delay arising from the visitation of Customs officers. He trusted that the time would speedily arrive when this most obnoxious restriction upon our trade would be completely removed.

Mr. SEYMOUR FITZGERALD said, he believed they were all agreed on one point, and that was that this was not a party question. Upon the part of the Government there was certainly no desire to evade the discussion of this subject, or to abstain from attempting to bring about a satisfactory settlement of it, they being as fully aware as any of the hon. Members who represented commercial constituencies that the tax was not only objectionable in amount, but that there were other circumstances connected with it which rendered it of great importance to the trade of this country that the tax should at the earliest possible moment be abolished. There were now two proposals before the House, and he would refer first to that made by his right hon. Friend the President of the Board of Trade who suggested the appointment of a Committee of Inquiry. The noble Lord the Member for Tiverton had met that proposition by urging that it was not becoming on the part of a Government to throw loosely before a Committee a question of legality which the Government themselves had the best opportunities of solving through their own law officers. If the question had been simply one of legality, the noble Lord's argument would have been unanswerable; but the speech of the hon. Member for Stoke must have satisfied the House that besides the legal question there were many other important and historical circumstances connected with these dues which could not properly be submitted to the law officers, and which could be best considered by a Committee of the House. The hon. Member for Stoke had raised a question as to the mode in which these tolls had been acquired by Hanover, and had contended that, as they were bought with English money, in any arrangement for their purchase from Hanover the amount originally contributed by English tax-payers should be taken into account. That was a point upon which there was considerable dispute, for although it had been alleged that the £150,000 which had been paid to the Duchies was part of the grant to George I., that statement had been met by a direct negative from the Government of Hanover. Another point which would best be inquired into by a Committee was the question of how far we were estopped from questioning the legality of the tax by our recognition of it in the treaty of 1844. There was a further point, on which the hon. Member for Stoke made a very positive statement, but a statement which he (Mr. FitzGerald) had not been able to satisfy himself was entirely correct. The

hon. Gentleman said that if we were to give notice to put a determination to the convention or treaty on this subject, we should be in the same position as before, and should not be called upon to pay an additional tax. That might be so, though he had not been able to obtain any satisfactory information upon it. Indeed, he rather thought it was a grave question, whether this country would not be in a worse position than now; whether we should not be called on to pay a very increased amount of duty on all articles whatsoever, and lose the advantage which we now had of paying about one-third less than other countries on certain descriptions of articles. The noble Lord (Viscount Palmerston) spoke of referring the matter to the law officers of the Crown; but he begged to remind the noble Lord that only last year he had declared that these Stade Dues could only be treated in the same way as the Sound Dues, and be made subject to redemption or purchase. The noble Lord, however, had never taken any step for that purpose—not even the step which he said the present Government was bound to take in the matter, for he had neglected to obtain the opinion of his law officers as to the legality of the tax. The Government were fully alive to the importance of getting rid of the toll, and all they had to do was to ascertain how that object could be best accomplished. The question as to whether a large sum of money should be paid out of the public revenue was one which it was their bounden duty to submit to a Select Committee, not only because they would then get the best materials on which to form an opinion, but because they would satisfy the people, from whom the money came, that it was properly, judiciously, and well expended. He therefore hoped that the proposition of his right hon. Friend (Mr. Henley) would be accepted. He hoped the hon. Member for Stoke would accept the proposition of his right hon. Friend, and consent to the appointment of a Committee as the most likely mode of hereafter arriving at a judicious settlement of the whole question.

Lord HOTHAM said, that as he was connected with large commercial interests of the country which were especially affected by these tolls, he trusted he should be permitted to make one or two observations on the Motion before the House. They were told that of all places Hull was one which was most interested in the question; but he was not about to advocate the interests of that town, which had been ably supported by hon. Gentlemen who had already addressed the House. The hon. Member for Gateshead (Mr. Hutt) had put the question very clearly before the House, and then stepped in the right hon. Gentleman the Member for Ashton (Mr. M. Gibson) who truly stated that, unless the proposal of the right hon. Gentleman the President of the Board of Trade to refer the matter to a Select Committee were agreed to, they would be in the agreeable position of getting absolutely nothing; and therefore he thought it the wisest course which could be pursued. In that opinion he (Lord Hotham) concurred. He thought that referring it to a Committee was the only method of coming to a just and reasonable conclusion, and although he had no authority for saying so, he believed that that was a course which the parties who were more immediately connected with the question desired.

Mr. RICARDO said, he was very much of the opinion of the noble Lord the Member for Tiverton as to the inutility of a Committee on this subject, but it seemed to him that he had no choice left in the matter. He had stated certain facts which ought to be refuted before his Motion could be properly rejected; but the right hon. Gentleman the President of the Board of Trade had not done so, but had rather chosen to refer the matter to a Committee, and he had no other alternative than to accept it. He scarcely thought that it would be denied by any one that the Government ought to take steps to get rid of these tolls. For himself, he was prepared at any time to prove all the assertions he had made before the Committee, and he was quite sure the result of the investigation would be, that the Government would feel it their duty to assert the right of England to carry on its commerce without undue interference.

Viscount PALMERSTON: What I stated has been misunderstood. I thought the better course was for the Government to make up its mind to a definite proposal and to submit it to a Committee, instead of a Committee framing a definite proposal and submitting it to the Government. However, as the Government and the right hon. Gentleman seem perfectly agreed, of course I will not press my views further.

Mr. HUTT inquired in what manner the question would be submitted to the Committee.

MR. HENLEY said, that when he heard the statement of the hon. Member who brought forward this Motion, and found that he referred to a great many facts, the accuracy of which he was neither in a position to controvert nor to affirm, he thought that the best way to deal with it would be to submit it to a Committee, in which the accuracy of those facts could be tested. After they had been affirmed he quite agreed that it was the duty of the Government to take the opinion of the law officers of the Crown on the whole of the case. On the whole he did not see how the matter could be so fairly and fully dealt with as by referring it to a Select Committee.

MR. RICARDO asked whether the Government would move for the appointment of the Committee?

MR. HENLEY said, that he had no objection to do so.

Motion, by leave, *withdrawn.*

FALL OF LUCKNOW.

THE CHANCELLOR OF THE EXCHEQUER said, that since the House met his noble Friend the Secretary of State for Foreign Affairs had received an important telegram from India, and perhaps it would be agreeable to the House if he should read it. The right hon. Gentleman then read the telegram, containing the announcement of the fall of Lucknow, amid the cheers of the House.

REWARDS TO MEMBERS.

RESOLUTION MOVED.

SIR J. TRELAWNY rose to move "That the receipt of any species of reward by a Member, in consideration of the exercise of his influence in that capacity, is calculated to lower the dignity and authority of this House, and is a high breach of the Privilege of Parliament." The hon. Member said he had no wish to conceal the fact that his Motion was unquestionably founded on certain circumstances which had recently formed the subject of investigation before a Select Committee of the House, and upon the evidence adduced in the course of that inquiry. It was not his intention to impugn in any way the decision of the Committee in that case; but he thought, nevertheless, that something should be done to vindicate the character of the House. To offer money or other advantages to a Member for promoting any matter depending in Parliament was by a Resolution of 1695 a high crime and misdemeanour. A whole series of decisions confirmed that general proposition; and yet, according to the evidence taken before the Butt Committee, if that evidence were true—and it must be true, for it was the evidence of Mr. Butt himself—it had become the duty of the House to take some step to uphold the principle it had laid down, and to prevent the recurrence of what had taken place in that case. According to that evidence it seemed to be considered that Members were at liberty, by means of Parliamentary Motions, to endeavour to bring about an event upon which might turn a valuable consideration for themselves. If such a notion were to be acted upon, there would be an end to the independence of Parliament, nor would any Member willing to receive a reward find it difficult to evade the terms of the law. To allow the matter to remain where the recent Committee had left it would be a course most injurious to the public interests. It would then be in the power of a Minister at any time to crush an obnoxious Member by charging him with corrupt conduct upon some former occasion. It was for the interest of all parties that it should be clearly laid down what should and what should not be done. The late President of the Board of Control told the Butt Committee that it was believed that hon. Gentlemen advocated Indian claims for a consideration. That ought of itself to put the House on its guard. Members might be deterred in future from doing what was right by a fear of being accused of acting for a reward;—for instance, the grievances of the Colonies might in this way be prevented from being brought before Parliament. He was afraid, also, that the local Government of India would be lowered in the estimation of the people if it were believed that for a reward persons might be retained in the British Parliament to advocate the claims of the Native Princes and to endeavour to induce Parliament to overrule the decisions of the constituted authorities. Far better lock the doors of Parliament at once than allow it to be said that justice was sold to the highest bidder. He was a Reformer, but he wanted to see a reform in as well as a reform of Parliament. Internal corruption was fatal to the existence of public bodies, and if the conduct against which his Resolution was aimed should be exhibited to any considerable extent, or without calling forth the indignation of that House, fare-

well to our free institutions. How could they punish electors for selling their votes when they themselves were open to the charge of receiving bribes for services rendered in their capacity as Members of Parliament? It would be recollected that in the *Life of Beranger* it was stated that his friend Manuel died poor, for that after he became a deputy he refused all fees as a barrister, under the notion that a deputy could not be a paid advocate without the risk of raising suspicion. That House was part of all free communities, and if it showed by its example that such things could occur, all minor communities, such as boards of guardians and petty sessions, would be found to act in a similar manner. Nay, more, the debates of this House were read in America, Belgium, Sardinia, and wherever free representative assemblies existed or were likely to exist, and a precedent set by that House would be considered as a rule by the rest of the world. The Members of that House represented, after all, but a small part of the population, and there would be great outcry for a large change in the constitution of the House, if they did not do their duty in the position they held. In making the Motion he was not actuated by an affectation of purity. So far from that, he was ready to say that he was not sure whether, if tempted, he would not give way himself; but he wished to make it difficult to himself and others to give way. He had no ill-feeling towards the hon. and learned Gentleman (Mr. Butt), who might possibly in the course he took have mistaken the rules of the House in these matters; but as a Member of Parliament he had thought it his duty to bring forward the Motion with which he now concluded.

Mr. MELLOR seconded the Resolution.

Motion made and Question proposed,—

"That the receipt of any species of reward by a Member, in consideration of the exercise of his influence in that capacity, is calculated to lower the dignity and authority of this House, and is a high breach of the Privilege of Parliament."

Lord HOTHAM said, that he was exceedingly reluctant to offer himself to the notice of the House on a subject of such great importance, and he had hoped that some of those hon. Members who were in the habit of taking the lead in the proceedings of the House would have given the House the benefit of their opinions on the present occasion. No one felt more strongly than himself how disagreeable it was to speak on a subject apparently having a personal aspect attaching to it; but they were not sent to the House to consider what was agreeable or disagreeable before they proceeded to discuss it; and he was one who felt that the less agreeable the subject the more it was their duty to express their views, when they felt strongly with regard to it. The subject brought forward was one of manifest importance. Whether it were true that such scandals as his hon. Friend had referred to really did take place he would not venture to say; but there was a general belief on the part of the public that those practices did take place, and that opinion had received a colour in consequence of the disclosures made before the Committee referred to. It was the duty, then, of the House to see if it were not possible to devise some plan by which these practices, if they existed, might be put an end to, and their constituents prevented from entertaining the shadow of suspicion, that those they had sent to represent them could be guilty of conduct of flagrant scandal. He did not think that his hon. Friend had brought forward his Motion in any way calculated to raise the real issue; for he had not ever heard it imputed to any hon. Member belonging to the legal profession that he accepted money on the promise of giving his services in the House in return. What was imputed was ,that Members of the legal profession, having seats in the House, were retained; but by fees of large magnitude in the ordinary manner for business professing to be about to come into the courts of law, and that afterwards certain meetings or consultations took place, when somebody suggested that the matter could not be satisfactorily worked in a court of law, and that an appeal should be made to Parliament. An application was then made to one of the learned Members, who had been retained, to take the matter up. In this way hon. Gentlemen who had received those fees were appealed to take up in Parliament matters on which they were professionally engaged. That was the imputation he had heard constantly made, and the imputation was that money had been indirectly, if not directly, received by persons circumstanced as he had described. That was a practice to which the House was bound to see if a stop could not be put. He was not going to enter at large on the matter, having risen at the moment he did because he perceived that the question was about to be disposed of. He never scrupled in private to criticize these sup-

posed proceedings in what he conceived proper terms, and he should be ashamed of himself if he did not on a proper occasion similarly criticize them in public. He would not presume to say what should be done, but he should like to see something done which would bring the House to something like the condition in which it was when he first had the honour of a seat in it. In those days, no Member felt himself at liberty to interfere in any matter in respect to which he had a personal interest. As a proof of this, he would state that it happened to himself to be told on one occasion that he could not relieve the Members of his county to whom belonged the trouble of passing through the House of Commons an unopposed Enclosure Bill, simply because he had a field in the parish in which was the land proposed to be enclosed. He desired very much by some means, either by Resolution or by the general understanding of the House, that in future hon. Members should be relieved from such disgraceful imputations as were cast on the whole House if any one were supposed to be guilty of the practices described. They all witnessed occasionally in the courts of law one of the learned Judges declaring that he could not take part in a certain trial, because he had been concerned in the case as counsel. If that was a valid reason for a learned Judge declining to undertake his duty in his court, how much more improper was it for a person entrusted with the high privileges and important duties of a Member of Parliament, to use those privileges for the advocacy in that House of private interests, and in return for pecuniary remuneration. He made these observations without intending any personal reference, for he had long desired to see this important question raised. He was not a Member of the legal profession; but he desired to see both that profession and the House of Commons stand well in public estimation; and this neither could do, unless it showed the most earnest desire to purge itself from even the possible imputations of conniving at acts which were disgraceful alike to individuals and to the House to which they belonged.

SIR JAMES GRAHAM: Like my noble Friend behind me, I have been long a Member of this House, the honour and integrity of which are very dear to me, and I need hardly say that anything which would tend to sustain its purity would receive my most anxious consideration and support. I do not think it at all necessary to refer to the case of the hon. and learned Member for Youghal (Mr. Butt) in discussing the Resolution proposed by the hon. Baronet opposite. That hon. and learned Member, grave accusations being preferred against him, challenged inquiry. The House referred the question at issue to a Committee, which was thought to be fairly constituted. I had the honour to preside over that Committee, and I think I may fairly say that no question ever received from any body of men more careful, more anxious, and, as I believe, more impartial consideration. The inquiries of that Committee ended in the acquittal of the hon. and learned Member for Youghal, and I think the hon. and learned Gentleman is fully entitled to the full effect of the report of that Committee, and it would be unworthy of any Member after their decision to refer to this subject in a manner adverse to him. With all submission, however, I do not think that any new Resolution on this subject is requisite. At the very earliest period of Parliamentary government after the Revolution, a Resolution was passed (in 1695)—the same to which the hon. Baronet has already referred—a Resolution express in its terms, plain in its language, and invariably enforced when facts bore out an accusation of this nature. It would be extremely difficult to carry a decision of this House further than it is carried by that Resolution. The fact, Is the infringement of the rule proved or not?—is always a question of evidence. I quite agree with my noble Friend behind me (Lord Hotham) that cases will arise which run very closely to a violation of the rule. But it is impossible, without losing to a most serious extent the learning of this House, to exclude gentlemen of the bar who are in great practice. Questions will arise in courts of law which ultimately may become subjects of discussion in this House; and the real test of good faith, as it has always appeared to me, is the publicity of the transaction. If there be complete publicity, and if the *quantum* of the fee given be not above that which the station of the advocate requires, I think there is no danger in permitting gentlemen of the long robe, in great practice in the courts, to take part in discussions here upon matters respecting which they may be professionally consulted out of doors. Now, my noble Friend refers to the early practice in this House, when he and I first became Members of it, and has alluded to that practice as regards colonial questions.

And what are the facts? I will mention but one most distinguished Member before my time—I mean Mr. Burke; but besides him the House will remember that Sir James Mackintosh, Mr. Huskisson, and the hon. and learned Member for Sheffield (Mr. Roebuck) have been the paid advocates of different colonies. In those cases the very publicity of the payments made, did, to a certain extent, when such Members advocated the cause of the particular colony for which they were concerned, diminish *pro tanto* the value of their opinions: and that very publicity counteracted, in my opinion, all the evil effects which might have arisen from their having received pecuniary rewards. Now, take the words of the hon. Baronet's Resolution as they stand. I cannot say that at different periods, and even very recently, distinguished Members of this House have not received for their labours here—their most effective labours—pecuniary rewards. But in such instances, as I have observed, publicity has prevailed. Even very recently, distinguished Members of this House have, on account of the influence exercised by them in Parliament (they being in circumstances which may have rendered pecuniary reward more acceptable or necessary than any other), received remuneration in money for their services. I see the right hon. Gentleman the late Attorney General for Ireland (Mr. J. D. FitzGerald) in his place. He will remember the rewards given to Mr. Grattan for his services in Parliament. I think Mr. Grattan received £50,000, with which sum an estate was purchased, which is still enjoyed by his descendants, and which remains part of the inheritance awarded by a grateful country in recognition of the merits of that distinguished individual. I will not particularize similar instances in more modern times; but to say that there shall be no pecuniary reward for great and eminent services rendered in Parliament, which I think would be the doctrine established by this Resolution, would be carrying the theory of extreme purity further than would be desirable or necessary. In the case of any gross violation of the rule of Parliament, and of any charge of corruption impeaching the conduct of a member of this House, I think no new Resolution would be required for his condemnation. From the earliest period such corruption has been branded as rendering a Member unworthy to continue his seat in this House. Even a person who had filled the office which you, Sir, now so worthily occupy, was expelled on account of the receipt of 1,000 guineas for services rendered by him in his place in Parliament after he had vacated the chair. Again, a gentleman who filled the office of Chairman of the Committee, received, I think, a reward of only 20 guineas, whereupon, a corrupt motive having been proved to the satisfaction of the House, he was also expelled. I am quite sure that even the recent investigation, terminating as it did in the complete acquittal of the hon. and learned Member for Youghal (Mr. Butt), marks the jealousy of this House in respect of any conduct capable of being misconstrued, as being actuated by corrupt motives. The very circumstances of such an investigation having been made is a warning, as I think, of a most sufficient character. I certainly entertain an apprehension that any new Resolution of this kind might receive some new construction. The old practice, the old Resolution, and the construction put upon it seem to me to afford to the House an adequate protection against corruption on the part of its Members. I am not surprised that such a proposition as this should be made by the hon. Baronet, actuated, I am sure, by the purest motives; but I venture to suggest to him that the discussion which will no doubt take place on this subject, backed by the opinion of Members of higher authority than I can pretend to, will have the effect of a solemn warning for the future to all members of the long robe, more especially to those who receive large fees for services rendered out of doors, and who afterwards take part in discussions on the same subject within these walls. Such a warning, I think, will be amply sufficient, and I doubt extremely, the policy of adopting any new Resolution on the subject.

Mr. J. D. FITZGERALD thought that the cases referred to by the right hon. Baronet were scarcely applicable to the question before the House. In Grattan's case, for example, the money voted to him was for eminent public services, and was voted from the public purse. Other instances there had been in more modern times to which reference might be made, but the rewards there had usually been the result of public subscriptions, openly carried on by those who had benefited by the great exertions of some individual for the public cause. Now, such cases differed entirely from those which formed the subject of the hon. Baronet's Resolution;

and, therefore, scarcely touched the question which the House now had to discuss. He quite agreed with the right hon. Baronet (Sir J. Graham), that this Motion did not, in the slightest degree, affect his hon. and learned Friend the Member for Youghal. He (Mr. FitzGerald) looked upon the Resolutions of the Committee as the complete and perfect acquittal of his hon. and learned Friend; and he would add that, in his opinion, the evidence of the principal witnesses examined in support of the charge was of such a character that no Committee could have acted upon it with safety. With reference to the question immediately before the House, he concurred in every word which had fallen from the noble Lord opposite (Lord Hotham). At the same time, as a member of the long robe, he rose to defend that profession from the imputations which had, perhaps, to too great an extent, been fastened upon it. Among the instances of expulsions from the House, for a breach of what was an inherent rule of the House, he could not call to mind a single case in which a member of the long robe had been thus expelled. There were, however, unfortunately, upon the records of Parliament, instances in which other Members had been punished with extreme severity, because they had infringed the fundamental rule, that no one should take a reward of any kind for his services in Parliament. This rule stood recorded in no written Resolution; it was part of the law of Parliament; and, if it was not so, then the House of Commons would cease to hold the position it did in public estimation. If Members were allowed to take rewards, one could not fail to see that the respect which Parliament ought to possess would be enjoyed no longer, that all confidence in its integrity would be destroyed, and that, in the end, the constitution would be subverted. Now, the Resolution of 1695, which had been adverted to by the hon. Baronet (Sir J. Trelawny), did not, as far as he could see, touch the evil upon which the House was called upon to express its opinion. The Resolution of 1695 was to the effect that "the offer of any money, or other advantage, to any Member of Parliament, for the forwarding of any matter whatsoever depending or to be transacted in Parliament, was a high crime and misdemeanour, and tended to the subversion of the English constitution." It was not, therefore, against the person accepting, but the person offering the bribe, that the Resolution was directed, and that was so because Members of Parliament had, over and over again, been expelled the House, for receiving rewards for their services, in their capacity as legislators; and the rules of Parliament, upon that particular point, had thus been placed beyond all doubt. Well, but what, let him ask, had led to the adoption of the Resolution of 1695? It was the occurrence, in the previous year, of the case of Sir John Trevor, Speaker and Master of the Rolls, who had been expelled the House of Commons because he had received a gratuity of 1,000 guineas from the city of London, after the passing of the Orphans' Bill; and of the case of Mr. Hungerford, the Member for Scarborough, who had accepted twenty guineas for his pains and services as Chairman of the Committee upon the same Bill. But those were not the only precedents to which he could refer. In 1667, Mr. Ashburnham had been expelled the House, because he had received a gratuity of £500, for promoting the business of the French merchants; and, upon that occasion, a Resolution had been passed to the effect that he had thereby committed an offence to the dishonour of the House, and was therefore discharged from service as one of its Members. It was clear, therefore, that the punishment of Members who had so far forgotten the position which they held as to accept rewards in their capacity as legislators depended upon no written laws, but was based upon well-established Parliamentary practice; and he could not help thinking that to allow that old practice of Parliament to stand was a course which it was preferable to take, to attempting to weaken it by framing any new Resolutions upon the subject. The right hon. Baronet the Member for Carlisle had adverted to the circumstance that many distinguished Members of the House of Commons, and among them no less eminent personages than Mr. Burke and Sir James Mackintosh, had received rewards for the services which they had from time to time rendered to the interest of some of our colonists by advocating their cause in Parliament. Now he (Mr. FitzGerald), for one, did not hesitate to Condemn such conduct, notwithstanding the high position of the men who were implicated in those transactions. Possibly it might have been tolerated because the Colonies were not represented in that House, and Members who undertook laborious duties might be per-

mitted to receive pecuniary rewards. But was not the practice open to great objections? A Member of that House did not come there so much the representative of a particular constituency, as one of the representatives of the empire, whose duty it was, laying aside all minor considerations, to advise the House of Commons to the best of his skill and judgment upon all questions connected with the interests of the empire at large. But how, he would ask, could a Member discharge that duty efficiently if it were lawful for him to place himself in a position in which interest and duty must be found to conflict? If he were the advocate for a colony, he must support its interests by his voice and vote, and if the evil was lessened, it was only because the House knew he was a paid advocate. Such a state of things must derogate from the character of a Member of Parliament, and could only be tolerated as a necessary evil. The House of Commons itself had always regarded with the utmost jealousy the conduct of its Members in that respect, and its Journals contained more than one instance in which, after a division upon a certain measure had been taken, the name of some Member had been struck off the list because it had been found that he had had a pecuniary interest in the matter, which was held to disqualify him from voting. He referred to these rules to show that the House had amply provided against its Members advocating questions, either as paid agents or when they had their own interests to advance. He would again press on the hon. Baronet that, as the law of Parliament now stood, there was no necessity for a new Resolution. Still he thought that the discussion of this question could not fail to be of great advantage. He was sorry to hear what the noble Lord (Lord Hotham) stated to be the case. [Lord HOTHAM: Believed to be the case.] Well, believed to be the case, that distinguished legal Members of Parliament received large fees, and by management, the questions on which they were retained were thrust into Parliament and those Members advocated those questions there. If there were such cases, he believed that they were rare and exceptional, and he could say on behalf of his profession, which was bound by no law or Act of Parliament, but only by a code created by itself, and which had maintained its high character in all times, that these instances, if they did exist, were of the rarest. He found in the records of Parliament in 1666, a rule to the effect, that such Members as were of the long robe should not be of counsel on any side on any Bill in the Lords' House. On all the grounds he had stated, if he thought it necessary for the House to come to any Resolution on this subject, he would have supported that of the hon. Baronet; but, believing that it was not necessary, he would urge on the hon. Baronet not to press it.

MR. MELLOR said, that although he had seconded the Motion, he felt assured that any Resolution upon the subject to which the House of Commons might give its assent would only tend to impair that security against the occurrence of those breaches of privilege complained of which the House at present possessed. The question had assumed greater importance in consequence of the observation of the noble Lord (Lord Hotham,) following what had been said by a Member of the recent Committee of Inquiry with regard to a genera belief that Members of that House received pecuniary reward for the advocacy of Indian claims. If such a belief existed, great advantage would be derived from this discussion. As far as the members of the legal profession were concerned, that code of honour to which his right hon. and learned Friend had just alluded was, he thought, a sufficient guarantee that they would not be found to resort to practices which all parties must concur in condemning. There could be no difficulty in distinguishing between a colourable fee and the real just reward for *bona fide* legal services. The noble Lord (Lord Hotham) said, that gentlemen of the long robe were open to these temptations. [Lord HOTHAM: Some of them.] He knew that in some instances temptations had been offered to eminent Members of that House who were also members of the profession to which he belonged, but these offers had always been rejected. He thought, as the hon. Member for Tavistock had achieved all he could desire by the discussion which he had raised, he would be satisfied with the result, and would withdraw the Resolution. If the hon. Member thought fit to press it, he (Mr. Mellor) should feel bound to support it, as the House could not too often record its opinion upon this important point.

MR. MANGLES said, he could not concur in the request which had been made to the hon. Baronet for the withdrawal of the Resolution. He thought it most desirable

that the sense of the House should be expressed on this subject in plain language, which could be understood not only here, but in distant territories. In the few words he was about to say, it was not his wish to make any observations that might be disagreeable to the hon. and learned Member for Youghal, for he readily accepted the verdict of the Committee as a complete acquittal of that gentleman; but still he knew that great mischiefs had resulted from a practice that had largely prevailed of legal gentlemen taking large fees from persons having grievances to complain of against the Government of India, and then advocating, or professing to advocate, those claims in that House. Whether that advocacy was stimulated by the fees received it was impossible to say, but undoubtedly some who had received large fees as barristers had appeared as advocates of the same cause in that House. It was most important that the Natives of India should believe in the purity of that House, and when they came to this country they could never be brought to understand the distinction between gentlemen who receive large fees as legal advisers and Members of Parliament. The people of India were generally a corrupt people, and thought it no offence to accept what we should call bribes, but which they regarded as absolutely necessary to expedite all business. Those Natives of India who came to this country with grievances to complain of would not fail to tell their countrymen that the services of Members of that House could be obtained for money, and that opinion would prevail as long as the present practice continued. The Natives of India would not make any distinction between the legal and the non-professional Members of that House, or between one Member and another, but would believe that every Member could be bought if they could only pay his price. Every one had heard stories of presents made of shawls and jewels, not only to Members, but to individuals of the fairer sex who might be supposed to have influence over Members of that House. Those stories went to India, and the result was, that the wealthy Natives believed that Parliament was entirely a venal body, and every Member willing to be bought. Some means should be adopted whereby it should be declared that it was not honourable or proper for nny gentleman of the long robe, a Mebmer of that House, to support in that House a cause on which he had received a legal retainer, especially in cases coming from India. If that could be done by Resolution or by a plain expression of the opinion of the House, he thought it would redound alike to the credit of Parliament and the good government of India, by removing the false impression on the subject which prevailed there.

MR. FOX said, he did not agree with those who advised the hon. Member for Tavistock to withdraw his Motion, and he thought the speech of the hon. and learned Member for Ennis (Mr. FitzGerald) justified his opposition to that course, for he showed that, not only was there a general law against the acceptance of pecuniary rewards by Members, but that the Resolutions to that effect had been renewed from time to time. That being so, there could be no objection to a renewal of the Resolution at the present time. The hon. Member for Guildford (Mr. Mangles) had spoken of the effect which the Resolution would have upon a generally corrupt people like the Hindoos; but he (Mr. Fox) thought of the effect which it would have upon a people who were not generally corrupt—the people of this country, who would not wish to regard that House as a venal body; and he thought that a decided expression of opinion would tend to impress them with confidence. It was the apology for the great Lord Bacon that, although he had sold justice, yet he had never sold injustice. That was a very dangerous apology, which it required a very strong mind to observe. It involved a double danger—a danger to the individual who sold and to him who bought. There was the double danger of the effect upon the individual's conscience and also of inducing others holding different opinions to shape their views upon a belief in his sincerity. Much of the present discussion had turned upon the conduct of gentlemen of the long robe, and he did not intend to offer an apology for any Member having a pecuniary interest in any cause advocating that cause as a Member of Parliament; but he would remark there were gentlemen, not lawyers, who had interests in matters which came before the House, railways and other schemes, which they advocated, notwithstanding the advantages which success would confer upon them. The true principle was for every man to divest himself of every consideration save that of the public good. Was there nothing in the connection between constituencies and their representatives as to

obtaining places which was to the purpose in this discussion? Was there not subserviency on the one hand and corruption on the other? If a line was to be drawn it should be drawn as widely as possible to include all such cases. He would go the length of making it a misdemeanour for any legislator not connected with the Executive Government to interfere in making any public appointment whatever. Getting a place for one of his constituents might be as much a money matter on the part of a Member of that House as giving a fee to a member of the long robe would be. They were looking forward to the time when they expected to effect a considerable change in the constitution of that House, and he trusted they would be able to do away with influences that were now operating injuriously, both in the way of bribery and intimidation. Looking to that time, they should do all they could to keep up among the people a pure spirit of patriotism; and by sanctioning such a Resolution as that before the House they would show that the cause of purity and patriotism was not dead among themselves.

Mr. BRIGHT thought the hon. Member for Oldham (Mr. Fox) had not shown his usual clearness of perception in the view he had taken of this matter. He argued that, because they had adopted Resolutions on this subject in past times, therefore they ought to pass another now. But he should recollect that all these Resolutions were passed after some one had been found guilty; whereas he proposed to pass a Resolution after an inquiry had taken place, and the Member whose conduct had been inquired into had been fully acquitted. He was a member of the Committee which sat upon that gentleman's case; and his understanding was, that when they went into Committee, it was not because there was no rule on the subject, but because there was a rule; and the object of the Committee was to ascertain whether the Member had broken that rule. Before they took any evidence, the right hon. Baronet who was the Chairman of the Committee went through a number of cases that had previously occurred, and read the Resolution of the House upon each of them, and he was sure there was no member of the Committee who was at all at a loss to discover what was the rule of Parliament with regard to these questions. At the conclusion of the proceedings there was some discussion as to whether any recommendation should be made to the House to make the rule more clear and more stringent; but it was the unanimous opinion of the Committee that no good result would flow from any such course. It was his own distinct opinion that the rule was perfectly clear to every man's mind and conscience, and that, therefore, no Resolution was required. With regard to the Resolution now proposed, every Member must see—whatever his opinion was as to the desirableness of doing something—that this was not the proposition which the House ought to pass; because those cases to which the hon. Member for Oldham had referred, in which Members were interested very remotely, would come under the language of the Resolution. He was quite sure that, with these words, unless they allowed them to become obsolete, as they would do to-morrow, they would be laying traps for themselves, without in the slightest degree adding to the security for the honourable performance of their duty. One of the purest, highest names ever placed on the muster roll of Parliament was that of Andrew Marvel, yet he received a regular salary for his services in the performance of his Parliamentary duties. And when that change took place, to which the hon. Member for Oldham referred, when, probably, they might get rid of the property qualification, and obtain a more extended suffrage, they might possibly have some Members of that House who were not men of property—not, to use a professional phrase, men of station—but men of character and intellect, belonging to an order of society that had not been directly represented there hitherto. When such men got into the House, was it not likely—would it not be a thing to be commended and admired—that the constituencies should undertake to furnish them with salaries of £200, £300, or £500 a year, that they might be able to subsist and attend to their duties in Parliament? He should be very glad to see such a case. It would show them that the constituencies were improving, as at present the burden lay in the other direction. But if such a Member were in that House, he would violate this Resolution in the form in which it now stood. The discussion had turned a good deal on the case of lawyers. It was not necessary for him, or any man not a lawyer, to defend them; but, if the Resolution was intended only for lawyers, let it plainly say so. Let them have a net with meshes made for

them alone, and not one which would involve Members of every class. He would say, generally, that unless they had good grounds for new legislation, they should not legislate. Unless they had some clear and specific ground for new legislation, they should not pass resolutions of this kind. There was a tendency to do too much. The case before them was one in which the Member was not guilty of the accusation brought against him. The sum of money he had undertaken to receive had no reference to Parliamentary proceedings, but had reference strictly to an engagement to go to India, leaving, as he did, a lucrative employment at home. He believed that contract would be fulfilled, and that, at the end of the present Session, the Gentleman would probably go to India, to transact the business he had taken in hand. There was no case made out by the evidence; the Gentleman charged was fully acquitted, and no member of the Committee believed him, in the slightest degree, guilty. Therefore, there was no cause for new legislation or new resolutions on this subject. The public did not believe that Members of Parliament were corrupt, in the sense in which this Resolution implied they were. They knew that, in the fights of parties, men sometimes did things that, in their cool hours, they could not justify; but that was not the sort of thing referred to in the Resolution. He had not the slightest fear that the country would judge any of them as if they were in fear of their reputations. He would rather stand on their character and honour, which the country knew, than endeavour to set themselves up for something purer than they had been heretofore, by passing a Resolution like this. If the House divided, he should certainly vote against the Resolution of the hon. Baronet.

MR. WALPOLE: I quite agree with the hon. Member who has just sat down, and I think if it were intended to impeach the conduct of the Member for Youghal on the ground of any evidence taken before the Committee held for the purpose of inquiring into the matters in question, that there ought to have been a specific Motion made for the purpose. I think, therefore, we can only make use of that Committee and the proceedings before it to this extent—as probably inducing the hon. Member for Tavistock (Sir J. Trelawny) to bring forward the Motion; and if he has done so with the view of either confirming an old custom of Parliament, or of introducing a new custom, he ought distinctly to make out to the House which of those two propositions he wishes to establish. If it be that he wishes to pledge the House to this Resolution as the introduction of a new rule, I shall beg leave to take issue with him on that point, and say that no new rule is necessary on the subject. If he wishes, by this Resolution, to confirm an old rule, I say that it is much better the old rule of Parliament should be left in the breast of the House, than that any attempt should be made to tie it up by the introduction of any new words. And I am perfectly confident that if you do attempt to tie up (for such I will presently show you will be the effect of these new words) the known rules and usages of Parliament, you will hamper yourself in a manner that you little imagine; and the very Resolution you are proposing to apply to one object you will find applies to objects to which you did not intend it to be directed, and that you will not be able to apply it to the objects which were the subject matter of your original intention. I do not quite agree with the limited view that my noble Friend the Member for the East Riding (Lord Hotham) took of this question. He discussed it as if it related solely to the gentlemen of the long robe—to those who are engaged in professional pursuits connected with the law. The rules of Parliament on this question are applicable to all Members—certain rules are applicable to all Members, and certain rules are applicable to Members of the legal profession. Those rules are very old. Those applicable to the legal profession are as old as the year 1666, and their application is perfectly well known. No Member belonging to the legal profession can undertake any business pending in Parliament, or which is likely to be pending in Parliament, and with a view to Parliamentary proceedings, without violating the known rules of the House. So much is this the case that we very well know, in one instance, the hon. and learned Member for Sheffield (Mr. Roebuck) asked permission of the House to conduct a matter in the Upper House. He was allowed to do so because it was a public Bill. I allude to the Sudbury Disfranchisement Bill. But we know that another Member made a similar application, and the House refused to sanction such a proceeding. But why? The distinction laid down by the Speaker was

this: that a Member of this House, being a barrister, may have the permission to conduct business in the Upper House of Parliament accorded to him if it relate to a public Bill, but he cannot have that permission if it relate to a private Bill. The application in the second instance to which I alluded, had reference to a private Bill, and therefore it was refused. Then, there was another rule distinctly laid down with reference to Parliamentary agents, and in that instance it was particularly applied to Mr. Daniel Whittle Harvey. It was decided that he was not entitled to transact any business as a Parliamentary agent with reference to matters proceeding in Parliament, he being the partner of a person who was conducting that business. If, therefore, you want to apply the rules of this House to professional men for the purpose of preventing them from undertaking any business which has any reference to Parliamentary proceedings, you see you have the power already, by existing rules of this House to prevent them from doing so. And if you ascertain that, contrary to existing rules, any gentleman has attempted to transact such business, then he is amenable to this House, and he may be reprimanded, he may be censured, or—as in some instances it has been done—he may be expelled from this House. Therefore, as far as relates to that part of the question, as to the consideration of the duties of Members of the legal profession, I say, with confidence, that it is not necessary for you to lay down any new rules. And I say, further, that if you intend to apply any new rule, you may desire to introduce to any Member of the long robe, you ought specifically to have mentioned it in your Resolution. I now come to the greater question—namely, whether Members of this House, belonging to the legal profession or not, are, or are not, bound by the rules of Parliament to refrain from the acceptance of any reward of any sort or kind which can corrupt the influence to be exercised on their duties in Parliament. I say that the rule of Parliament has been invariably against it, and that there has been no exception to this rule from the oldest times down to the present moment. The very instance which has been referred to, of 1695, brings us back to the most remarkable period of our history. In that year, remember, it was proved to the House that certain Members—the Speaker included—had received rewards, in the shape of pecuniary sums, advanced to them for the conduct of what was called the City of London Orphan Bill; the House instantly took notice of the matter—expelled the Speaker, Sir John Trevor—yes, expelled the Speaker for that conduct; and he, I am sorry to say, was a gentleman of the long robe. I only mention that because of what fell from the hon. Member opposite—they expelled the Speaker and Mr. Hungerford, the Chairman of the Committee, and reprimanded Mr. Guy. That was the conduct pursued by Parliament with reference to the City of London Orphan Bill. But what was its conduct with reference to the East India Company's charter? No less a sum than £100,000 was ascertained to have been distributed by the East India Company for the purpose of procuring a renewal of their charter, and large portions of that sum of money had come into the hands of some Members of the House. How did the House deal with that question? Did the House say it wanted a Resolution passed specially to deal with it? No, the House simply used its powers—singled out the particular cases, censured one, expelled another, and directed the impeachment of a third—the Duke of Leeds. It then passed the Resolution of 1695, which was not intended to apply, and does not apply to Members of the House, but which was intended to reach those beyond the House. That is the meaning of the distinction drawn between "the offer of the money" and "the acceptance of the money." The Resolution was intended to apply to the offer that was made by gentlemen outside the House to Members of Parliament. The House evidently thought that it had no necessity for laying down any Resolution as to the acceptance of money by its Members, because, by its inherent power and authority it could deal with such Members, and effectually mark its sense of such offences. That being so, I put it to the hon. Member who has brought forward this question, whether the Resolution now proposed is at all necessary? For confirming those rules that exist it is clearly not necessary, for your own Resolution was only made in pursuance of a larger and greater power which is inherent in this House. As the introduction of a new rule, it should not be passed, because it will hamper and fetter this House in the exercise of its discretion on future occasions, when particular cases of bribery and corruption may be brought under its notice. No words can so well specify what this House intends to

do, when any undue influence is exercised on its Members, as those already in existence; and no power can be given to it superior to that which the House can itself exercise by its own inherent authority of taking notice of any particular case which is brought before it, dealing with that case according to its merits, and refusing to be hampered by any words which possibly, if introduced, may hereafter raise questions as to whether the case before them is brought within those words or not. For these reasons, entertaining a strong opinion that every species of corrupt influence on the conduct of Members of this House, fettering their judgment and freedom of opinion in the smallest degree, ought to be condemned at once, and believing that it will be condemned quite as effectually and much more readily under those powers which the House itself possesses than by introducing any new Resolution—which may or may not meet particular cases when they are hereafter brought forward—I say it is safer for the House to proceed upon its own known laws and usages than to introduce a new Resolution, which in one sense may be considered as too limited and in another sense much too extended: too limited if it does not meet every case of corrupt influence which may be brought under your notice—too extended, if it attempts, as it does in these words, to impugn the conduct of Members who have received testimonials publicly and honourably. Many such cases can be mentioned that have occurred within our own memories, and one especially. It happens, undoubtedly, in the instance I refer to, that it was given by the vote of this House, and not by his constituency, or rather perhaps that the country gave it to him through this House. But we do know that not even a twelvemonth has passed over our heads since one gentleman of this House was presented with a testimonial by his constituency. Not many years have passed over our heads since another gentleman, not now, but then, a Member, received a testimonial for his great exertions in a great cause. I think I may include honourable testimonials of that description which gentlemen may receive as instances which would render such words as those proposed too extensive. If you introduce words too extended in your Resolution, instead of stopping corruption, as you intend to do, you are much more likely to stop the honourable exertions of mankind. For all these reasons, I think that the hon. Member will do well not to press his Resolution. I think the declaration of opinion that he has heard from all sides of the House, of an intention to put down any reward which is corrupt in its character, must fully answer his purpose—must maintain the dignity and authority of this House in the country, and will not endanger the existing rules, or prevent their application wherever they may be found to be requisite.

VISCOUNT PALMERSTON: I think that in a matter which concerns the honour of Members of this House, nothing is more important than that the rules laid down should be clear and precise. Anything like a vague declaration of the impropriety of certain conduct, while it is a mere trap for tender consciences, is no restraint upon those of a different description. The present law of Parliament, which is known and understood, appears to me to be sufficient for the purposes for which it has been established; and I think the Resolution now proposed is objectionable on account of the vagueness of the terms in which it is couched. If I had entertained no doubt upon that point before, the speech of the hon. Member for Oldham (Mr. Fox), opened a view which would have induced me to pause, because, if the Resolution is to apply in the extensive manner contemplated in that speech, there is hardly a function which Members of this House could perform in regard to matters connected with their constituents which might not render them in some degree subject to censure. Therefore, holding as high as any one can, the necessity of maintaining the honour of Members free from any imputation of corruption, I am disposed to think that the present regulation, with the discretion which the House must always possess of judging of the conduct of its Members, when that conduct comes before them, affords a sufficient security for the integrity of Members; whilst there would be great danger in the vagueness of the Resolution now proposed. I think the appeal made to my hon. Friend not to press the Motion to a division is, an appeal which he will exercise a wise discretion in acceding to.

Sir JOHN TRELAWNY, in reply, denied that his Resolution would limit the operation of the order of the House on this subject. The resolution passed in 1695 was limited to the offer of rewards to Members of Parliament, but his Resolution would go further, for it would prohibit the acceptance of them; but it did not apply to tes-

timonials to Members for past services. He regretted that his hon. Friend below him had referred to the inquiry into the charge preferred against Mr. Butt. His hon. Friend had said that the Resolution of the select Committee was a distinct acquittal; but in his (Sir J. Trelawny's) opinion it simply affirmed that the statements of the petition had not been proved to the satisfaction of the Committee; but he contended that the evidence amply sustained the position he had taken in his opening statement. He, at the same time, wished it to be understood that he did not express any opinion on the charge against Mr. Butt. Neither malice nor ostentation had induced him to bring forward this subject. His simple object was to suggest the desirableness of taking some step with the view of preventing an erroneous impression being made in the public mind by the result of the inquiry into Mr. Butt's case. As it appeared to be the general wish of the House that his Motion should be withdrawn, he had no objection to that course.

Motion, by leave, *withdrawn.*

ENLISTMENT OF NEGROES.

PAPERS MOVED FOR.

Mr. LOWE, in moving for returns relating to the engagements of Africans for the Indian service, said that the present state of the slave-trade question must be his excuse, if any excuse were needed, for his Motion. To make it intelligible he must briefly mention a few circumstances. On the 22nd of March last, in another place, a noble and learned Lord, (Lord Brougham) most honourably known during the last half century from his connection with the slave-trade question, asked a question of the noble Lord at the head of Her Majesty's Government with regard to the truth of a report then prevalent that two officers in the service of the East Indian Company were about to be despatched by Her Majesty's Government to the coast of Africa to enlist negroes for service in India. The President of the Board of Control was not in his place at that time. The answer received by the noble Lord from Her Majesty's Government, from both the Prime Minister and the Under Secretary for War, was, that nothing of the kind had ever been thought of. On the evening following, the President of the Board of Control, in the same place, made a very remarkable statement to the House. He took no notice whatever of the fact that the Prime Minister and the Under Secretary for War were ignorant that there had been any intention on the part of Her Majesty's Government to enlist negroes for service in India; but avowed that it had been intended by the Government to despatch that very day two officers to the western coast of Africa by a steamer which was to leave that evening, for the purpose of enlisting a class of men called Kroomen to serve in the vessels and flotillas at the mouths of the rivers Ganges and Irrawaddy, as a sort of preparation for serving as light troops in Her Majesty's army. Now, sending men to sea by way of preparing them to serve as light troops was very like putting a soldier on horseback by way of preparing him to march. However, let that pass. The noble Earl the President of the Board of Control proceeded to say that he found some difficulty had occurred in the matter, owing to the Mutiny Bill for the United Kingdom having already passed through some of its stages. That Bill, he said, would require some alteration to enable the Government to enlist these Kroomen for Indian service. He added, that he had corresponded with the right hon. Gentleman the Secretary at War on the subject, and the result of that correspondence being that it was too late to make the necessary amendment in the Mutiny Bill, the plan was abandoned. He would offer no objection on the fact that the noble Earl had not communicated his intention of taking such a step to his colleagues. In his evidence before the Indian Committee in 1852 the noble Earl stated that when he was at the Board of Control it was not his habit to communicate with the Prime Minister. He did not so communicate with Sir Robert Peel, and probably, therefore, he kept to the rule now. The other night, too, he had stated that since the last vote of the House of Commons he looked upon the Court of Directors as having nothing more to do with India than any other body of private individuals; consequently, it could not be expected that he should communicate with them on such matters. After such a frank declaration of his opinions no one had a right to complain of the noble Earl's conduct in this respect; but still it was fitting that the House of Commons should be favoured in this matter with the confidence which he had witheld from his colleagues. It was important that the House of Commons should know what the precise instructions of these officers were, in order that they might judge whether proper precautions had been taken to prevent this proposed

enlistment degenerating into a species of slave trade. He hoped, therefore, that there would be no objection to lay on the table copies of these instructions, which must have been prepared, as they were only countermanded the day before the mail sailed. He hoped, too, that some information would be given as to the precautions which had been taken to insure these Kroomen who were to be enlisted were genuine Kroomen, should offer themselves voluntarily, and not be prisoners of war sold by the chiefs on the coast. He should also wish to know what clause of the Mutiny Act would have required alteration to enable this proposition to be carried out, for he was totally unable to understand how the Mutiny Act could have anything to do with the matter. Undoubtedly, if these men were to have been enlisted for the service of Her Majesty in the United Kingdom, some alteration would have been necessary in the Mutiny Act, as it was passed annually; but if they were to be engaged in the naval service of the Crown anywhere, then, as the Naval Mutiny Act passed once for all, no alteration would have been required. The East India Company's Mutiny Act, too, was passed once for all, and no alteration would have been needed in it if these men had been for their service. Moreover, he could not see how it was impossible to have altered the Mutiny Act at that time, as had been stated. It stood then for a third reading, and it would have been quite possible to recommit it, and then introduce the necessary alteration. The right hon. Gentleman concluded by moving—

"That there be laid before this House, a Copy of all Instructions for the engagement of Natives of Africa in the Indian Service:

"And, Return of the alterations in the annual Mutiny Act which such engagement would render necessary."

MR. BAILLIE said, it was quite clear that the right hon. Gentleman neither understood the Mutiny Act nor the rules of Parliament. He was very much surprised that the right hon. Gentleman, who he believed was a lawyer, should have put such a notice on the paper. He asked for "a return of the alterations in the Mutiny Act, which such arrangements would have rendered necessary;" in fact, for a return of alterations which had never been made, and which, in fact, could not have been made at the time. It was plain that the right hon. Gentleman had never read the Mutiny Act. It gave authority to enlist and attest recruits in different parts of the world for Her Majesty's service; but it gave no such authority to the East India Company; and the alteration, if it could have been made, would have been to give this power to the East India Company. As regarded the instructions, the right hon. Gentleman should not only have them, but something more. It would be impossible to understand these instructions without having all the papers relating to the matter, and he should, therefore move, as an addition to the right hon. Gentleman's Motion, for—

"Copy of a Letter of Mr. Spence, relative to the enlistment of Kroomen:

"And, Memorandum of Interview between the Court of Directors of the East India Company and Mr. Spence relative thereto, and all subsequent Correspondence and Instructions relative thereto; together with Memorandum of the Amendment required in the Mutiny Act, to enable the East India Company to enlist and attest in the same manner as Her Majesty's Government."

VISCOUNT PALMERSTON: I quite agree in the opinion which seems to have been entertained by Her Majesty's Government, that it would have been desirable to enlist a negro force for employment in India. I believe it would have been an expedient arrangement, and I know that that is the opinion of the Governor General. They would be exceedingly useful, they would stand the climate better than Europeans, and would be free from those objections which apply to Native Indian troops in respect to their peculiar feelings of caste. The difficulty would be, how to raise a Black force, without giving any indirect encouragement to a renewal of the slave trade, and I presume that was the view taken by the Government in this matter. I do not know that it was likely we should have been able to obtain any efficient troops from that coast, for so far as the information which I have received goes, these Kroomen are generally seafaring men, and are not willing to engage for more than a temporary absence from home. They will only take short voyages, and would not be likely to engage for service in India. Neither my right hon. Friend nor myself, wish to imply any objection to the principle of raising Black troops for India, if proper means had been taken for that purpose; what we wish to impress upon the House is, that in raising such a force, great care should be taken that no means be employed which will have the effect of indirectly renewing the slave trade.

THE CHANCELLOR OF THE EXCHEQUER: I cannot pretend to give an opinion on the capabilities of the Kroomen,

because, though I have had the advantage of recently conversing with two gentlemen who have had great personal experience of the country in which this particular section of the human race resides, their accounts were unfortunately very much opposed to each other. The one told me that they were a race admirably adapted for naval warfare; the other, that their capital accomplishment was shooting with the rifle. One told me that they were perfectly willing to quit their country for any length of time; the other, that they could be relied on only for a very short time. My noble Friend at the head of the Board of Control has in this matter been actuated solely by a feeling of public spirit, and by a desire to omit no opportunity at a moment of exigency of obtaining resources for carrying on the war in which we are engaged in India, and which, from the news we have received to-night, will, I trust, soon be brought to a successful termination. The noble Lord (Viscount Palmerston) may be perfectly certain that, however desirous we may have been to raise a black force for service in India, we should avoid everything which could in the slightest degree have the appearance even of renewing that slave trade which this country has made such immense sacrifices to put down. The tone of the noble Lord requires no comment, and he has taken a very fair view of the matter. I think the Secretary of the Board of Control has made a perfectly sufficient and satisfactory answer to the observations of the right hon. Gentleman (Mr. Lowe), whose tone certainly did not resemble that of the noble Lord.

General THOMPSON said, it had once been his fortune to be a commandant of Kroomen, and unless they were greatly altered from what they were when he knew them, he believed no Krooman ever hit a mark yet. He had once held a field day with them, when threatened with an attack from the interior. The Kroomen formed a loose line—in what the old English disciplinarians would have called "some filthy order"—and then each man ran out, and after, like a prudent man, he had turned his face to the rear, he discharged his piece and ran back to the line again. He could not help thinking that somebody had been attempting a joke upon the Government, for they might as well talk of forming a regiment of Cuirassiers out of the journeymen shoemakers of London on account of their aptitude for the *prælium equestre*, as attempt to turn the Kroomen of Africa into light infantry.

Mr. LOWE said, he had been reprehended by the Secretary to the Board of Control for his ignorance of Parliamentary practice, because he said that a Bill when it stood for a third reading should be recommitted and Amendments introduced. He reasserted that statement. By a recent order the House had given up its power of amending Bills substantially on a third reading, but they could recommit a Bill and place it for a third reading on a future day. It might not have been worth while to mention it but for the unmerited contradiction of the hon. Gentleman.

Mr. LOWE withdrew his Motion.

Papers moved by Mr. H. Baillie *ordered.*

House adjourned at Ten o'clock.

HOUSE OF COMMONS,

Wednesday, April 14, 1858.

TENANTS' COMPENSATION (IRELAND) BILL.—SECOND READING.

Order for Second Reading read.

Mr. MAGUIRE: Sir, in rising to propose the second reading of the Tenants' Compensation Bill, I most earnestly solicit the indulgence of the House; for not only do I feel most profoundly the magnitude and importance of the great question with which I have to deal, but I am painfully conscious of my own inability to do it justice. And, Sir, this consciousness is enhanced when I recollect that the ablest, the most influential, and the most eloquent men have associated their distinguished names with this question—that statesmen and Ministers, and great party leaders have taken it up—and that, on the two last occasions on which it was brought forward, it had the advantage of the commanding ability and legal authority of Mr. Sergeant Shee, the then Member for Kilkenny, and the brilliant eloquence and lucid statement of my hon. Friend Mr. Moore, then Member for Mayo. Under those circumstances, it is my duty, even on behalf of those interests which I this day represent, to endeavour to enlist the kind sympathies of this assembly in my favour. Sir, I do not in the least exaggerate when I describe this question as one of the greatest magnitude and importance; for it involves interests affecting not a county, a province, or even a kingdom—but an entire empire. By the mere title of the Bill, it may seem to be an exclusively Irish measure, but in reality it is an Imperial Bill, for Imperial objects; because

I think it will not be doubted for a moment that whatever affects one portion of the empire, injuriously or beneficially, must affect the other portions of the same empire in the same manner. The peasantry of Kerry or Connemara, Tipperary or Tyrone, cannot be plunged in misery and suffering without injury to the trade of Manchester or Glasgow, to Paisley, to Liverpool, or to Leeds—without a sympathy being felt in the transactions of the Stock Exchange, or in the business of the Bank of England. It was so in 1847, and for three or four years after; and were the same state of things to occur again in Ireland, the same results would again follow in England—namely, increased taxation, a monetary crisis, failures, bankruptcies, and universal depression. Having thus barely indicated the interest which England cannot avoid feeling in whatever greatly concerns the welfare and happiness of the people of Ireland, I think I may now proceed to show that the measure which I this day advocate is one that most intimately concerns the people of that country. There is no one proposition which commands more universal assent than this—that upon the condition of a people depends the greatness, strength, and stability of a country; and in no instance does this principle more clearly apply than in the case of Ireland. Now, Ireland is an almost exclusively agricultural country, and upon the condition of the people must depend the condition of the soil, as upon the condition of the soil must also depend the condition of the people. It should be the object of a wise and humane Government to adopt such laws and promote such a system as would equally act upon the soil and the people, the people and the soil—as would increase the productive power of the one, and ensure the happiness of the other. But, in the first place, is Ireland an agricultural country, and do her people mainly depend upon agriculture for their support? Ireland is an agricultural country, in the general sense of the term; and though one province of that country is remarkable for its manufacturing energy, still, for argument's sake, it may be fairly described as a purely agricultural country. By the census of 1831, it was found that exactly two-thirds of the population depended exclusively on agriculture; and in 1841, when the population was nearly 2,500,000 larger than it is at present, out of a population of 8,173,000, no less than 5,400,000 were exclusively devoted to agriculture, and though a striking change has been effected by the famine, and its consequences, the proportions are not now very different from what they were in 1841. At any rate, one thing is quite clear—that the great mass of the population of those provinces depend almost exclusively upon agriculture, and that whatever commerce or manufactures exist in these three provinces, either owe their origin to, or in some way depend upon, the produce of the soil. I will even go further, and assert that the manufacturing industry of the north of Ireland—in the existence of which I, as an Irishman of the south, cordially rejoice—languishes when the farming and labouring classes are plunged in misery and distress, and flourishes when they are prosperous. It was so in 1847, and would be so again under similar circumstances. It is, therefore, quite clear that whatever affects the condition of the agricultural population of Ireland must affect the prosperity and happiness of the entire people of that country, and also greatly affect, either injuriously or beneficially, the empire at large. The condition of the agricultural population was so deplorable in 1847, when the potato disease blighted the food of the people, that a complete social revolution was the necessary result. The cause of that social revolution was, that the foundation of the social fabric had been long insecure; and the moment they—the people—gave way, down came the whole structure, involving the loftiest pinnacle and the proudest tower in the same common ruin with the lowliest and humblest portions of the same fabric. And the same result would be witnessed again to-morrow, if the same causes existed. Since then there have been some attempts, wise and well-intentioned attempts, at reconstruction; amongst which may be classed the passing of the Act for the sale of Incumbered Estates, of which measure I have been a cordial supporter; but, however much I may approve of that necessary measure, and however much I may appreciate the other attempts which have been made, I hold that they all had this one radical defect—they did not go deep enough—they dealt rather with the superstructure than with the foundation of the social fabric. Those foundations are still insecure, as insecure as they were proclaimed to be for years before 1847; and if the same storm were to sweep over the land to-morrow, that desolated it in that fearful year, it would be found that there was neither strength nor stability sufficient to

resist its fury. Under those circumstances I hold that, in a moment of calm like the present, it would be wise in the Legislature to consider how it could best guard against the recurrence of a state of things so disastrous, not to one portion of the empire, but to the whole, which would not only involve Ireland in ruins, but effect injuriously the sister countries. I hold, Sir, that the great social evil of Ireland is the want of a sufficient motive for industry, and an abiding and all-pervading sense of insecurity. The great incentive to human energy, the hope of reward, does not exist, and that energy is paralysed by the uncertainty of enjoying its results. As a general rule, of course admitting of considerable exceptions, the land in Ireland is held not on laese, but from year to year, or at will; the tenant being thus dependent, for his farm, for the fruits of his industry, for the support of himself and his family, and for his own and for their provision for the future, upon the will and pleasure of his landlord. This state of things is alone sufficient to produce that sense of insecurity to which I refer; and it does not require the numberless instances of wrong and injustice which are every day inflicted upon their class, to convince the occupiers and tillers of the soil that they must live under a perpetual apprehension of danger. It has been alleged before, and it may again be alleged to-day, that there are two great sources of evil in Ireland; and that the misery and poverty of that country are owing, not to the tenure by which the occupier holds his land, but to a surplus population, and the smallness of the farms. It is well that these two imaginary evils should be explained away before we approach that which is real and substantial. Now, I have always maintained, perhaps as much from instinct as from reason and calculation, that at no time has the population of Ireland been in excess of the resources of that country, provided those resources were fairly developed. I have never advocated that miserable quack nostrum of emigration, by which the life-blood of the nation has been drained from its veins and its arteries, and that which should be its strength and its energy lavished upon other, and sometimes hostile countries, I have not done so, because I felt that the real want of Ireland was employment for her population and not emigration. This question has been frequently referred to Select Committees of this House, one of which in particular reported that if the soil of Ireland were adequately developed, there would not be a sufficiency of labour found in the country for that object; and it recommended, not the quack nostrum of emigration, for which there was a temporary frenzy, as for all empirical medicines, but such a change in the laws as would free industry from its shackles, and stimulate the energies of the people. In reference to this question of a surplus population, Sir Robert Kane, in his valuable work, *The Industrial Resources of Ireland*, quotes Mr. Blacker, a gentleman who possessed extensive knowledge of landed property, and who had written an admirable paper on the management of property in Ireland, which had obtained for him the gold medal of the Royal Dublin Society. When that essay was written, the population was not very far from eight millions and a half; yet Mr. Blacker proved that that population, monstrous and extensive as it appeared to the advocates for emigration, was by no means too great for the resources of the soil. Referring specially to the county Armagh, and basing all his calculations upon the data obtained from the population and resources of that county, Mr. Blacker proved that the soil of Ireland was capable of being made to produce double its then productions, and even treble; and that not only was it capable of supporting its then population, of over eight millions, but double and even treble that population. Now I do not mean to pin my faith to this statement of Mr. Blacker, even though it was relied upon by so eminent an authority as Sir Robert Kane; but if the soil of Ireland could be made to support double the population which existed upon it in 1845, there surely is no excessive population at this day, when it is over 2,000,000 less than it was then, and that it is only necessary to relieve the tenantry from undue restrictions, and in their industry from all shackles, in order to render that country so productive as not merely to ensure the happiness and prosperity of its people, but to add materially to the strength, energy, and greatness of the whole empire. Now, with regard to the assertion that the poverty of Ireland arose from the smallness of its holdings, I am prepared to show the House that a most important change has taken place with reference to the size of farms, and that if the small size of farms were the real evil it no longer has an existence. Now Ulster is confessedly admitted to be the most prosperous of the four provinces of Ireland, and yet in Ulster the total number of farms,

in 1841, was 234,000, with an area of 3,400,000 acres of arable land; while in Munster the number of farms was but 162,000, with 3,874,000 acres of arable land, and of the gross number of farms from one to eight acres, Ulster had fully one-third; and of these from five to fifteen acres, while Munster had but 61,000 Ulster had within a fraction of 100,000. It is plain, from these figures, that the distress in Munster was not traceable to the size of the farms at the time, but that some other cause lay at the root of the evil. Mr. Blacker deals with the question, how could a man who farmed but five or eight acres of ground continue to live and pay rent, by asserting that he could live as comfortably and pay as high a rent as any large farmer whatever, provided he followed a proper system of cultivation, such as he recommends. But I have now to show that the difficulty of small holdings no longer exists. The total number of farms in 1841 was 685,309; the total number in 1851 was 570,000, or a gross reduction of 115,309. The particulars exhibit a still more interesting result. Of the 310,000 farms from one to five acres which existed in 1841, but 88,000 existed in 1851—showing a reduction in this class of farms of no less than 222,000. Of those from five to fifteen acres, 252,000 existed in 1841, whereas not more than 191,000 existed in 1851—showing a reduction of 60,000 of this class of farms. But a change still more remarkable has occurred, the number of farms from fifteen to thirty acres has been nearly doubled—from 79,000 to 141,000; and the farms from thirty acres upwards have been increased three-fold—that is from 48,000 to 149,000. Therefore, it is quite clear that the two great obstacles which some people regarded as barriers to all improvement, have no longer any practical existence; and, after what I have stated I cannot imagine that any gentleman will venture to get up and assert that the cause of the misery of Ireland is its surplus population, or the smallness of its holdings. I therefore come to the real evil—namely, the dependent condition of the tillers of the soil. As a general rule, the tenant-farmers of Ireland hold their land, not by lease, but at will; and this tenancy may be determined at any moment by the act of the landlord. At any rate, tenancy by lease is the exception, while tenancy at will is the rule. Many reasons have been assigned why leases have not been given in Ireland. Before the passing of the Irish Reform Act there were political reasons why no leases should be given. The landlord, being a keen politician, and generally holding political opinions different from those of his tenant, did not wish to arm that tenant with a weapon to be used against him or his party. This motive no longer existed in appearance, but it does in reality. It is true the franchise no longer depends upon the possession of a lease, but upon occupation and payment of rates; yet the landlord does not give leases for this reason, that he desires to retain his tenant in a position of the most absolute dependence, in order that if he requires his services at the polling-booth, he may have him at his complete disposal. This, I contend, is not the position in which the most important class in the community should be placed. The cultivators of the soil, on whose industry the prosperity of the country mainly depends, should have the fullest security for the fruits of their industry and their enterprise, which should be protected from the tyranny of a tyrannical landlord, the vengeance of a vindictive landlord, or the avarice of an avaricious landlord. As a general rule, the tenants of Ireland are not secured from tyranny, vengeance, or caprice, simply because the law places them at the mercy of their landlords. I may be asked by English or by Scotch gentlemen, whether tenants in Ireland are really sacrificed to motives of vengeance, avarice, or caprice. I answer that they have been, and that they are sacrificed to such motives. I need not go back very far for instances in proof of my assertion. I shall not go back further than the year 1857, nor shall I state anything merely of my own knowledge, but only refer to cases which have come before courts of justice, and the facts of which have been deposed to on oath; and relying on those cases, I would appeal to English gentlemen, and ask where would they find a parallel state of things to that which is practised in Ireland, and which, though held to be strictly legal in the courts of law of that country, must be held as vicious and abominable in the judgment of every honourable man. I assert that the law, which should be the expression of the wisdom and justice of man, and which ought to reflect the eternal wisdom and justice of God, is made the instrument of oppression and wrong; and that that law is as capable now, as it was at any time, of filling the land with mourning and desolation. The first case to which I refer will sufficiently exhibit the

complete dependence of the tenant, and the despotic power of the landlord. In this instance there was no question of religion, a matter somewhat rare in Ireland, for landlord and tenant were of the same persuasion, both being Protestants. The case was that of Jones *v.* Bateman, tried before Mr. Moody, Assistant Barrister, at the April Quarter Sessions, of 1857, in Macroom, Co. Cork. The plaintiff was Mr. Jones, one of the ablest and most intelligent magistrates in the county, and, generally speaking, a very just and honourable man. The defendant, his tenant, was a Mr. Bateman, a shopkeeper in the town of Clonakilty. The tenant excited the ire of his landlord by voting at an election for poor-law guardians for a Mr. Callanan, who, for certain reasons, was obnoxious to the landlord. The consequence of that vote was a notice to quit, which was quickly followed by an action of ejectment. Bateman, the tenant, swore to this effect:—"I almost drained my purse to the bottom in the improvement of this land, between ditching, fencing, running walls, and fertilizing with man and horse every day of the year." The plaintiff's attorney admitted the defendant had been a good tenant, and had paid his rent punctually; but that the landlord had reason to be dissatisfied with him, and was compelled to get rid of him as a tenant. Upon this case the Judge remarked—"This man appears to have been a very good tenant; but if Mr. Jones did not like it, he was not bound to keep him." And he adds, "Mr. Jones appears to me merely to exercise his right." Here, no doubt, a Solon spoke; and if the Assistant Barrister who thus expressed himself were the Lord High Chancellor of Ireland, he could not have laid down the law more clearly. But, I ask, is this a law which a Judge should have to proclaim from the bench of justice? A case lately occurred in England which excited a great deal of sympathy in Ireland. Indeed, some of the advocates and supporters of the tenants' cause in that country felt almost inclined to thank God that a case of flagrant oppression had occurred in England, inasmuch as it would carry the question of protection for the industry of the tenant home to the people of this country, and make them feel what the wrongs were from which thousands of tenants in Ireland constantly suffered. The case I refer to was that of Mr. Breedon Everard, of Leicestershire. The landlord by whom that gentleman was evicted is the Earl of Stamford. I shall not allude further to that case, which is well known to the Members of this House; nor is it necessary, as I understand the noble Earl has already done public penance by settling the matter with his tenant. This case excited very general sympathy in Ireland, and was the subject of much comment, and the strongest indignation; but scarcely had it appeared in the public journals in Ireland when a somewhat similar case occurred in that country. The tenants were, no doubt, of a very different class, but the wrong was still the same. Mr. Everard was a man of means, who, by his social position, was entitled to mix with the gentry of his county, and who had spent thousands on his farm; the Irish tenant was a mere frieze coat, who could not afford to lay out £100. But there was still a more marked difference in the cases. In England, the landlord gave all the means of cultivating the soil; he provided a dwelling-house, barns, outhouses, and offices—in fact, the necessary fixtures; but in Ireland the landlord did nothing of the kind, and, as a general rule, the tenant had to do everything. I mention this to show why we demand a law for Ireland, which is not asked for in England. The case I refer to is that of Richard Manning, a farmer in the west of the county Cork, and tenant of Captain Hoare. It appears, from the sworn statement of the bailiff, on the trial of the ejectment, tried last November in Bandon, that the landlord—on one day walked over the estate with the bailiff; and when he came to Manning's farm, he said, "this farm is rather small; would it suit you?" Bailiffs in Ireland are no more modest nor less acquisitive than in other places, and this bailiff at once acquiesced in the wish of his employer. The consequence was that an ejectment was served on Manning—an honest, industrious, and improving tenant, who had built a substantial slated house on the farm, and whose family, for four generations, had lived on the same ground. I shall now, with the permission of the House, read an extract from the report which appeared in the newspapers at the time, and which will afford a very just idea of the case:—

Court—And, God bless me! sir, why is it that he is to be turned out of his land, if he owes no rent, and is an honest man, and improving tenant?

Mr. Russell—(the agent)—I really cannot tell, unless it is to increase the rent. I am acting on instructions.

Mr. Gregg—Mr. Russell is not to blame, he is perhaps discharging an unpleasant duty.

The Court—I can only say that it appears to me to be a very harsh proceeding.

Mr. Downing—Please your worship, I believe that this is a painful duty to Mr. Russell; the only reason that he can suppose to justify this inhuman proceeding is that "Darby O'Drive," in the person of the worthy Dan Horgan, has offered to increase the rent from £26 to £30 a year. I now offer, on the part of Richard Manning, whose ancestors, for more than a century, have been born, lived, and died on this spot of land, to pay this moment in Court the half year's rent which fell due on the 29th September, and to pay the increased rent of £30 from that day henceforward.

After a pause, during which there was perfect silence,

Mr. Russell—I really cannot accept the terms, my directions are to evict the defendant. [Cries of "Hear, hear!"]

As a finish to this case, I beg to add the agent's description of the tenant who was thus sought to be flung upon the world. He described him as "an honest industrious man, who only owes the September rent, and is ready to pay that." Owing to some technical informality, Manning was saved from eviction on that occasion. On an appeal to the Judge at the last assizes in Cork, a certain letter, giving authority to the bailiff to act, was necessary to be produced; and as it was not ready in court, the Judge (Mr. Baron Greene) would admit of no delay, remarking that the case was not one in which he ought to travel out of the rule laid down. So Manning holds on for a few months longer, until the law is fully complied with. The next case to which I have to refer is one in which the religious element enters, and involves the very worst form of persecution. It was tried in June last, before Mr. Major, the assistant barrister for Monaghan. The tenant in this case was John Byrne, a Catholic. Byrne had for his landlord a gentleman whose religious feelings were of that warm and ardent nature not unusual in Ireland, especially where religion is at all of an aggressive character. Colonel Lewis, this religious landlord, established a school of his own on his estate, and employed a person of the class known as "Scripture-readers" as teacher; and although there was a National School, supported by the State, in the parish, the Colonel insisted that his tenants, Byrne included, should send their children to his school. But this honest man, although having nine children, six of them girls, and being completely at the mercy of his landlord, declared that he would not violate his conscience, or peril the religious faith of his children, by sending any of them to this school. The consequence of this conscientious refusal was a notice to quit, followed by an action of ejectment. Notice was also served on another tenant for the same cause, but proceedings were abandoned in consequence of some informality—frequently a useful friend to the Irish peasant. The landlord's agent was examined by the attorney for the defence, and from that evidence I beg to read a few passages. He states that Colonel Lewis came in for the lands in 1854. He is asked "are you aware that there is a house on the land?" He answered "Yes."—"Do you know who built it?" "I do not."—"Was it built by defendant or his father?" "I cannot say."—"My client refused the year's rent—did he?" "No, he did not."—"Did he offer it to you?" "He did, and I refused to take it."—"We offer you that rent once more in open court—will you take it?" "No, I cannot."—The agent admits that Colonel Lewis built a school of his own, and appointed as teacher a "Scripture-reader" of the name of Wallace. Then comes this question—"On your solemn oath, sir, do you not know that this ejectment arose out of Colonel Lewis's wish to have Byrne's children go to his school?" Answer—"It has grown out of it." The examination is thus continued—"Byrne said he would give up his land sooner than send his children to a school where their religious convictions were likely to be tampered with?" Answer—"I suppose so." The Colonel had summoned a meeting of his tenants, and another tenant, named M'Quillan, also spoke out; and the agent admits that he also had been served with an ejectment. Here is the language in which Mr. Major, the able and respected assistant barrister, is reported to have dealt with this case; and I may remark that that gentleman's sympathies are as much with the landed class, which I believe he personally represents, as with the tenant class:—

"Mr. Downey did not pretend there was any motive for dispossessing this man and his family, except for his not sending his children to the school established by the plaintiff. That the defendant was called on to do so there could be no doubt. He did not mean to interfere with Colonel Lewis's rights, though he would say it was scarcely a prudent course. Indeed he could hardly bring himself to believe it possible that any gentleman, nay, any Christian man, having no grounds of complaint against his tenant, on whose moral character no blot rested, would hurl a man and his family upon the highway, who paid the rent up to the very day."

Mr. Maguire

I ask the hon. Baronet opposite (Sir John Walsh), who is about to resist my demand for some protection for the tenant's industry, what he can say to cases of this kind, or to the law which sanctions them? This case is by no means a solitary one, for I assert—and I challenge the assent or denial of my hon. Friends from Ireland to what I assert — that there are Colonel Lewises and John Byrnes in every county in Ireland. The hon. Baronet who is to oppose this Motion knows something of the county Kerry, which, as he is aware, is not very remote from the district described in the letter I have just read; and what will he think—what will the House think—that one or two landed proprietors of that county will not allow a marriage to take place on their estates without their consent, or that of the agent, being first obtained? Notwithstanding the mutual inclination of the sexes towards that holy state—no one can attempt to marry without first having obtained a certificate of licence at the agent's office; the penalty of disobedience, of yielding to those common feelings of human nature, being either fine or eviction, in case one of the parties marrying was a refractory tenant, or eviction of the parents, if they had sanctioned the marriage. Arbitrary fines are levied for the infraction of arbitrary rules, or for the slightest offence against the laws of the estate; and I know, of my own knowledge, where fines, levied on tenants, have been extorted from the pocket of the agent or the desk of the landlord, by sheer dread of public exposure—and that within a few days. I now turn from Kerry to Donegal. The tenants of the north of Ireland are not in the same position as those of the south, having the custom known as tenant-right to protect them, and being entitled, under that custom, to sell their occupation as well as their improvements to an incoming tenant, provided the landlord consents to accept such incoming tenant. There are, however, many cases of great hardship in the north as well as the south. For instance, those respectable persons in Donegal — not Catholics, but sturdy Presbyterians — excited the ire of a nobleman who was formerly a Member of this House, and who, for aught I know, may have advocated the principle of tenant right, which was at that period a popular question. The nobleman to whom I allude is the Earl of Leitrim, formerly Lord Clements. It appears that the town of Milford, the property of the Earl of Leitrim, was, not very long since, a mere collection of hovels, but is now, owing to the energy and industry of a few people, one of the prettiest country towns in Ireland. Amongst the most improving and enterprising of the tenants were two respectable persons, Lavins the father, and Lavins the son. The father, as was publicly stated, expended something like £1,400 in buildings and other improvements, which money he laid out on the faith of the tenant custom of the district, and having full confidence in his landlord —I mean the late Earl. The son, Lavins the younger, being a man of enterprising spirit, came over to this country, and realized some money here; but desiring to return to his own country, and being anxious to develope the resources and capabilities of the town of Milford by his enterprise, he expended about £900 in buildings and in other improvements, which were calculated to benefit the estate as well as promote his own interest. Then there was the rev. Mr. White, the Presbyterian minister, who built a house at a cost of £400, and at his own expense—in which house nine of his children were born. Yet, within the last year, the Earl of Leitrim, who, when in this House, may have gone into the lobby in favour of tenant compensation, burst through this ancient custom of the north, violated every right but legal right, turned out these three respectable men—these three industrious and improving tenants—and confiscated their property, amounting to nearly £3,000 in value, the result of their energy and industry. There are some who suggest some excuse for this act of injustice; but I maintain that no man, whether sane on all points or not, ought to be entrusted with such despotic power—a power which is too often wielded as a sword to strike, and not used as a shield to protect. The destinies of the Irish people ought not to be surrendered without protection to men who can crush them as easily as they could trample upon sea-weed. I say, let there be protection for the industry of the people, and Ireland will bloom like a garden—secure to them the full enjoyment of the result of their labour and their outlay, and there will not be a single square foot of reclaimable land which will not eventually be brought under cultivation by the magic power of human industry. I hold the tenant custom of the north to be based upon justice; but so long as it is a custom, and not a law, it is liable to be broken through; and so long

as men are entrusted with undue power over their fellow men, and liable to be led away by human passions, so long will they be ready to violate not only the laws of man, but of God. Is it not, I ask, a horrible mockery in these days, that, while you are innovating, regulating, and interfering in behalf of all other interests, there is to be no legislative protection for the mass of the people of Ireland and for the fruits of their industry? Let me beg of the hon. Baronet (Sir John Walsh) to go with me from Ireland to India, from Cork and Kerry and Donegal, to Bengal, Madras, and Bombay, I hold in my hand a document presented to Members of this House on the part of the East India Company, in which they defend the character of their administration, and describe the improvements which they have made in their Indian possessions. Here is what they say as to their attempts to improve the tenure of the Bengal ryot :—

"What the Government had in its power to do, for alleviating the operation of the existing system, it has done. It takes systematic measures for the education of zemindars who are wards of Government. It has made imperative on the landlords to give to every tenant a written engagement specifying the amount of rent and the conditions of tenure; and it has made these engagements legally binding."

I now quote, from a subsequent page, a passage, describing a state of independence enjoyed by the Madras ryot which is not demanded on the part of the Irish peasant :—

"Under this system the land is not made over to great landlords, but the actual cultivator, the peasant himself, is regarded as the proprietor of the soil, subject to the payment of the Government demand. He has the option annually of increasing or diminishing his holding; and, in the words of the Madras Government in their last general Report, 'has all the benefits of a perpetual lease, without its responsibilities, inasmuch as he can, at any time, throw up his lands, but cannot be ejected, as long as he pays his dues.' He also receives assistance by remission of assessment in unfavourable seasons."

The following passage describes how things are managed in the North West Provinces :—

"In a few of the districts, the term of settlement has expired, or is on the point of expiring. On resettlement, the assessment is liable to revision, and may be increased if the net produce of the land has augmented, but not proportionally to the increase of the net produce; and a pledge has besides been given, that a liberal consideration will be allowed for 'improvements attributable only to the efforts of the tenant himself, and especially with regard to such as are of a comparatively recent date.'"

I shall only trouble the House with one other extract from the "Memorandum," and would merely wish that the ryot of Bombay might be meant to mean the tenant farmer of an Irish county :—

"The other great improvement was the establishment of the rule that no ryot should be required to pay an additional tax (or rent) for his land, in consideration of increased value derived from improvements made by himself. If, therefore, a proprietor, by labour or outlay of his own, sinks wells, constructs tanks, or plants valuable trees, he enjoys not for the duration of any settlement, but in perpetuity, the full benefit of the increased value which he has given to the land; an assurance which no private tenant in any country, even of Europe, has obtained.

The result of what I have read is simply this—that while the cultivators of the soil in India are entitled to compensation for their improvements; and while those improvements are not to be made the occasion of an increased tax, or rent, the Irish tenant has no claim for compensation, and his own improvements subject him to an increased rent. There is full protection for the wretched ryot of India, but none for your own fellow-subjects in Ireland. The fact of this protection being given to the cultivators of the soil of India is highly creditable to the Company, and, in my opinion, blots out many of their sins; but that the present state of things should exist in Ireland is a damning scandal to the Imperial Parliament. Perhaps that might be called rather strong language; but I am one of those who have a habit of calling a spade a spade, and I again assert that any law which sanctions or connives at tyranny, oppression, or fraud, which your law in Ireland does, is a damning blot upon your legislation. I, though a private Member, have been compelled to bring this great and important question forward for discussion; and other hon. Members have done so before me—why? Because successive Governments have abandoned their duty with respect to this great question—because they have merely toyed and played with it, shuttle-cocked it from one to another, or sought to make political capital out of it. But I tell her Majesty's present Government that there is a spirit rising in Ireland which will compel them, or their successors, to bring in a measure on the subject, and force them to carry it through every stage in this House, and to guard it against shipwreck in its passage to the House of Lords—which will compel them to see that it reaches even to the obtainment of the Royal Assent. What I ask in this Bill is simply this—that where

improvements have been made by the tenant—not fanciful improvements, but improvements such as are suited to the farm, increase the producing power of the soil, and increase its letting value—the tenant shall not be robbed of the fruits of his industry, but shall receive compensation for such improvements according to a fair consideration of their value, in case he is turned out of his farm, or compelled to give it up. This is the demand that is made in the Bill which I ask the House to read a second time. This principle of compensation for improvements such as are suited to the holding, and substantial in their character, has been admitted by several governments, and has been sanctioned by repeated majorities in this House. The Devon Commission reported in favour of compensation for useful improvements, and gave it as their opinion that there was much reason for believing the statements made to them in all parts of the country, that the want of protection for such improvements, or of a legal claim for compensation for them in case of eviction, was sufficient to paralyse the energies of the really industrious tenant. I hold in my hand extracts of a speech made upon this question of compensation by an authority on such subjects, one who is certain to command the respectful attention of the noble Lord the Secretary for Ireland. The statement made in this speech was that, not of a revolutionist, or a communist, or an invader of the rights of property, as I suppose the hon. Baronet may be inclined to represent myself. In 1845, Lord Stanley, now the Earl of Derby, introduced a Bill into the House of Lords, as a member of the government of Sir Robert Peel. It was a measure proposing to give compensation for certain improvements made by the tenant. Lord Stanley justified the introduction of the Bill on the ground that there was a totally different state of things in Ireland from what there was in England or Scotland. Here is his Lordships' description of the state of things in Ireland.

"Every-tenant farmer on taking a farm in England, and, I believe, in Scotland, looks, as a matter of course, to the landlord to place the farm before he enters upon it in tenantable repair; that is, in regard to the fences, the drains, the dwelling-house and buildings, and, in short, in regard to all those things which, in England are considered as the necessary accompaniments to a farm. But in Ireland the case in reference to all these various matters, is not only dissimilar, but exactly the reverse." [3 *Hansard*, lxxxi. 218.]

And here is his Lordship's description of the reverse of the social medal:—

"The universal practice in Ireland being that all buildings, including even the dwelling-house, all fences and drains, which in England are put in repair by the landlord, are expected to be done by the tenant, and if not, they are not done at all."

I do not mean to say that this description is of universal application, for I know many landlords who have provided farm buildings and other necessaries for their tenants; but as a general rule it is applicable to the state of things in Ireland at this day as it was when spoken by Lord Stanley in 1846, and on that ground I this day call upon the Government, of which that noble Lord is now the head, to take up this question and finally settle it. I may now cite an eminent authority on a point of the highest importance, and with respect to which I know there is in this House a very wide difference of opinion—I refer to the question of retrospective compensation. I shall quote the deliberate and almost judicial opinion of one who now holds the exalted office of Lord High Chancellor of Ireland, and who, as Mr. Napier, commanded the respect of every Member of this House. Now, the principle of this Bill embraces compensation for improvements which have already been made, as well as for improvements which are yet to be made; and I may rely my defence of the retrospective operation of the Bill upon the saying of an hon. Friend who reduced the whole argument to an axiom—"compensation for future improvements may be a matter of expediency, but compensation for past improvements is a matter of justice." Now what did Mr. Napier say with respect to the retrospective operation of the Bill which he brought in in 1852, as the official organ of the Government of Lord Derby? Here are his words:—

"On the other hand, it was said that if they once admitted retrospective legislation on this point, they could not know what consequences would follow. The subject was one which he had most anxiously considered, and having weighed every argument with the greatest care, he confessed he had come to the conclusion that retrospective improvements ought to be provided for." [3 *Hansard*, cxxiii. 338.]

And, in another passage, Mr. Napier objects to the limitations of Sir William Somerville's Bill to cases in which the property was under the value of £10, and he says—"He could see no principle upon which a property worth £20 should be placed in a worse position than a property of £10. Now, I contend that this deli-

berate opinion is a complete defence of the retrospective operation of this Bill. Remember that Mr. Napier had every motive to shrink from the avowal of this principle, if he conscientiously could, and that for this expression of opinion he risked the support of many of his Friends. But he was driven to it by the weight of authority and the force of conscientious conviction; and certainly Mr. Napier was not one who would willingly invade the rights of property, or peril the interests of the landlord class. For my part, I believe he was most anxious to benefit landlord and tenant, by an equitable adjustment of the rights of both. Now, I contend that the claim of the tenant who has improved, far surpasses any claim which can be urged in behalf of the tenant who is yet to improve. I would not consider that the tenant who improved his farm by buildings and other permanent improvements, deserved any particular credit for his enterprise, if he expended his capital and his labour under the protection of the law, because he would have the law to appeal to at any time in case wrong was attempted to be done to him. But it is quite different with the tenant who has improved in spite of the law. In spite of the existing law, illustrations of which I have quoted, the industry and energy of the tenantry of Ireland, of those even who hold their farms at will, have triumphed over every sense of insecurity; in spite of that law they have effected substantial valuable improvements, they have increased the productive power of the soil, and have added to the wealth of the State—and yet they have no claim to compensation for their outlay and their labour, and are liable at any moment to eviction at the caprice of their landlords. I am neither revolutionist nor communist, and I have not the slightest wish to invade the rights of property. But I desire to protect the property of the tenant as well as the property of the landlord. What is the property of the tenant? The House which he has built with his own money, with his own capital, his own savings—that I hold to be his property, and not the property of the landlord. I hold that the property which the labour and industry of the tenant created on the soil, or in the soil, by which the letting value of the land has been increased, should give him a just claim for compensation in case of eviction. My demand in this Bill is this, that if the tenant has increased the productiveness of the soil, he should not be deprived of the possession of his farm without receiving compensation for the fruits of his industry. And in answer to that demand, let me not be answered by the mere cry of "the rights of property!" I beg of the House not to imagine that this question will die out. I can give a proof of the feeling upon this question. There is at this moment, as there has been for years, a strong feeling in Ireland in reference to the present Church establishment in that country; yet there have been few or no petitions presented to Parliament this year, or last year, for the reform of that establishment, as in former years—and why? Not because the grievance is less felt—not because opposition to it is not ready to spring forth; but because the people are anxious to settle this great social question of tenant-right, although every other question should for the time be left in abeyance. And is it not full time that this great social question should be settled? Does the Government wish to see a further reduction of the population of Ireland? Has there not been enough of national blood-letting already? Has not America been sufficiently strengthened by the immigration of those who carry with them abhorrence of this country, its government, and its laws? I have seen letters from persons who had been driven to America by the tyranny of your British law, written to relatives or friends in Ireland, and these letters breathed a spirit of the deadliest hate against this country and its laws. It was by the operation of your laws that these people had been turned out of the homes of their fathers and from the birth-place of their children; it was through the operation of these laws that they were driven as wanderers from their native shores; it was owing to these laws that many a brave man and fair woman was whelmed in the sea, and mouldered away in its depths; it was through the operation of these British laws that thousands of men and women, who ought to be the strength and stay of the country, were flung upon the quays and streets of Liverpool, or wandered as squalid beggars, to the shame and scandal of England, upon the highways of the great Republic. I ask, is this country never to be in danger again? Is it even perfectly safe at this moment? If I mistake not, a right hon. Gentleman near me (Mr. Horsman) alluded a few nights since to the uncertainty of the relations between this country and a neighbouring State. Well, upon whom are you to depend in the hour of danger?

it wise to diminish a population which has so often proved its strength in battle, from which you fill up the broken ranks of the 18th and the 88th? If the law is not altered, and if it is allowed to remain in its present state, the drain of emigration will still increase. It has at this moment only received a temporary check from the commercial panic in America; but no sooner will a better state of things return than the stream of Irish migration will increase in its flow, and deepen in its volume. I ask a change in the present law, not alone in favour of the tenant, but also in favour of the landlord, for I hold that their interests are in reality identical, and that whatever improves the condition of the tenant must also benefit the landlord. I seek no favour for one class at the expense of another, but on the part of the people of Ireland I ask Parliament for an alteration of the present law. I believe that the passing of a good Bill would restore confidence between landlord and tenant, prevent litigation, and greatly diminish crime. Unfortunately, owing to the law as it stands—owing to the law as it is proclaimed from the tribunals of the land—there is a sympathy felt by certain classes in favour of the agrarian criminal when he made to pay the penalty of his crime; and this very symptom of the deep-rooted social disease which lies at the heart of Ireland ought to startle the attention of the statesman. But let Parliament alter the law, let Parliament render the law just, and every man's hand would be against the wrong-doer. Let there be fair laws, which all may respect, and the people themselves will become the best peace-preservers, the strength and security of the country. I shall only add, that any Government that deals vigorously and honestly with this question will deserve and will receive the heartfelt blessings of a grateful people. I now beg to move that this Bill be read a second time.

THE O'DONOGHUE, in seconding the Motion, observed, that from what he had heard during the debate on the Motion for abolishing the Irish Viceroyalty, he was inclined to hope that the Motion for the Second Reading of this Bill would not be seriously opposed. During the course of the debate to which he referred, the present Chancellor of the Exchequer, the noble Viscount the Member for Tiverton, and the noble Lord the Member for the city of London, assigned as their reason for voting against the proposition that it was at variance with the wishes of the Irish people; and he hoped that those right hon. Gentlemen and their followers would be actuated by the same conciliatory spirit in dealing with the question now before the House. The object of this Bill was to place the relationship between landlord and tenant in Ireland upon an equitable basis. The attainment of such a result had become an object of paramount importance, for the question of tenant-right had for some years past occupied the public mind of Ireland to the exclusion of almost every other topic. The interest it excited among the people of that country had been exhibited by large and influential meetings in various parts of the country, by innumerable petitions to Parliament, and by the return of many Members to that House, whose highest recommendation in the eyes of their constituents was their advocacy of such a measure as that now proposed by the hon. Member for Dungarvan. He would venture to say that if a dissolution of Parliament were to take place at this moment every gentleman who sought to represent a county constituency in Munster, Connaught, or Leinster, would find it necessary to declare himself in favour of tenant-right. Indeed, all classes in Ireland were agreed upon the necessity of legislating on this subject, and he had never met with a single person who thought there was anything objectionable, communistic, or impracticable in the principle of this Bill, which was intended to give tenants a legal claim to compensation for such improvements as might have increased the letting value of their holdings. Previously to years of famine little or no progress had been made in agricultural improvement throughout the greater portion of Ireland; but after that mournful epoch the farmers, as a class, became sensible of their defenceless position, and began to demand a measure of tenant-right. Both rich and poor suffered during the awful days of the famine; the rich, in the temporary diminution of their incomes, and the poor, by starvation, eviction, exile, and death. The events of that period, he believed, brought about a most extraordinary and unfortunate social revolution. In former times a man's importance was estimated in proportion to the number of his tenants or dependents; but in these latter days—at all events in Ireland—that man was considered the most prosperous and enviable whose broad acres

were tenantless, and whose followers consisted only of a ploughman, shepherd, and the other few labourers indispensable for purposes of agriculture. Indeed, it appeared that in Ireland men were regarded as inconvenient and unprofitable animals. It was the duty of a Government to deal impartially with all classes of its subjects, and the tenant farmers of Ireland now called upon Parliament to extend to them such protection as would raise them to a position of independence. They asked Parliament to legalize the principle of compensation for improvements effected by themselves, and thus not only reward them for past days of toil, but to animate them by such a sense of security to redoubled exertion for the future. He regarded this Bill as a social and political necessity for Ireland—a social necessity, because without the enactment of such a law it was impossible that that feeling of security which was the essence of happiness should ever gladden the fireside of the poor; and a political necessity, because in the present relation of landlords and tenants it was perfectly impossible for the latter to act in accordance with the dictates of their own judgment. The power of eviction had been carried to an unwarrantable extent in Ireland, yet successive Administrations had looked listlessly on. The three predominant passions in Ireland for some time past had been and still were the acquisition of land, the enlargement of farms, and the diminution of poor rates. The removal of the population had been considered the one thing necessary for the accomplishment of those ends, and this object had been effected either by eviction, or by withholding from the tenant-farmers all inducements to remain at home, and so eventually driving them to emigration. The Incumbered Estates Court, which had been established subsequently to the famine of 1847, had opened a new field to speculative capitalists, and in the first instance a large amount of property was sold at very low prices. The purchasers found their tenants little skilled in agriculture, and that the more profitable course would be to cultivate the land themselves, or to introduce new tenants possessing more skill and capital than those on the estates. Accordingly, the tenants were evicted, and had their choice of three evils —starvation, the workhouse, or compulsory emigration. The same system was still continued, and the recent purchasers of land had no justification for their conduct, because they could not plead, like the purchasers in 1849, that Ireland was overstocked with inhabitants, and that the interests of the country required a diminution of the population. He submitted that it was the paramount duty of Parliament to enable the people of Ireland to live prosperously in their own country, and he trusted that, with the view of checking the mania for land speculation and for enlarging farms, they would give their assent to this Bill, which would make every man, who evicted an industrious tenant, except for non-payment of rent or other reasonable cause, pay for so doing. The unbridled power of eviction had filled Ireland with desolation, and had led to many disasters. It was at the root of that feeling of distrust which marked the intercourse of landlord and tenant in Ireland, and had been the cause—and would, if uncontrolled, continue to be the cause—of agrarian outrage and crime in that country. He did not think that the Bill would at all interfere with the action of the Incumbered Estates Court. If there were insolvent proprietors, whose estates must be sold, he did not see why the State should not purchase them and lease them to the tenants. This might be a novel doctrine, but he thought it was one upon which the Government might safely act.

Motion made, and Question proposed, "That the Bill be now read a Second Time."

SIR JOHN WALSH, in rising to move that the Bill be read a second time that day six months, said that the hon. and learned Gentleman had commenced his speech by laying down several general positions, in which he (Sir J. Walsh) entirely concurred. It was quite true that the question was as much an English as an Irish one. It was quite true that the prosperity and improvement of Ireland had of late years been marked and rapid, and the hon. Member must admit that this agricultural improvement had taken place under the state of law he desired to change. From these general axioms, the hon. Member proceeded to bring forward a number of individual cases of alleged oppression on the part of landlords to their tenants. The hon. Member had travelled from Kerry to Donegal, from Cork to Leitrim, and had challenged him (Sir J. Walsh) to give an answer to each of these cases. The hon. and learned Gentleman, however, would be candid enough

to admit that it was impossible for him, unacquainted with the circumstances of these evictions, or with the justification the landlords or their agents might have for their proceedings, to answer the hon. and learned Gentleman with regard to them. He must, therefore, decline to accept the challenge of the hon. Member, and content himself with observing that a few *ex parte* statements got up from different parts of the country, and probably capable of being contradicted, were not a sufficient ground on which to found one of the most important changes in relation to property which ever had been attempted in this empire. He would just remind the House of one case two years ago which had excited a good deal of eloquent denunciation, but which turned out on inquiry to be wholly unfounded. A Scotch gentleman, of the name of Pollok, had purchased a large estate in the Incumbered Estates Court. He proceeded to expend considerable sums of money in its improvement. But his mode of management did not meet the ideas of the tenant-right men in his neighbourhood. Petitions were presented to this House against his cruel and oppressive proceedings. Heart-rending pictures of the misery he had caused were made by hon. Members with all the pathos of Irish eloquence. He was denounced as a more remorseless tyrant than Cromwell himself. But shortly afterwards, his (Sir J. Walsh's) hon. Friend the Member for Renfrewshire made a very clear statement in defence of Mr. Pollok, by which it appeared that, so far from being an oppressor, he had been a benefactor to the county in which his estates were situated. He had indeed managed them rather in the Scotch than the Irish fashion, and had converted a number of wretched cottier tenants into good thriving labourers; but the population had been increased instead of diminished, and the general condition of the tenantry greatly improved. This case, of itself, would make him (Sir J. Walsh) extremely cautious in too hastily assuming the full accuracy of the statements adduced by the hon. Gentleman, with regard to which there had been no opportunity of affording any explanation. It appeared to him that there had been one very important omission in the speech of the hon. and learned Member for Dungarvan. In the course of his speech the hon. and learned Member had drawn a fearful picture of the condition of the tenantry of Ireland; he had gone over a great variety of topics, but he had forgotten to allude to the provisions of the Bill which he held in his hand. He never once alluded to them. It might have been the India Bill, or any other Bill, for aught the House knew. The hon. and learned Gentleman had not told them how he proposed to carry out his plan. That omission he would endeavour to supply. First of all, he would remind the House that the hon. and learned Member had made a very spirited attack on the Government of the noble Viscount the Member for Tiverton, and by implication on Her Majesty's present Administration, for the manner in which they had tampered or played with this question; and he complained that they had misled the House by the mode in which they had treated the subject. On looking back to what had been done by the Derby Government in 1852, and by the Government of the noble Lord opposite, he (Sir J. Walsh) was inclined to think that the only way in which they had tampered with the matter was by doing a great deal too much in endeavouring to meet the views of the hon. and learned Gentleman and the other advocates of tenant-right. He (Sir J. Walsh), as a decided opponent of what he regarded as the vicious principle of tenant-right, considered that the fault lay in the other direction, and that both Governments were liable to the charge of having attempted too much—and attempted it against their own convictions—for the purpose of finding some common ground on which they might be enabled to bring the question to a settlement. Mr. Napier, the Attorney General for Ireland, in the first Government of the Earl of Derby, had introduced a Bill which many persons thought went an extravagant length. It involved the principle of retrospective compensation to tenants—a principle which he (Sir J. Walsh) had always considered to be utterly unjust and indefensible. Mr. Napier had honestly desired to carry that principle into effect, but being an acute lawyer as well as a just man, he had found it necessary for the protection of property to encircle the Bill with a number of limitations and guarantees. The consequence was, that the measure was extremely distasteful to those hon. Gentlemen who professed the opinions of the hon. and learned Member for Dungarvan. The Bill, however, passed through the House of Commons, but being met with decided opposition in the House of Lords it had fallen through in the course of the Session. In the year 1854 very little had been done in

the House of Commons with reference to that question. But in the year 1855 an attempt was made by another Administration to effect its settlement. The Tenant-right Bill of that year had fallen into the very able and judicious hands of Mr. Serjeant Shee. The hon. and learned Gentleman, as a man of business, of very considerable legal knowledge, and of great tact and discernment, did not attempt to carry the extreme measure previously proposed by Mr. Sharman Crawford. He started from a lower point, and resolved on taking as the basis of his legislation the Bill which had passed through that House in the year 1853. He asked for the support of the noble Lord the Member for Tiverton, and the noble Lord stated with his usual frankness that the principle of the Bill was one which did not meet with his entire concurrence, but he showed a disposition to admit that there might be special grounds for adopting an exceptional system of legislation in Ireland in reference to that question. The result was, that he gave an apparently reluctant acquiescence to the introduction of the measure, and he then offered to take it up with certain modifications as a Government Bill, and to endeavour, with those alterations, to carry it through the House. But poor Serjeant Shee found himself upon that occasion deserted by his own Friends, while he on his part declined to accept the modifications suggested by the Government; and as the offer of the noble Lord was not accepted, the measure was abandoned. In the year 1856 the question was taken out of the hands of Mr. Serjeant Shee, who was cashiered from his post as leader, in consequence of a Resolution adopted by a great tenant-right meeting held in Ireland, which repudiated the compromise he had sought to carry into effect. The subject had then been consigned to the able and eloquent, but as he (Sir J. Walsh) believed, the less judicious advocacy of Mr. Moore. That hon. Gentleman had brought forward in the year 1856, not the measure of compromise adopted by Mr. Serjeant Shee, or the modification of that measure proposed by the noble Lord the Member for Tiverton, but the Bill of Mr. Sharman Crawford in its integrity. The House divided most unexpectedly on the second reading of that Bill at about one o'clock on a Wednesday, without any discussion of its principle; and the result was that the Motion was carried by a small majority, which, however, under the circumstance, afforded no adequate test of the opinion of the House. But the right hon. Gentleman who filled the office of Secretary for Ireand at that period (Mr. Horsman) afterwards stated in reply to a question from Mr. Stafford, that he should feel it his duty, as the representative of the Government, to oppose the Motion for going into Committee on the Bill; and the measure was afterwards withdrawn by Mr. Moore in a state of extreme anger. Since that time the subject had barely been kept alive; a Bill had been introduced, but not persevered in, last Session; and it might be said that, substantially, it had not been brought under the consideration of the House until the hon. and learned Member for Dungarvan had introduced the present Bill. Now, it appeared to him (Sir J. Walsh), that a measure of such importance ought to be carefully considered by the House, and that it ought to be openly and decisively either rejected or adopted. He did not think that the question could be left in its present state of intermittent agitation, which resembled the gout or the rheumatism, or some other irritating chronic malady, which never assumed an active form, but which in that condition very injuriously affected all the relations of property in Ireland, disquieted the minds of the tenantry, and disturbed the repose of the landlords. It was with that conviction that he, as a member connected by property with Ireland, and taking a considerable interest in the prosperity of that country, although not himself an Irishman, ventured to ask the House to come to some practical decision upon that subject. What was the principle of the Bill? What was the real question they had then to consider? Its professed principle was that compensation for improvements should be given to tenants in Ireland; but he could not help thinking that it was a measure of a much more comprehensive character than those words would imply. One fault the measure certainly had not; it was not open to the charge of diffuseness. Considering the destruction of property to which, in his opinion, it would lead, it was remarkably concise. It contained but nine clauses, six of which, as they merely related to the machinery by which the scheme was to be carried out, would more fairly be considered in Committee than by the House. The main principle laid down appeared to be contained in the first and eighth clauses. The first section began thus:—

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"For the purposes of this Act, all improvements in the soil, and all buildings, and all works of every description, by means of which the annual letting value or fee simple interest of the premises shall be or shall have been increased, and which shall be or shall have been made at the cost or by the labour of the tenant, or purchased, or inherited by him from his predecessor, shall be taken to be the property of such tenant, subject to the rules hereinafter provided."

Then there was a proviso that the tenant should be compensated for any loss or injury he might sustain by dispossessment, which would of course subject the landlord to a kind of action for damages at the will of the out-going occupier. But let the House mark the extent of the words he had just quoted, comprising all improvements of the soil "which shall be or shall have been made at the cost or by the labour of the tenant, or purchased or inherited by him from his predecessors." Now, all improvements in the soil resulted from the application of labour and capital. Land, until labour or capital had been expended upon it, was valueless, or nearly so. The principle embodied in this clause would negative any right or interest possessed by the owner of the soil as such in the added value conferred upon it by the application of the only agents which did in fact give it any value. Now, he (Sir J. Walsh) was not going to mount up to the first principles of human society, nor to enter into a theoretical discussion upon the nature of property. He would content himself with asserting that the laws, the institutions, the whole social fabric of the British empire, were founded upon a directly contrary principle—namely, that the owner of the soil had, independently of any application of labour and capital of his own, a right to participate in the improved value of the soil, derived from his property in it. The principle of this Bill would, in fact, sweep away all property in land. He did not mean to say that the Bill carried out this theory to the full extent; for it would, as a sort of concession to the landlord, allow him to receive a species of rent-charge on the property of which he was a nominal owner, but a strict interpretation of the words of the clause would fairly affirm the principle that the increased value of the soil belonged solely to the persons who had caused that increase by their labour and capital, and that no part of it belonged to the landlord. This inference was inevitable. The eighth clause provided that any tenant who chose to sell his interest might at once bring the question to issue with his landlord, and force an immediate adjustment of his claims to compensation. The simple effect of these two clauses would be, that landlords, as distinct from occupiers, would no longer exist in Ireland; that, as in the case of the tithe commutation and similar arrangements, there would only remain a set of persons having no interest in the improvement of the soil, and who would be no way connected with it except by drawing a rent-charge. The landlords would be holders of rent-charges and nothing more; their connection with the soil would in all other respects be severed. That was the true character of the Bill which the House of Commons was then asked to adopt. He wished to ask English Members whether they were prepared to pass a measure which would effect so great a change on the most important of all the relations of property?

Mr. MAGUIRE said, he believed the hon. Baronet had entirely mistaken the eighth clause, and he would ask him to look at the words of that portion of the Bill.

Sir JOHN WALSH: His argument had such special reference to the first clause that he did not think it necessary he should dwell at any length on any other portion of the Bill; and he had, besides, to observe that the hon. and learned Gentleman the Member for Dungarvan, would have an opportunity of replying to him, and of correcting any errors into which he might have fallen. He believed it could not be denied that the first clause bore the interpretation he had put upon it, and that clause fully justified the description he had given of the general character of the measure. He would next ask English Members whether the passing of such a Bill for Ireland would not afford a strong ground for introducing a similar Bill for this country? This, therefore, might be regarded as a first blow aimed at the destruction, throughout the three kingdoms, of that property which the law, which immemorial prescription, which all our customs and ideas, affixed to the ownership of the soil. According to our ordinary notions, there was a partnership between the landlord and tenant, and each participated in the benefits resulting from the profitable cultivation of the soil. This Bill, however, would entirely sweep away such a principle, and would change the whole face of British society. What was the case in England and Scotland? In the latter country, especially in the course of the last twenty-five years, cases had occurred perfectly analo-

gous, as far as he understood them, to those which had been brought forward from Ireland, with this exception—that he believed the improvements effected by the Scotch tenants had been much more extensive, and the consequent benefits to landlords much more positive, than any which had resulted in the sister country. Whole tracts of land, particularly in the north of Scotland, had been reclaimed from a state of barren desolation and made cultivable within the last twenty-five or thirty years, and from being worth a few shillings were rendered worth from 20*s.* to 30*s.* per acre, and this had been entirely effected by tenants on nineteen or twenty-one years' leases. At the expiration of these leases, as a matter of course, without being charged with any oppression, cruelty, or invasion of the just rights of their tenantry, the landlords relet this land at a considerably increased rent, and received the benefit of the whole labour of those tenants. Now, this system had existed among a very sagacious people, not at all in the habit of labouring for others without proper remuneration, and yet we had not heard of any demand for tenant right in Scotland. In Scotland, land was generally held on leases for a considerable term of years, while in a large part of England (though the custom varied in different localities) it was held by tenants at will. No tenant-right agitation, however, prevailed in England; the occupiers were perfectly content with the present system. Why, then, was such a demand made in Ireland? No doubt there was a distinction between the state of the two countries. Hon. Gentlemen unacquainted with the sister kingdom might, however, suppose that there was a general feeling of insecurity among the occupiers of land there. Unquestionably, the tenant holding at will might be dispossessed at any moment, but the question was, under what circumstances, and how often, such a power was asserted by the landlord. Now, having some practical knowledge of the state of landed property in both countries, he believed that the Irish occupier, although a tenant at will, had a much greater hold on his lands, a much stronger prescriptive claim, sanctioned by custom, to be continued on his lands, than in England. If cases of forcible eviction were more frequent in Ireland, it was because the small tenancies were far more numerous, and also because tenants at will attempted, in Ireland, acts which they never would dream of in England. He believed that the prospective right of the tenant to his farm was more generally recognised and more rarely invaded in Ireland than it was in this country. This was his firm belief, and he might, if necessary, mention many facts to confirm it. The hon. and learned Member had cited the high authority of the late Mr. William Blacker, in favour of the views he advocated, but he did not refer to the evidence given by that gentleman before the Colonisation Committee of the House of Lords in 1849, when, after the potato crop had failed, he contradicted all the opinions which he had previously advocated in the work referred to by the hon. and learned Member. Mr. Blacker was at one time an enthusiast in favour of small farms, and maintained Utopian opinions as to their capabilities and resources under a good system of cultivation. When, however, he was called upon to give evidence before that Committee, which was presided over by Lord Monteagle, he said his whole theory respecting small holdings and all his calculations, were based on the supposition that the potato would continue to be the staple food of the country, and that the instant the potato could no longer be relied on for subsistence, all his previous calculations became erroneous, and that, as a matter of course, one-half of the population of the country must be in want, could not pay their rents, and could not live in comfort upon the soil. The fact was, that the failure of the potato-crop imposed a tremendous strain on the owners of property in Ireland, and it was in consequence of the changes in the tenure of landed property which then became inevitable, that the dissatisfaction arose among the Irish tenantry, in which the tenant-right cry had its immediate origin. He (Sir J. Walsh) had stated that tenants in Ireland had still a stronger hold of the land which they occupied than that which was possessed by the same class in this country; and in confirmation of that statement he might appeal to the practice which prevailed almost universally among them of disposing, as they might think proper, of their holdings in their wills, of rendering them liable to the payment of jointures. Mr. Blacker, in his evidence before the Committee of the House of Lords on Colonization in the year 1849, bore the strongest testimony to the existence of a habit among the Irish tenants of subdividing and of transmitting according to their own inclination the land which they held. He observed that the subdivision of hold-

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ings took place from this cause chiefly, and that it generally occurred without any outward or visible sign; all the members of the family might live together; but still the subdivision existed, and could hardly be avoided, and he added, that if landlords in Ireland had sometimes used the cotter system for electioneering purposes it was rather because they had found the land subdivided than that they were ready themselves to effect the subdivision. Indeed, it was not at all likely that any landlord would pursue the suicidal policy of subdividing his property for the mere purpose of obtaining Parliamentary influence. This, then, was one of the causes of the almost constant war between landlord and tenant. There was, and there must be, a disposition on the part of the landlord, to avoid these incessant subdivisions which, unless there were a certain degree of authority and influence exercised by him, as Mr. Blacker had justly pointed out, would inevitably lead to the confiscation of the land of the country. Was it then the interest of the gigantic monopolist proprietor alone to prevent this fractionising of the land? He contended that it was equally the interest of the community and of Ireland itself; and that the present and future progress of that country was retarded by the inveterate desire of the tenants to revert to small holdings. As a necessary consequence, there was induced a low, poor, unprogressive, degraded state of civilisation. In the very nature of things, a swarming population of millions, composed of small cottier occupiers, must be a low population in the scale of nations. It could never elevate itself. It wanted the element of progress, and he was quite certain, in opposition to the views which had been so strongly advanced by the hon. and learned Gentleman opposite, that a very large proportion of the amendment and progress which had been so distinctly observable in Ireland since the great calamity of the potato disease, was owing to the pressure of the superabundant population in many districts being taken off by the safety valve which emigration had afforded, and moreover that all parties had benefited considerably by the change. The hon. Gentleman opposite, with the animated eloquence of an Irishman, had drawn a pathetic picture of starving crowds landing upon the quays at New York. On the other hand he (Sir J. Walsh) had seen letter after letter from emigrants declaring that they were never so happy, comfortable, prosperous, and well off in Ireland as they were in America, Their relations, too, whom they had left behind them, had equally experienced relief. They said, "We can now improve our farms, we have an interest in our occupations, we are no longer ground down—not by the oppression of the landlord, but by the multiplicity of mouths." He had found that both parties— those who emigrated and those who stayed at home—had been equally benefited; he thought also the landlords had greatly benefited; that they had now an opportunity given them of carrying out improvements on their farms upon which they could not otherwise have ventured to embark; and that the relief which had been afforded by this partial emigration, had been most extensive and most real, and was the cause of those prospects of improvement which were not merely drawing, but had to a great degree been lately realized in Ireland? He considered that emigration, as far as it had proceeded, was a positive benefit, and that it would never be carried too far; that an Irishman, generally speaking, was extremely reluctant to quit his country, and that he seldom did quit it, unless he failed to possess the comforts there which were to be had elsewhere. In the country to which he emigrated, he found himself much more comfortable; and this he (Sir J. Walsh) regarded as an instance of the beneficial effects of that principle of free trade in labour to which, he must say, he was now an entire convert. The demand and supply of labour adjusted themselves, if they were left to themselves; and he was quite convinced that the interchange of labour between Ireland and America had been most beneficial to both; to the landlords, to the emigrants, and to the population which was left behind. The next point to which he should refer was the presentation of petitions to the House from the people of Ireland in favour of the principle of which the hon. Member for Dungarvan was the advocate—a point upon which much stress had been laid, as tending to establish the fact that a considerable amount of agitation prevailed in the sister country in connection with the question of Tenant Right. An hon. Gentleman, not then in his place, had, it was true, laid upon the table a small slip of paper, which was said to be the representation of the ardent wishes of a particular locality in Ireland upon the subject, and other hon. Members had also

presented petitions in favour of the Bill before the House, but he (Sir J. Walsh), nevertheless, was of opinion that the agitation which was said to exist was by no means so general as the hon. Member for Dungarvan seemed to suppose, while it was his firm belief that any which did exist would soon die away. The Irish people were doing well. Ireland itself was improving. The tenantry were making great progress. Tenants and landlords had every disposition, in the great majority of cases, to work cordially and satisfactorily together; and he believed that in a great many parts of the country the people cared very little indeed about the question. The House must remember, however, that the hon. Gentleman opposite, and those by whom he was supported, had a sort of vested interest in the agitation of the question of tenant right. They, as representatives of a certain popular party, had always been its advocates. [*Cries of* "No!"] The hon. Gentleman to whom he alluded seemed to dissent from that statement, but it appeared to him, without casting any imputation upon those hon. Gentlemen, that having advocated the principle at the hustings, and many of them having had their return assisted by the sympathy which prevailed between them and their constituents on this subject, if that feeling of sympathy became less vivid or warm, *pro tanto*, there might be a certain diminution of that thorough cordial agreement between hon. Gentlemen and their constituents which had existed in former years. "Tenant right" had been for some time a catching cry at Irish elections, and it might perhaps be necessary, but not easy, for hon. Gentlemen to apply themselves in future to the agitation of questions more attractive than that of tenant right. [*Cries of* "Oh, oh!"] Well, as it appeared to be somewhat painful to hon. Gentlemen, he would not then pursue the subject further. There was one point, however, which he felt that he could not too forcibly impress upon the House, and that was, that the principle embodied in the Bill under discussion was altogether subversive of the rights of the landlord; that it, in fact, proposed to convert him into a mere rent-charger; and that the utmost he could with truth say of his property, if the Bill passed into a law, would be, "Well, this once belonged to me." It followed, therefore, as a necessary consequence, that the interest which the landlord took in the improvement and amelioration of his estates would be at an end. If he continued to have any love for improving his property, it must be the mere abstract love of agricultural improvement. He might still delight in going through a well cultivated country. If hon. Gentlemen visited Norfolk, Suffolk, or Lincolnshire, their eyes would be gratified by a great display of the best style of farming, extensive fields of turnips, and all the other evidences of profitable and scientific agriculture; and he presumed that the pleasure which an Irish landlord would henceforth enjoy in looking at his own estate would be something of an analogous character. It would be gratifying, no doubt, to see that Michael Kelly had done so much. He would feel a regard for Michael Kelly, and would be happy at seeing him cultivating his farm so well; but though this might be the source of pleasure to the landlord, it would be rather too much to expect of him that he should make large sacrifices, invest his capital, or do anything else from which he was not likely to derive any adequate and proper return. What he wanted to point out to the Irish people was this: that in all countries the landlord was not a mere sleeping partner, a mere recipient of rent, the mere looker-on whilst the tenant was improving, but was an active partner in improvements. His interests were necessarily united to those of the tenants in the improvement of the land. A class of tenantry, particularly like the Irish, who cultivated very small farms, and were not at all advanced in the practice or science of agriculture, were dependent upon their landlords for improvements, and the moral influence of the landlord, the example of the landlord, nay, he would go further, and say the control of the landlord, was an integral and necessary part of that agricultural improvement which the Bill assumed to originate solely with the cultivator of the soil, and to be confined entirely to the occupier who immediately tilled the ground. All experience showed that to be the case, and they could not go into a single county either in England or Ireland without finding that it was from the landlord, in the first place, that improvements emanated. No doubt the tenants were the hands and followed them up; but the landlords were the heads, and it was always with them that every improvement and beneficial advance in agriculture, as in other matters, originated. All this, of course, would be utterly destroyed if the Bill upon the table were agreed to. All that influence which

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a higher, a superior, and better-informed class exercised over the classes below them would be swept away, and a population would be called into existence which would be always tending downwards to those sub-divisions which multiplied the numbers, but which sank the social scale of individuals. All those beneficial influences which the mixture of classes necessarily created in a great nation like the Irish would be utterly destroyed; and this deplorable result would be brought about by the present most revolutionary Bill. He was persuaded that no Englishman who took this Bill in his hand. read it, weighed its provisions, and understood its effects, would ever give his vote for it. He was convinced that it was not a mere question of tenant right, such as was proposed by the present Lord Chancellor of Ireland, Mr. Napier. It was not a question of tenant right such as was proposed, though rather reluctantly, by the noble Lord opposite. It was a question which involved the entire confiscation of the rights of the landlord and the property of the landlord, and a revolutiou in the laws which effected landed property, and, as he believed from the bottom of his heart, that a revolution of this nature, so far from being beneficial to Ireland, would retard the advancement of that country in the career of that improvement in which she was now progressing, and throw it back into the vicious state of society from which it was now emerging. He begged to move the Amendment of which he had given notice, that this Bill be read a second time upon this day six months.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

Question proposed, that the word 'now' stand part of the Question."

MR. J. D. FITZGERALD said, he could assure the House that, if he for one moment thought the results which the hon. Baronet who had just spoken seemed to anticipate were likely to flow from the adoption of the principle of the Bill under discussion, he, for one, should vote against it; but, believing, as he did, that the operation of its principle would be to secure the rights of the landlord, while it afforded a great protection to the tenant, he should give to the second reading of the Bill his cordial support. And what, let him ask, was the principle which the measure sought to establish? Why, it was one precisely the same as that which was contained in a Bill which had been introduced by Mr. Napier, the present Lord Chancellor of Ireland, in 1852, and which was to the effect "that it would tend to the improvement and better cultivation of land in Ireland, if provision were made by law for securing to the tenant and the occupier of the soil in that country the due benefit of the expenditure of the capital and labour made by them upon the land in their lawful possession." That was the principle which had been set forth in the preamble of Mr. Napier's Bill, which had been adopted in the measure which had subsequently been introduced by Sir J. Young, founded upon the result of the labours of the Committee of 1852, and which had, upon six different occasions, received the sanction of the House of Commons. To that principle there was not, he believed, a single leading statesman in Parliament who had not given in his adherence. It was enunciated by Lord Stanley, in 1845, at that time the organ of Sir R. Peel's Government in the House of Lords. A Bill, containing it, was introduced by the right hon. Member for Carlisle, Sir James Graham and Lord Lincoln, in the House of Commons, the following year. It was found in the Bill of the Whig Government which succeeded. It entered into the Bill which resulted from the labours of the Committee of 1853, the preamble of which ran almost in the very words which he had quoted from Mr. Napier. That Bill passed the House with acclamation, and now, in 1858, the Bill, which had been sanctioned on principle by so many successive Parliaments, was again before them for discussion. By that principle, therefore, he, for one, was prepared to abide, notwithstanding that there were many of the details of the measure before the House which he entirely disapproved of, and which he should be glad to aid the hon. Baronet opposite in so amending as to render the operation of the Bill as conducive as possible to the best interests of both landlord and tenant. He should not follow the hon. Baronet through all the observations which he had made, in reference to the various clauses of the measure, but he could not refrain from remarking that the hon. Baronet seemed to him to have very much misrepresented some of its provisions. The hon. Baronet had declared himself to be a convert to the great principle of unrestricted competition, of which he had at one time been a most determined opponent; and he trusted he

should, before long, find him a convert to the principle which the hon. and learned Member for Dungarvon invited the House upon the present occasion to sanction. By one observation which had fallen from the hon. Baronet, he had, he should confess, been very much taken by surprise. It was to the effect that there was to be found in this country a greater number of instances of eviction and of oppressive conduct upon the part of the landlord than in Ireland.

SIR JOHN WALSH: The right hon. and learned Gentleman has entirely misconceived the purport of my remarks upon that point.

MR. J. D. FITZGERALD continued: He regretted that he had misapprehended the hon. Baronet's meaning; but he might, at all events, assure him that his own experience had made him cognizant of certain facts which indicated the existence of a state of things which had, he believed, no parallel in this country, and which were a disgrace to any landlord. It had been his habit, while in office, to trace out, as far as possible, the causes of crime in Ireland and the result of the experience which he had thus acquired had been to impress him strongly with the conviction that, in the great majority of cases, crime had its origin in the unsatisfactory nature of the relations which subsisted between landlord and tenant in Ireland. He might add that, upon investigating one case to which his attention had been called, and in which a conspiracy had been entered into to commit a serious crime, he had found that the gentleman who had been the object of that conspiracy had been accustomed, year after year, to serve notices to quit upon every one of the tenants upon his estate and insist on the formal delivery of possession. The question, however, which the House had to consider was, whether the Bill under discussion, whose object was, as had been stated by his hon. Friend the Member for Dungarvan, in his able and effective speech, to place the relations between landlord and tenant in Ireland upon a more satisfactory footing than that upon which they now stood, was based upon principles of abstract justice. The principle which it involved had, at all events, received the sanction of successive Parliaments, and had in its favour the decision of a Committee, of which he, as well as the noble Lord opposite (Lord Naas) were members, and which had brought to bear upon the question submitted to its consideration an amount of labour and ability which had, he believed, rarely been equalled. For his own part, he had no hesitation in declaring it to be his opinion that the principle of the Bill, assuming that principle to be such as he had stated, whether regarded upon the ground of abstract justice or viewed through the medium of economic science, was one which the dictates of a sound policy called upon the House of Commons to adopt; one, by assenting to which, Parliament would be doing no more than abstract justice to the tenant, while it would in no respect be sanctioning the confiscation of the landlord's interests—a step to which he, for one, could never give his support. Ireland was now, fortunately, peaceful and prosperous; and the present was, therefore, a period peculiarly favourable for the enactment of a measure for placing upon a satisfactory footing a question, the unsettled state of which had hitherto been the fertile source of crime in that country, for whenever an epidemic of crime, so to speak, had broken out among the Irish people, it almost invariably arose from the disturbed condition of the relations of landlord and tenant. He had just alluded to his own experience in support of that view; he might add, that during the three years which he had been in office there had been only three executions for capital offences in Ireland, and the commission of those offences might, in each instance, be traced to the cause which he had indicated. The previous history of the country served to corroborate the opinions which he had entertained upon that particular subject. He held in his hand a pamphlet which had been written a few years ago, and addressed to the late Sir Robert Peel by Sir Matthew Barrington, the Crown solicitor for Munster, a gentleman of great ability, posoessing a considerable amount of landed property himself, as well as the advantage of forty years' experience as Crown solicitor, to guide him in coming to a just conclusion upon the question of which he treated. Well, in that pamphlet, all the agrarian outrages which had been committed in Ireland since the year 1760 were attributed to the insecurity of the tenure by which the tenants in that country held their land. The outbreak of the Levellers in Munster in 1760; the disturbances created by "The Hearts of Oak;" "The Hearts of Steel," and the "Peep-o'-Day" in 1763 and 1764; by the "Right Boys"

in 1786, and the "White Boys" in 1806—all, according to Sir Matthew Barrington, might be traced to a similar origin. Allusion had been made to the unwillingness of the Irish peasantry to aid in the discovery of the perpetration of outrages, and Sir Michael Barrington attributed that unwillingness to an idea on the part of the peasantry that a disturbed and unsettled state of the country was the best security for the preservation of their wretched and precarious possessions. Upon the ground of abstract justice, and also for the safety of life and property there, it was desirable that the principle of compensation to a tenant for permanent improvements should be recognized. There was another authority to which he might refer upon this subject, Mr. Hancock, an agent for very extensive estates, a man remarkable for his intelligence and acquaintance with the circumstances of Ireland, was examined before the Devon Commission, and he was of opinion that tenant right was beneficial to the whole community—to the landlord, to the tenant, and to society at large. In the pamphlet which he had already referred to, Sir Matthew Barrington mentioned the circumstances of a district in Kerry called Glenbeigh, which had been transformed from an asylum for all the robbers and murderers of the country into a peaceful and orderly locality, which change was solely attributable to the attention, encouragement, and assistance which they had received from their landlord, Lord Headley. That was the case when leases were granted to tenants, who were thus made secure in their holdings, and induced to effect improvements, which otherwise they would have done only at the risk of immediate eviction or increased rent. It was, then, very desirable for all parties that this question should be settled, and although it was true that the agitation for tenant right was not now so strong as in 1852, yet the desire of the people of Ireland to obtain it was not at all abated. The Devon Commission had reported that the results which would follow the enactment of a tenant compensation law would be vastly beneficial. At present tenants could not be expected to effect improvements at the risk of being turned out of their holdings or mulcted in increased rate. Landlords might not be so bad as in the days of Swift, or even later, but the tenant's rights ought not to depend upon the chances of a good-natured landlord. If a measure were passed giving the tenant a right to compensation for all permanent improvements effected by him, it would, far from injuring the landlords, conduce to a regular payment of rent, and would stimulate the occupiers to greater exertions to increase the productive powers of the land. Having been a member of the India Committee, and of the Tenant Right Committee of 1853, he had been struck by the evidence given in the former, which proved that the condition of the Indian ryots, for whom so much commiseration had been expressed, was superior to that of the Irish peasant. The ryot was certain of his land as long as he duly paid the tax, and if he erected any buildings, or dug a well, or effected any improvement which increased the productive power of the land, he was not called upon to pay the tax upon the improved value. The Irish tenant, however, who made any improvement, ran the risk of being turned out of his holding, or required to pay rent for the improvement he had himself effected. Another point connected with this subject was the effect which the passing of a tenant-right measure would have in rendering the people of Ireland more independent in the discharge of their political rights. Many complaints had been made of the undue influence exercised by Roman Catholic and Presbyterian clergy upon their flocks, but that influence was necessary to counterbalance the undue influence exercised by landlords over their tenants. When the one ceased, the other would no longer prevail. Upon these grounds he should support the second reading, believing that a measure based upon the principle of this Bill would be a great benefit to Ireland and the empire generally. He desired finally to repeat that he declined to consider the detailed provisions of the Bill until the measure was in Committee, and by his vote he intended only to support the principle he had stated.

Viscount PALMERSTON: Sir, I am anxious to state at this period of the debate the course which I intend to pursue. As the vote I am about to give will differ from that of my right hon. and learned Friend who has just announced his intention of supporting the second reading of this Bill, I wish to explain the grounds upon which I shall take that course. My right hon. and learned Friend has said that this Bill is founded upon a principle to which all parties in this House have at various times assented—the principle that compensation shall, under certain circumstances, be granted for certain improve-

ments made by tenants. But, Sir, it appears to me that my right hon. and learned Friend has misconceived and misunderstood the leading principle of the Bill which we are now asked to read a second time. The leading principle of this Bill is not the simple principle to which my right hon. and learned Friend has adverted, and to which I and others in this House have at different times agreed. The leading principle of this Bill is contained in the first clause, and it appears to me to be something the effect which has been described by the hon. Baronet opposite, to transfer the property of one set of persons to another and a different class. I must observe that the hon. and learned Gentleman who moved the second reading of this Bill has entirely abstained from explaining to the House what are the principles which the provisions of his measure is intended to enforce. If my memory is accurate, when he obtained leave to introduce the Bill he did not then explain the elements it was to contain. Neither in the speech which he has made to-day, eloquent and stirring as it was, nor in the speech of the hon. Member who seconded the Motion—a speech which we all listened to with great admiration—a speech full of talent, full of matter calculated to impress the mind of the House, in neither of those speeches was there any description given of the particular provisions by which the hon. Mover intended to apply the principle of compensation to tenants for improvements effected by them. He dilated on other points, in respect to which it appears to me his arguments are not altogether consistent with each other. The hon. and learned Gentleman deprecated the amount of emigration which had taken place from Ireland, and which he described as the effusion of the life-blood of the country; but, on the other hand, he congratulated the House upon the increase which had taken place in late years in the size of the farms in that country. He showed us that the number of small farms had materially diminished, and that of larger holdings had increased. But, I ask, how could that advantageous change have been brought about except by emigration? It is obvious that, unless the holders of small farms disappeared in some way, either by emigration or by the more afflicting course of the calamity with which Ireland was visited, it would have been impossible to bring about a consolidation of farms. The hon. Member who seconded the Motion appeared to deprecate that influx of capital invested in land in Ireland which has been the result of sales under the Incumbered Estates Act, and he considered the effect of the Bill before us, if carried, would be to discourage that influx of capital, and would render people less desirous of purchasing estates and land in Ireland. I do not agree with the hon. Member in that conclusion, and it appears to me that the purchases of land which have been made, whether by English or Scotch, or to a still greater extent with Irish capital, have already led to a great improvement in the condition of Ireland, and must, by creating a class of small proprietors, tend to continue to lead to progressive improvement and ultimate development of the resources of that country. Now, as to the principle of his Bill. There is one principle which I have always maintained to be a fundamental principle in regulating transactions between man and man—that those who have mutual relations should be left to deal with each other as they please, and that any law which tends to restrain the freedom of either party in their mutual transactions is most objectionable. At the same time I have always admitted, and am ready to admit again, that there may be and perhaps are in the condition of Ireland circumstances which render a departure from that principle advisable and expedient, but I have always maintained that such departure ought to be limited and regulated by provisions which should, as far as possible, prevent us from inflicting injustice upon any one. A retrospective enactment, which transfers from the landlord to the tenant that which by law has hitherto been the property of the former, which both parties know and have always known to be his property, an Act which does this is, I conceive, most unjust and ought not to be allowed. No improvement in any country can be founded upon injustice. The moment you depart from those truths upon which the security of property is based, depend upon it, however much you may be tempted by momentary or temporary considerations, you will inflict a fatal blow upon the interests of the country which you think you are serving. Now, that to which we agreed on a former occasion was, that there should be a prospective compensation, that that compensation should be limited to improvements which should be visible, tangible, and capable of distinct and clear valuation; that is to say,

compensation should be limited to buildings, to roads, fences, and such things. There were other provisions connected with the arrangements regulating the mutual relations of landlord and tenant, which it is unnecessary now to mention; but the Bill which we assented to was so different from that which we are now called upon to read a second time, that I should despair, upon going into Committee upon this Bill, of the possibility of converting it into a measure to which I could feel myself at liberty to give my assent. To read a second time a Bill, the main and fundamental principle of which appears to me to be at variance with justice, would not, I think, be dealing with the forms of this House in a proper manner. I am unable to give my consent to the second reading of this Bill; but in voting against it, I do not intend to vote against the principle which my right hon. and learned Friend has contended for, and which he said would guide him in supporting the Bill. I am far from being disposed to say I would not assent, as I have on former occasions assented, to a Bill which, under proper regulations, should provide compensation for tenants in certain cases for certain improvements; but such a sweeping confiscation as the clauses of this Bill would bring about, such a sweeping transfer of property I cannot consent to, and therefore I think it would be trifling with the House, if I were to agree to the second reading of a Bill which I do not believe is capable of being converted into a measure consistent with justice and propriety.

SIR JOHN WALSH said, the right hon. Member for Ennis (Mr. J. D. FitzGerald) had misconceived a statement he had made. He had not meant to say, that evictions were more common in England than in Ireland, but that tenancies at will were common in this country and evictions not uncommon, but that they did not excite so much feeling here as they did in Ireland.

THE O'DONOGHUE said, that in reference to an allusion made by the noble Lord the Member for Tiverton, he wished to explain that he had not deprecated the introduction of capital into Ireland, but the perpetuation of a system which encouraged speculators to give exorbitant prices for land, which compelled them to rackrent the tenants under them in order to make a profit.

MR. HASSARD said, he thought, when a measure was proposed which was so contrary to the principle of free trade, it was incumbent upon its mover to show either that great advantages would follow from its adoption, or that there were great grievances which it would remedy. Neither of those points had been proved. The public interests would not be served by the measure, for the occupying tenants of Ireland were too poor to effect permanent improvements, such as the erection of farm steadings and the drainage of land. The character of the holdings in Ireland might be judged by the following statistical facts taken from the Official Directory for 1856. There were 30 per cent of tenants holding from five to fifteen acres; 23 per cent from fifteen to thirty acres; 20 per cent under five acres. In the aggregate there were 74 per cent of all the holdings in Ireland under thirty-eight acres. With those facts before them, he did not think that there was any great likelihood of a large expenditure of capital on the part of the occupier in the erection of buildings or other permanent improvements. So far, therefore, from any benefit arising from the passing of such a measure as this, he believed that it would inflict a positive injury upon the country, as it tended to induce the tenant farmers to lock up their available capital in improvements on their holdings, instead of investing it in stock and implements. Besides, the provisions of the Bill would lead to constant disputes between landlord and tenant. When labour was cheap, there was perhaps a reason why improvements should be carried on by the small holder. But labour was now scarce and highly paid, and therefore improvements could no longer be made by them. He did not deny that the tenant farmers of Ireland had suffered a good deal of hardship, but he thought by a very simple extension of the powers given to the Commissioners of Public Works in Ireland, by which the fund in their possession might be made available for improvements, the amount borrowed remaining as a burden on the land in the shape of an annuity, every desirable improvement might be carried out, while there would be no disturbance of the relations now existing between the owner and the occupier of the soil. If the tenant had to pay the interest for outlay, he would take care that it was profitable; while the landlord would see that it was done in a substantial manner, as he would ultimately have to pay for it. It might be said, that such a scheme would be frustrated by the landlord giving notice to quit to any tenant demanding an im-

provement. In order to meet that, he thought that all tenants not declared to be otherwise by written contract, should be constituted by the provisions of an enactment, tenants for three, four, or five years, according as the House might fix.

Mr. CAIRD said, he should support the second reading. He did not think the rights of property would be endangered by the second reading of the bill, because in Committee hon. Members would have an opportunity of altering the present clauses or of introducing others that would prevent the possibility of such a circumstance happening. There were various kinds of property, and he considered the property of the tenant was as much entitled to protection as the property of the landlord. Land was comparatively valueless without the application of capital and labour, both of which were entitled to the respect and protection of the House. It had been said that a Bill for the protection of tenant-right in England could not be tolerated for a moment, but he begged to remind the House that there was in 1848 an agitation for tenant-right in England. A Bill was brought in by Mr. Pusey, and a Select Committee inquired into the subject, and reported that the distinctions which were attempted to be drawn between certain improvements connected with land were not tenable. The great difference between the English and Irish farmer was this, that in the former country the landowner made the improvements, whilst in the latter it was thrown on the occupier. The argument drawn by the hon. Baronet from Mr. Pollok's eviction of his tenants having turned out beneficial to the district had no force against tenant-right, for in no case had Mr. Pollok evicted a tenant without giving him the most ample compensation for improvements. He contended also that the case of Mr. Pollok was an exceptional one, and formed no rule, for where was a capitalist to be found who carried out such vast improvements as he did? He would not enter into the question of confiscation of property, as that had been already fully and ably discussed, but he would ask the House to look at the question as it affected the population of the country. They often heard complaints of the difficulty of raising men for the public service; but he believed there could not be devised a more effective mode of procuring a noble race of men, from whom the public services might be recruited, than that of encouraging the system of small farms in Ireland. He was quite willing to admit that under some circumstanees small holdings were not desirable, but it should be remembered that the soil of Ireland was much more fertile than that of England and Scotland. He had gone over hundreds of farms in Ireland, and he maintained that farmers there cultivating with their own labour and that of their families farms of from five to fifty acres of good fertile land were in a far more comfortable position than the peasant labourers of England and Scotland. If, instead of these small farms, they had extensive grazing farms, substituting perhaps one large grazier for 100 small farmers, they might get their rent better paid, but they could not, of course, expect to find the same amount of population ready for the service of the State when required. It might be thought that the amount of agricultural produce was lessened by the system of small farms, but this was disproved by statistical returns; while, with regard to pauperism, it was a singular fact that in England every twenty-second person was a pauper, in Scotland every thirtieth, and in Ireland every eightieth only. He contended, therefore, that on various grounds the small farm system in Ireland deserved the support of the House. While he supported the principle of the Bill, he had no doubt that there were faulty clauses in it; but these could be amended in Committee, and therefore he would most cordially vote for the second reading.

Lord NAAS said, that he would not trespass upon the time of the House at any length, but he felt bound to offer a few remarks on this very important question. If he thought the proposal made by the hon. and learned Member for Dungarvan in the Bill now before the House was calculated to secure for the Irish tenant compensation for *bonâ fide* improvements without infringing on the rights of property he should be the first to give it his support; but he believed it would be found, on examination, that the Bill would not do the one while it would inevitably lead to the other; that it was doubtful whether it would really secure compensation to tenants, while it was clear that it would infringe most directly the sacred rights of property. Nothing had struck him more, in the course of the debate, than the curious way in which the various speakers who supported the Bill had carefully avoided explaining or even alluding to its details. The hon. and learned Member for Dungarvan made an excellent speech,

and in an effective way entertained the House with his views of the position of the tenantry of Ireland. The hon. Member for Tipperary (The O'Donoghue) followed much in the same strain. The right hon. and learned Gentleman opposite, the Member for Ennis (Mr. J. D. FitzGerald), traced the source of agrarian crime in Ireland to the unsatisfactory condition of the relations between landlord and tenant. But in making those statements they failed to prove that the provisions of the Bill would remedy any of the evils of which they complained. The right hon. and learned Gentleman opposite certainly went a little further than the speakers who preceded him, and attempted to compare the object and provisions of this Bill with certain Bills introduced by his distinguished friend the present Lord Chancellor of Ireland. But his comparison began and ended with the preamble. He never compared the principles, the provisions, or the details of the respective measures, and he failed to show that the objects of the Bills, or the mode in which they were to be carried out were at all similar. The attempts at legislation in former times on this question were not very encouraging. He found that almost every Government that existed of late years had tried their hands upon it. During the last twelve years, Bill after Bill had been introduced on the subject. A Bill was brought in in 1845 by Lord Stanley; in 1846 by Mr. Sharman Crawford; in the same year by Lord Lincoln; in 1847 by Mr. Sharman Crawford; in 1848 by Sir W. Somerville and Mr. Crawford; in 1849 by Mr. Pusey; in 1850 by Sir William Somerville and Mr. Crawford; in 1852 by Mr. Crawford; in 1852-53 by Mr. Napier, and one by Mr. Shee; in 1854 four Bills were introduced; in 1855 by Mr. Shee; in 1856-57 by Mr. G. H. Moore, and now, in 1858, there was the Bill of the hon. and learned Member for Dungarvan. This was enough, he thought, to show the difficulties with which legislation on the subject was beset. But he asked the House seriously to consider what really were the provisions of this present Bill; he was satisfied that, if they found it would infringe upon the rights of property, it would never receive their sanction, as he was also satisfied it was not desired by the great body of the Irish people. The first clause of the Bill provided that all improvements of the soil and all buildings, and works of every description, which were made at the cost of the tenant, or purchased or inherited by him from his predecessor, "shall be taken to be the property of such tenant." Here he was able to recognize an old familiar idea (once common in the north of Ireland, and maintained at public meetings by speakers of great ability), that the landlord had only a right to the value of the land as it originally existed in its wilderness state, and without any improvements upon it. This principle had been distinctly laid down, some few years ago, at many an assembly in the north of Ireland. It was embodied in one of Mr. Sharman Crawford's Bills; and he believed it to be recognised, to the fullest extent, in the first clause of the Bill now before the House. This shows the dangerous and sweeping nature of the measure; but, having laid down this principle, the clause proceeded to enact that no tenant having made any improvements and paying such rent as might have been agreed upon, shall be evicted without having received from the landlord or the incoming tenant the value of his improvements. Here they had the great principle on which the Bill rested. Clauses of a most objectionable nature follow. It was provided, for example, that on a tenant being served with a notice to quit, or notice of ejectment, or notice of increased rent, he might serve on his landlord a notice of his claim, and propose an arbitration; so that if a landlord wished to get quit of a tenant for nonpayment of rent or any other cause, the tenant was to be permitted to set up a claim for alleged improvements, made even 100 years back—to show that a fence, or a road, or a drain had been made by him or his predecessor, not by the landlord, and so demand compensation for them. But the Bill went further than that, because, by the 8th clause, it was provided that the tenant, if refused liberty to sell to a solvent tenant, might give notice of surrender, and obtain compensation. This clause deprived the landlord of the right to choose his own tenants. It put an end to the landlord's rights over the tenant, and gave the latter power to dispose of what was the landlord's if he could prove that the man with whom he wished to deal was a solvent man. The question of a man's solvency was a difficult one to determine, and he thought that the Bill, ingenious as it was, hardly provided sufficient machinery for so delicate an inquiry. Then, by the 9th clause it was enacted that, if a tenant was unsuccess-

ful in his claim upon the landlord—if he failed before arbitrators, or a judge and jury, he was to have the opportunity of knocking down any of the buildings on the land, buildings belonging to the landlord, and leaving to his landlord a heap of ruins. [Mr. MAGUIRE: Read the whole clause.] The clause was as follows:—

"If any tenant shall have erected buildings on the premises in his occupation, and if such tenant shall have made claim, and compensation shall be refused by the landlord, or by the award of any arbitrators or by the decision of any court or jury on the grounds of the buildings not being suitable to the premises, it shall be lawful for the tenant to pull down and sell or carry away the materials of such buildings, and such tenant shall not be liable to any penalties or action for waste or dilapidation for his so doing, provided he leaves the premises in the same condition as before the erection of such buildings."

He thought the words of the clause fully bore out the construction he had put upon it. He firmly believed that if they wished to inflict a curse upon the tenantry of Ireland they could not do it more effectually than by passing such a Bill as this. What would be the effect of this measure becoming law? Why, it would be answered by thousands of notices to quit from half the landlords of Ireland. His opinion was that the landlords of Ireland, many of whom were men of intelligence and capital, would become the farmers of their own land rather than submit to have their rights taken away from them in this manner; and his belief was that, the measure would lead to a greater dispossession of the tenantry of Ireland than had ever yet taken place. In discussing this question with a view to legislation, three great objects ought to be kept steadily in view. First, the Bill should be, in its operation, entirely prospective; secondly, such compensation should be offered to tenants as was proposed in the measure of the present Lord Chancellor of Ireland—that is, by extending the period over which the tenant's interest should run for such a period as to enable him to recover the capital he might have laid out, and thirdly that improvements should, generally speaking, be made with the consent of the landlord, and he should have an opportunity of making them himself if he thought fit. The great object should be to make the relations between landlord and tenant as much as possible a matter of contract, properly registered and accurately defined. By keeping in view these great principles, judicious legislation might be effected; but it would be impossible to do so by means of the Bill now before the House. But, though it might be possible to legislate in this spirit, he did not think that the state of Ireland at this moment was such as to call imperatively for legislation on this subject. There never was a time when there was greater competition for land. In that part of the country with which he was connected there was not a farm offered for which there were not twenty competitors, and the greater number of these men were able and willing to discharge all the duties of good tenants; and he was bound to say that land let by the year, fetched nearly as much as land let on lease, provided the owner was a man of good character in the country. He thought it was unfair to argue this question from isolated cases of hardship and oppression on the part of landlords. He did not pretend to say there were not among the landlords of Ireland men who acted harshly to their tenants. In all classes of society there were persons who laid themselves open to animadversion, and many of whose acts it was impossible to justify. If he chose he might take the other side of the question, and quote hundreds of instances in which tenants had been guilty of the greatest fraud and misconduct, and in which landlords had sustained great loss and damage from their tenants. But it was not fair to argue the question on such grounds. Should the present Bill pass into a law, what could the House do to those who had purchased land in the Incumbered Estates Courts? They, encouraged by the security which Parliament offered, bought land with all the improvements that had been made upon it; but the effect of this Bill would be to take away from these purchasers the value of all such improvements. It would be a direct breach of faith with those who had bought property under the Incumbered Estates Court, to the value of £15,000,000, for the instant effect would be to take away half the value of those properties. He might point out many other objections to the measure; but he trusted he had said enough to show its injurious character. The present Government had shown no indisposition to listen to the just claims of the tenantry of Ireland. They had over and over again supported measures having for their object the securing to the tenants the money laid out in *bona fide* improvements; but they had always said that this object was best attained

Lord Naas

by endeavouring to make all matters between landlord and tenant, matters of contract, and that legislation should be principally entered upon with the object of making those contracts binding and secure. The measure before the House, however, contemplated nothing of the kind. It was a Bill which, if carried, would be destructive of the security of property on the one hand, and of the very existence of the tenantry on the other. It was a Bill which he could not believe many of its supporters could wish to see in its present shape carried into law, and it was a Bill which the British House of Commons would never entertain. He did not believe that there was a man in Ireland of sufficient intelligence to read and comprehend the Bill, who either desired or expected to see it carried. But he thought that the persons who submitted to the House of Commons such a proposal as this did injustice to their cause, and incurred a heavy responsibility by leading, the House and the country to form an erroneous opinion of the wants and wishes of the Irish people.

MR. DEASY said, he should move the adjournment of the Debate, as there were many hon. Members who wished to address the House.

LORD NAAS said, he hoped the House would come to a decision, or, at all events, that the hon. and learned Member would proceed to address the House till the usual hour of adjournment.

MR. DEASY said, he could not do justice to the subject in the time that remained of the sitting (it was now a quarter past 5 o'clock), and therefore he should persist in his Motion for an adjournment. He trusted that the Government would be able to give him a day for the adjourned debate.

LORD NAAS said, he was afraid he could not give the hon. and learned Member any assurance of the kind.

Debate *adjourned* till *Wednesday* 9th June.

The House adjourned at half after Five o'clock.

HOUSE OF LORDS,

Thursday, April 15, 1858.

MINUTES.] *Sat First in Parliament*—The Lord Braybrooke, after the death of his Father.

PUBLIC BILLS.—1ª Barrel Organ Suppression; Customs; Ecclesiastical Commission.

COMMUNICATION BETWEEN LONDON AND DUBLIN.—QUESTION.

VISCOUNT DUNGANNON rose to ask the noble Lord the Postmaster Genera the following questions:—Whether any Arrangement has been definitely come to on the part of Her Majesty's Government, with the Dublin Steam Packet Company, relative to the Transmission of the Mails between Holyhead and Kingstown; and whether the difficulties reported to have arisen with regard to carrying into effect the object of larger Vessels, capable of performing the passage in a shorter period of time, being placed on that Station, have been overcome?—The subject was one in which the people of the sister country took a very deep interest, and there was no doubt that the journey between London and Dublin could be performed in from an hour to an hour and a half less time than that which it now occupied.

LORD COLCHESTER said, that during the last Session of Parliament, an Act was passed, enabling the London and North Western and the Chester and Holyhead Railway Companies, and the Dublin Steam Packet Company to enter into a compact with the Government on this subject. The heads of an agreement having been prepared, it was submitted to the solicitor of the Post Office, in order to be put into a legal shape, and a draught contract was accordingly drawn up in the beginning of last January, and sent to the Treasury for approval. The document, when approved, was returned to the Post Office, and on the 15th of February it was forwarded to the companies for their signatures. Here the matter stood at present; but the Post Office had no reason to suppose that any objection would be raised, on the part of the companies, or that the contract would not in a short time be completed and put into practical operation. The basis of the arrangement was, that the entire distance between Euston Square and Dublin should be performed in the *maximum* space of eleven hours; and four large vessels, of a high tonnage, were to be put upon the station. When the contract had been signed, the construction of the vessels would be commenced.

After a few words from Earl TALBOT,

LORD REDESDALE said, he thought that there were greater difficulties in the way of carrying out this arrangement than either of his noble Friends appeared to apprehend. It appeared, from a Bill that had come before him, that an amalgama-

tion was now contemplated between the Chester and Holyhead and the London and North Western Railway Companies, and an arrangement was in progress between them, the effect of which would necessarily be to throw the entire control of the mail and passenger traffic between London and Dublin into the hands of the London and North Western Railway Company. After the expenditure that had been incurred in improving Holyhead and Kingstown Harbour, in order to accelerate the passage between the two kingdoms, it would be a very unwise thing for Parliament to grant a monopoly of the traffic to any one railway company. The parties were now before Parliament, asking for powers; and, until their application was disposed of, nothing would be settled between the steampacket and the railway companies as to the building of a better class of vessels.

THE MARQUESS OF CLANRICARDE regretted to find that, on the whole, this long-pending question had rather retrograded than progressed. It would appear that even the preliminaries of an arrangement for expediting the communication between the two capitals had not yet been decided. The noble Marquess then called attention to what he termed the very disgraceful want of accommodation for passengers, on their arrival at Kingston. A covered way was urgently required at the landing place, and its erection would be attended by a very small outlay. It appeared that some parties were desirous of having the passage between Holyhead and Kingstown so accelerated as to consume only three hours or three hours and a half; but he trusted that the Government would not further their wish, for a passage so speedy as that would endanger the lives of the passengers.

VISCOUNT DUNGANNON said, he had been assured by one of the most experienced captains plying between Holyhead and Kingstown—namely, Captain Warren—that, in fair weather, the passage could be performed in three hours or three hours and a half, without the slightest risk of endangering life. That gentleman, therefore, suggested that the captains should be at liberty to accomplish the journey in that time, if the weather permitted. The observations of the noble Chairman of Committees diminished the hope that he (Viscount Dungannon) had entertained of a speedy and satisfactory arrangement on this subject. He, nevertheless, trusted that the Government would endeavour to effect a desirable arrangement before the end of the Session. If he did not see that in prospect, he should deem it his duty to bring the subject before the House again.

PASSPORTS—PAPERS PRESENTED.

THE EARL OF MALMESBURY: I beg leave, my Lords, to lay upon your Lordships' table the Correspondence which has taken place between the English and the French Governments on the subject of Passports. I cannot help thinking that it would be convenient to the public generally, if I were to explain to your Lordships in as few words as possible what has passed on the subject, and what Her Majesty's late Government, and what Her Majesty's present Government have done in respect of it. Your Lordships know very well, that after the attempt made on the Emperor's life at Paris, the French Government, naturally alarmed at attacks carried out by foreigners residing in this and other countries, thought that the Emperor's life would be made more secure by a change in the passport law; and a suggestion was made by Her Majesty's consul at Havre—if I am not right, my noble Friend opposite (the Earl of Clarendon) will correct me—that it would be better that no passports were issued to English subjects by French agents. That suggestion was communicated by my noble Friend (the Earl of Clarendon) to the French Government, who adopted it. My Lords, though I heard many complaints made against the French Government, I felt that those complaints were unjust, because nothing can be more just—if the system of passports is to be followed out—than that they should require that any subject of foreign countries visiting France should present passports signed by the authorities of the countries to which they belong. The consequence was, that when the new arrangements were made, some difficulty was created—or I may say, there was less facility for Englishmen to obtain passports to visit France. Indeed, many Englishmen formerly passed without any passport between England and Boulogne and Calais; and even if he went further into the interior of France, and found himself without a passport in any town where there was an English agent, he obtained his passport from him, and was not obliged to come and make an application at the Foreign Office. There

was another panic created—one amongst English subjects residing in France, who thought there might be some difficulty in respect to the passports on which they had entered that country; but I must say, the French Government most liberally say, that any English subjects living in France, need not have English passports in travelling from one town to another, but may have French passports given them in France. The French Government first said, that the English passport should be signed by the Consul General of France in this country; but, since then, they have issued a regulation by which any French agent may *visé* an English passport, and his *visé* will be acknowledged; and they have appointed agents at Liverpool and the principal ports, who are empowered to *visé* passports without the traveller having to come to London. So much as to the French arrangements; now, with respect to the English. When my noble Friend opposite (the Earl of Clarendon) found that he was to issue the whole of the passports to English travellers from the Foreign Office, he naturally thought that before these passports were granted by the Foreign Office, that office should have some guarantee that the person getting the passport was really the person whose name it bore. We have heard it suggested, that any passport granted to an English subject should be merely a certificate of English citizenship. My Lords, I think a little consideration will satisfy your Lordships, and our fellow-countrymen at large, that that would not be sufficient; but that a passport ought to be a certificate of identification of the person who bears it. That appears to have been the view taken by my noble Friend (the Earl of Clarendon); and my noble Friend sought that security in a certificate to be granted by, I believe, the mayors of towns, by magistrates, and by bankers. However, it was found that this arrangement was inconvenient to many persons; that the number was not large enough of those who could grant those certificates to parties who required passports, and that there was delay and inconvenience in sending the certificate to the Foreign Office; and many of those who complained of this inconvenience, suggested that mayors and magistrates ought to be allowed not only to give certificates, but actually passports, independent of the Foreign Office. My Lords, that seemed very plausible at first, and the suggestion received my attentive consideration; but what is everybody's business is nobody's business, and neither mayors of towns nor magistrates could be obliged by any law, or by Executive authority, to give a passport at any hour of the day or night, or not to refuse to give a passport at all—and it was most necessary, that when a man asked for a passport, he should have it as soon as possible. We know that some mayors and magistrates, at least, would scarcely be good-natured enough to act as amateurs in that business: but I can imagine a mayor just sitting down to dinner, or a country magistrate just mounting his hack to meet the hounds, being applied to at that particular moment for a passport. I think it very likely that the applicant under such circumstances would hear anything, but wishes for a pleasant journey. Under these circumstances, my Lords, it occurred to me that the best thing we could do was to widen the area of godfathers—if I may so name those who give the certificates of identification; and Her Majesty's Government, at my suggestion, has agreed that, to the mayors and magistrates we shall add the clergymen of the various Christian denominations, physicians and surgeons, solicitors and notaries. We propose to empower those gentlemen to give certificates of identification to persons wishing to obtain passports. I think it is almost impossible that any person in any part of England, who has not spent his life in complete obscurity, should not be able to find in this category some one to identify him. I have seen it stated that it is a very great inconvenience to many persons to have to come to London for their passports, and that there ought to be a passport of another sort given in other places and in other ways. Now, in respect to those two kinds of passports — or several kinds of passports, for it would come to that— those of the Foreign Office and those of the magistrates—I see very considerable inconvenience, not to the Government, but to the traveller himself, as sure to arise from them. If there were several classes of passports, there would be several different descriptions of arms, of seals, and of signature. The consequence of this would be, that the passport authorities abroad would be very much puzzled, and English travellers would frequently be detained at different points on their route. The arms of Her Majesty are known; the signature of the Foreign Secretary soon becomes familiar to those agents, who at once recognise the value of the Foreign-

office passport. But I do not think the same value would be attached by them to those other passports which would not have come from that office. And I therefore thought it of importance to English travellers that their passports should be issued from the Foreign Office. To prevent the trouble of coming to London to apply for a Foreign-office passport, Her Majesty's Government have appointed at Dovor, Folkstone, and Southampton, three agents for the delivery of Foreign-office passports, and another has also been appointed at Liverpool. I do not say that more may not be appointed if it is found necessary at other ports, but those that I have now named have been appointed. Moreover, if travellers wish to save themselves inconvenience of any kind, whenever they may reside in the centre of England, or on the sea coast, they have only to provide themselves with a certificate of identity from their clergyman, their surgeon, their physician, their solicitor or notary, or from the nearest magistrate or mayor of a town. They may take this certificate with them to the Foreign Office, or to the port where they intend to embark. There they will find a Foreign Office agent, who will deliver to them a Foreign-office passport, which will be *visé* by the French consular agent in these ports. Or they may send their certificate a day or two beforehand to the Foreign Office, or to the agent in the ports I have named, say that they wish to have a passport by such a day or hour, and it will be forwarded to them by post. I do not think that, under these regulations, any inconvenience can arise, or any difficulty can be experienced by any person in getting a passport. But, further, Her Majesty's Government have thought it right to lower the duty on passports. The duty on the stamp was previously 5*s.*, with a fee of 1*s.* to cover the Foreign Office expenses. We propose to reduce the stamp to 1*s.*, with another 1*s.* for the Foreign Office expenses, making altogether 2*s.* I think it is only fair, as the poorer classes, navigators, labourers on railways, and others going abroad, are now under the necessity of going with a Foreign-office passport, that they should be enabled to obtain those passports at as low a rate as possible. I do not think that I could do more to facilitate the obtaining of passports. And I have made this statement in the hope that it may be well understood by the country, to whom I have no doubt it will be reported through the usual course; for one of the great difficulties of this question has been that persons have exaggerated and magnified the inconveniences from not understanding the regulations issued by the late Foreign Secretary with respect to passports. I should add only one recommendation to those likely to travel, especially to gentlemen who live on the coast of England while their families are in France, and who are likely to be called upon to travel suddenly by the illness of any portion of their family. Now, if the passport only costs 2*s.*, it appears to me that almost any man in this country might as well at once furnish himself with that document as with a *Bradshaw* and an almanack; and then he would be able to go abroad at any moment. He would not meet with any difficulty on this side of the Channel; and, from the liberal conduct of the French Government, I think I may say that he is not likely to meet with any on the other.

THE EARL OF CLARENDON said, he had heard with great satisfaction the statement of his noble Friend on this subject, which was of so much importance to so large a portion of her Majesty's subjects. He had no doubt that from the liberal arrangements of the French Government, and by the extended arrangements made by his noble Friend in this country, all the objects in view would be attained. The arrangement he had himself made, when the French Government determined to do away with the system of passports granted in this country by the French consuls to English subjects were merely provisional, to meet the exigencies of the moment, although it is much the same as that which was adopted three years ago in order to enable artizans and others of that class to visit the Paris Exhibition. He had always felt that the system established by those regulations would probably have to be enlarged; but he established them at a time of year when there was not much travelling, and when not much inconvenience was likely to be caused. Of course some inconvenience must be felt from any change of this nature, but he believed that the inconvenience which had been caused was not great, and that that change on the whole would be beneficial, more especially to the poorer classes of our countrymen. The stimulus which is given to artizans to go abroad was very much owing to the facility which was given to get passports from the foreign agents; whereas if they had to address themselves

for passports to the English authorities, they could have advice tendered to them as to the prudence of seeking employment abroad. The misery to which hundreds and thousands of Englishmen had been subjected for want of such advice was almost incalculable. It was, in fact, only two or three years ago that the evil was so trying that her Majesty's Government deemed it advisable to publish a notice in the *Gazette* warning our artizans of the danger of seeking employment abroad, and also warning them that the English Government would not be responsible for the cost of bringing them back to this country. He believed that travellers would find the advantage of travelling with a Foreign-office passport, which would relieve them from many of the inconveniences which sometimes were sustained from travelling with a simple consular passport. For his own part, he thought the passport system a great mistake. It did not afford protection to foreign Governments against the people they feared, and against whom they wished to guard. Those were the very people who always took care to have their passports *en regle;* it was the innocent traveller who was exposed to the detention of the police from the want of compliance with some technical formality. He knew that the Emperor of France himself was opposed to the passport system, and that some years ago he wished to do away with passports; but he was beaten by his own officials, who insisted that passports were in some way necessary for carrying out that system of strict *surveillance* which is deemed necessary in France.

THE EARL OF MALMESBURY: The great passport interest, in fact.

THE EARL OF CLARENDON hoped that the system would not last much longer. There was one circumstance which encouraged that hope. A few years ago the Austrian passport regulations were more rigorously carried out and caused more annoyance than those of any other country in the world. But a great change has been made within the last twelve months in that system, and now he believed that there was no country on the Continent where a traveller could travel about with such facility as in Austria. But we could not impose our notions upon others, and all the Government could do was to afford as much facility as possible to British subjects. He thought his noble Friend had done as much as could be done at present. He had heard with much satisfaction that the cost of the passport was to be reduced, though he did not exactly understand how he meant to do it. He had in February last reduced the cost of the passport from 7*s.* 6*d.* to 6*s.* by cutting down the fee of the Foreign Office from 2*s.* 6*d.* to 1*s.*, because he found that 1*s.* on each passport would be sufficient to maintain the passport establishment; and while he did not think that the public should be put to any expense on this head, he did not think that they should make any profit. He had also proposed to his colleagues to abolish the 5*s.* stamp duty; but they found that it had been imposed by Act of Parliament, and could not be abolished without another.

THE EARL OF MALMESBURY: I should have said that we intend to bring in a bill for that purpose.

THE EARL OF CLARENDON would suggest that the Government should consider, while they were about it, whether it was desirable to retain even a stamp duty of 1*s.* To relinquish it would sacrifice a very inconsiderable amount of revenue, while it would leave the holder of a passport in a much better position than he had ever hitherto been. All consuls had hitherto charged 5*s.*, and to place a passport within the reach of every one for 1*s.* would be a great boon to the poorer classes.

In reply to a NOBLE LORD,

THE EARL OF MALMESBURY said, that he knew of no limit to the duration of a Foreign-office passport granted to British-born subjects. For naturalised subjects the custom had been to limit its duration to a year.

EARL GREY said, there could be no greater proof of the absurdity of the passport system than the regulations proposed by the English Government, and sanctioned by the French Government. If the Foreign Office was to deliver passports to any one who brought a certificate from the various persons whom the noble Earl had named, of the authenticity of which the Foreign Office could have no proof —for he supposed his noble Friend was not acquainted with the signature of every country surgeon—he saw no reason why all the mayors and magistrates in the kingdom should not be furnished with blank Foreign-office passports, which they could fill up and deliver to applicants without any further formality. There was no pretence of investigation to prevent any one not a British subject getting a passport, nor any security against a British subject

handing over his passport the next moment to a foreigner. When the noble Earl had gone so far, he did not see why he should not go further, and supply passports ready filled up to competent authorities in the different towns to deliver them, on their own responsibility, at once to any applicant. The present regulations would not afford any guarantee that the person getting a passport was a British subject, while he was afraid that they would inflict more inconvenience in obtaining passports than his noble Friend seemed to expect.

THE EARL OF MALMESBURY: I am not here to defend the system of passports. No man in this House thinks more contemptuously of them than I do. But I thought I had made myself clear when I gave the reasons why I do not send Foreign-office passports for delivery to the mayors or magistrates of towns, or allow these authorities to deliver others. It is because they would not be obliged to do it. If the noble Earl could find some way to make them do it, this would no doubt add some facility. But what could be done if the mayors refused to distribute passports; Some might say they would only distribute them between 12 and 2 o'clock; others might say they would only do so in the evening; while others might decline to distribute them at all. People must be obliged to do it, and paid to do it; and when they are paid to do it, they are obliged to do it. If it is to be a self-supporting establishment, it must be conducted economically. The more agents there are, the more agents must be paid; and if each of a large number of agents distribute a small number of passports, the payment which would be sufficient for a small number of agents distributing a large number of passports would not be enough for their trouble. We know pretty well how many passports will be demanded, and we calculate that with only six or seven agents, who will be obliged to deliver them at any time of the day or night, the system will be self-supporting at a certain charge. That is my answer to the proposition of the noble Earl, which has often been submitted before; but if my noble Friend can tell me how I am to oblige magistrates in town or country to deliver passports, it will be a somewhat different matter.

EARL GREY said, he could not understand why there should not be a convenient local delivery, where parties were willing to undertake the trouble. He quite agreed that it would be very inconvenient to compel parties to deliver passports, or to have too many agents.

EARL GRANVILLE said, the country ought to be grateful to the noble Earl the Secretary of State for Foreign Affairs, for the pains which he had taken to increase the facilities of obtaining passports, but at the same time the suggestion of the noble Earl (Earl Grey) was worthy of attention. The whole thing turned upon whether the French Government had assented to this plan; because, if they had, there was nothing more to be said. He wished to know whether the new system applied solely to France, or to other countries as well.

THE EARL OF MALMESBURY: No country has ever objected to any passport signed by the Secretary for Foreign Affairs. They have always trusted that the passport has been signed upon his being satisfied that it was the *bonâ fide* passport of the applicant, and I have never heard of a Foreign-office passport being questioned in any way.

ECCLESIASTICAL COMMISSION.

BILL PRESENTED.—READ 1ª.

THE DUKE OF MARLBOROUGH said, that in 1856 a Committee of the other House was appointed in consequence of its being necessary to renew the Act which had been passed in a previous year for permitting and enabling the enfranchisement of church leases, and that Committee took the opportunity of entering very fully into the subject of the constitution of the Ecclesiastical Commission. Several points of great importance came under their consideration, and, among others, as to the mode of assigning estates which should yield fixed incomes to the Bishops, as to the appointment of a third paid Commissioner as a member of the Church Estates Commission, and as to a period being fixed for the determination of subsisting leases. A Bill embodying the recommendation of the Committee was introduced by the Government last year; but when it came up to this House their Lordships thought that at such a late period, it was not possible to pass a measure of so much importance, and contented themselves with passing an Act continuing the Enfranchisement Acts for two years longer. Under these circumstances he wished to ask the noble Earl at the head of the Government the question of which he had given notice, namely—whether it is the intention of Her Majesty's Government to proceed

with the Bill introduced last Session by the late Government into the House of Commons, embodying the recommendations of the Select Committee of that House, 1856, upon the Ecclesiastical Commission.

The Earl of DERBY said, the best answer he could give to the question was by laying on the table the Bill to which the noble Duke had referred, and asking their Lordships to give it a first reading. He should have done so on Monday evening, but he thought it desirable first to obtain the assent of the Archbishop of Canterbury, and in consequence of the most reverend Prelate being out of town, he had not been able to do this until the day previous. It was precisely in the same shape as the Bill which came up to that House last Session, founded on the recommendations of the Committee of 1856. He should propose to take the second reading on Tuesday next, when he would enter into an explanation of its provisions.

A Bill to amend the Acts relating to the Ecclesiastical Commissioners, and continue the Act concerning the management of Episcopal and Capitular Estates in England, *presented.*

The Duke of MARLBOROUGH said, that as this Bill did not contain any provision upon the important subject of Capitular Estates, he should bring forward a measure on the subject.

Bill read 1ª.

House adjourned at a quarter-past Six o'clock, till To-morrow, half-past Ten o'clock.

HOUSE OF COMMONS,

Thursday, April 15, 1858.

Minutes.] Public Bills.—1° Chancery Amendment; Chelsea Hospital (Purchase of Lands).

WATERLOO AND WESTMINSTER BRIDGES.—QUESTION.

Sir WILLIAM FRASER said, he would beg to ask the noble Lord the Chief Commissioner of Works whether there is any objection to the Bridge about to be erected over the Thames next above Waterloo Bridge being called Sebastopol Bridge? Also, whether there is any intention of providing additional means of crossing the Thames for vehicles, either by building a Bridge near Charing Cross, or by purchasing Waterloo Bridge, and opening it free of toll?

Lord JOHN MANNERS: My hon. and gallant Friend will doubtless remember that a short time ago, on the occasion of the visit of the Emperor and Empress of the French to this country, it was gravely proposed and maturely considered whether it would not be proper to change the name of Waterloo Bridge and Trafalgar Square, out of a supposed compliment to those illustrious personages; but the good sense of the country decided that it was not the right time to do so, and the proposal was very properly overruled. With regard to the suggestion now submitted to the House, I think we ought not to put out of our consideration the fact to which I have just alluded; but I must fairly own that there is yet another objection which would apply to the proposal of my hon. Friend. It was said that during the prosecution of the war in the Crimea that "too late" was applicable to a great many of our arrangements there; and I am inclined to think that that observation will apply with equal force to the proposal of my hon. and gallant Friend. If his proposal had been made at the moment when that war was brought to a termination, no doubt it would have been received with great favour by a large section of the community; but now that the attention of the country is excited by the glorious achievements and heroic sufferings of our army in India, I think it would be rather out of place to make the change. If my hon. and gallant Friend wishes to know my private opinion, I think that altogether it would be better to let the name of Westminster Bridge remain, associated as it is, and has been, for so long a period with the place in which we perform our legislative functions. With regard to his other question, I can only say, that so far as Her Majesty's Government are concerned, we have no intention whatever of proposing to create another Bridge across the Thames for the benefit of the metropolitan community.

LIGHTHOUSES, Etc.

ADDRESS MOVED FOR.

Lord CLARENCE PAGET said, he rose to call the attention of the House to the present modes of superintending the lights, buoys, and beacons on the coasts of Great Britain and Ireland; and to the manner in which funds are now, and have been raised to defray the expenditure there-

on, and to move for an Address in relation to this subject. He felt it incumbent on him in the first place to apologize—holding but a subordinate position in the House—for venturing to propose a Motion which would involve a considerable reform in the system of lighting and buoying the coast of the United Kingdom, and eventually the expenditure of public money. Feeling that this important question ought to be brought before the House by some Member of weight and influence, he had earnestly requested many hon. Gentlemen, who thought a reform on this subject necessary, to take charge of the Motion; but they had requested him, as a seafaring man, to submit it to the notice of the House. Under these circumstances, it would be his duty to point out that this great maritime country, which had been the pioneer of free and unrestricted intercourse among nations, was, he regretted to say, the lowest among the nations as regards the lighting and buoying the coasts. He thought his best course to pursue would be to show the danger to life and property which arose from the present utter want of system, and then to move an Address to Her Majesty, praying that measures might be taken to give effect to the recommendation of the Select Committee on Lighthouses of 1845. He believed that no person would dispute that it was a matter of most vital importance to mariners that there should be a simple and uniform system of lighting and buoying the coast of the country, with as few and as uncomplicated regulations as possible. He would give an example of the present system of lighting and buoying on our coast, and then he would refer to the system which prevailed in France; but before doing so he begged to offer his sincere thanks to the French Minister for Public Works, and more particularly to the gentleman at the head of the French lighthouses, M. Leonce Reynaud, for the very ample materials which they had drawn up for his guidance. Let him observe, however, that the French were not alone in making reforms in this matter, the United States of America had done the same. Russia, too, and even Spain and Portugal, and the smaller countries of Europe, had paid great attention, of late years, to the lighting and buoying of their coasts, and establishing a system of uniformity and simplicity. But reverting to the system—or rather want of system—in this country, it was well known that we had a great many bar harbours, especially on the south coast. Mariners, in passing up and down Channel, were continually caught in gales of wind, and obliged of necessity to bear up; frequently it happened from the state of the weather that they could not get a pilot on board, and the result was that they had to take their chance and run for it, on a lee shore. Now he found by the book of sailing directions that the following were the signals displayed at different ports:—At Shoreham, which was a bar harbour, a red flag was hoisted when there were eleven feet and upwards of water in harbour; and a blue and white pendant at high water. At the neighbouring port of Newhaven, when there was from eight to ten feet of water at the entrance, one black ball was displayed, and when it was high water two black balls. At Dovor a red flag with a black ball indicated that the water was from seven to ten feet, and a red flag alone that it was from ten to thirteen. Going to the north, at Sunderland, a red flag, half-mast high, showed when there was eight feet of water on the bar, and when there were ten feet the flag was hoisted to the mast-head. At Scarborough a white ball was displayed when there was ten feet of water at the entrance of the new harbour; at Blakeney, a blue flag when there was nine feet of water on the bar; at Wells, a black ball and basket when there was ten feet on the bar; and at Arbroath, in Scotland, a blue flag with a black ball when the water was under ten feet. Suffice it to say, that every harbour in this country was lighted, and its system of signals established upon a footing entirely distinct from and independent of its neighbours. Hon. Gentlemen were aware that the public lights on the coast of England were under the control of the Trinity Board; those on the coast of Scotland were managed by the Northern Light Commissioners; and those on the coast of Ireland were under the charge of the Dublin Ballast Board. These three bodies were indirectly under the control of the Board of Trade, but only so far as questions of finance were concerned. Besides these, there were many smaller corporations who lighted and buoyed their harbours independently of the Board of Trade. He wished to assure the House that, in bringing forward this subject, he was far from intending to make an attack upon the Trinity House, or to impute to it the jobbery which was formerly a distinguishing feature of that old corporation. His object was simply to

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show that the lighting and buoying of our coasts were conducted upon no definite system. He had already given examples with respect to the signals adopted at several harbours, and he might add that the system of buoying was conducted in the same manner. Every little harbour had its own buoys; all prepared with the utmost care, and laid down with a laudable anxiety for the welfare of the shipping interest. It had been his fortune to have sailed much about the English coast, and he did not hesitate to say that at every port he visited the corporate authorities were most desirous of rendering it safe for the approach of vessels; but, unfortunately, every port had its own system of buoying. If hon. Gentlemen would examine a chart of the Thames, they would observe that at the entrance of the river the system of buoying was as complicated as could well be imagined. On approaching the Prince's Channel, the Queen's Channel, or the Margate Channel, such was the confused system adopted that no stranger, without having a pilot, could possibly avoid danger even with the utmost caution. Some ten or eleven years ago he called the attention of a gentleman connected with the Trinity House to the lamentable state of buoying in the Thames, observing that it was impossible for any foreign ship caught in a gale of wind off the Gallopers to get into the river without imminent risk that the vessel would be lost with all hands. The gentleman asked how he proposed to remedy the evil? He replied, by simply adopting the system which prevailed throughout Europe, of having buoys of one colour on one side the Channel, buoys of another colour on the opposite side, and buoys of a third colour, or striped, upon the middle banks. According to the French system, on the approach from sea, a red buoy was on the starboard or right side, a black buoy was on the port or left side, and striped buoys were placed upon banks in mid-channel. There could, therefore, be no difficulty in navigating any channel, however intricate. The gentleman replied, "Of course, we know that; but if we were to buoy the Thames in such a manner, no ship would ever take a pilot." So that hundreds of lives were to be imperilled in order that employment might be afforded to pilots! He reasoned with the gentleman, and urged that this was hardly a sufficient justification. The rejoinder he received was that there was a stronger reason, for it was said, "If the Thames were buoyed upon such a system, the French fleet might sail up any night and burn Chatham." For his own part he (Lord C. Paget) regarded both these objections as puerile, and he thought it a lamentable circumstance that a great maritime and commercial nation, which had a greater amount of commerce and a larger number of her sons afloat than any other in the world, should be behind every country in Europe in rendering the approaches to its ports clear and safe. He was bound, however, to except Scotland from this condemnation; for the Commissioners of Northern Lights had issued a notice that the whole of their buoys would be arranged upon the French system. The papers he had received on the authority of the French Government were, in his view, so valuable, that he intended to place them in the hands of the President of the Board of Trade; for he thought, as he had honestly told the French authorities, that great benefit would be conferred upon our shipping interest by taking a "leaf out of their book." The French system, he might observe, was not confined to France, but was applied to the buoying of the Scheldt and the Elbe (the navigation of which was very difficult), and had, indeed, been generally adopted throughout Europe. The French signals, also, consisted of a simple system of balls, which were preferable to flags, because in calm weather balls were always visible, while flags fell to the mast and could not be seen. So simple was the French system, that a man who had the chart before him might safely enter any harbour along the seaboard of France. In the remarks which he was now addressing to the House he was anxious to keep the question of light dues entirely clear of another question —that of the local dues and passing tolls —which had recently agitated the shipping interest, and was of such importance that he thought it was worthy of separate discussion, and ought not to be mixed up with the present Motion, which he regarded more in the interest of humanity than as having reference to any wrongs from which the shipping interest were suffering. From the able statement which had been furnished him by the French Government, he gathered that the coast of France, extending 1,500 miles, was lighted by 210 lights. These lights were of two descriptions, one being the catoptric and the other the dioptric. The former were constructed upon the old reflecting principle; they were nothing more than a

lamp, and reflectors behind. In modern days, however, M. Leonor Fresnel had invented a system of lenticular lights, which had been improved by a Scotch gentleman named Stephenson, and which being not only more brilliant but more economical than the lights formerly in use, had been adopted almost universally on the Continent. These were the dioptric lights. Of the French lights, 154 were upon the dioptric and 56 upon the old reflector principle. Turning now to England, he found, by a Return for 1856, that there were upon the English coast, under the Trinity House, 114 public lights, while on the Scotch there were 45, and on the Irish coast 65. For these 224 lights we paid £350,000 a year, while the French for their 210 lights paid only £48,000. Of this £48,000, £11,665 were for new works and £8,000 for buoys and beacons, so that the actual cost of maintaining the French lights was only £28,350. It should be remembered, moreover, that while three-fourths of the French lights were on the dioptric principle, only seventeen, or about one-sixth, were so lighted in England. Now, he did not wish to overstate his case. He was aware that, in order to make a fair comparison between the two countries, various details should be taken into consideration. Thus material and labour were dearer here than in France; and the French had but one floating light, whereas there were thirty-eight of these in England, and four, he believed, in Ireland. But he asked whether, when so great a contrast prevailed between the cost of the lights of this country and those of France, it was not time that public opinion should be brought to bear upon these matters. The President of the Board of Trade had kindly given him access to the accounts preserved there, from which it appeared that, in 1856, for the maintenance of lighthouses we paid £139,508 to the Trinity House, £38,139 to the Port of Dublin Corporation, and £30,359 to the Northern Lighthouse Commissioners, making a total of about £208,000, the residue being applied to the payment of pensions, charities, &c., making in all £353,000. He would confine his remarks to the Trinity House lights; and with respect to these it was impossible for anybody to believe that due care and economy were exercised in the expenditure of public money, more particularly when the House reflected that that money was paid by a class of the community which suffered from the open competition of foreign trade, and the difficulties of which were year by year increasing. He thought it behoved Parliament, on behalf of the shipping interest, narrowly to watch this expenditure, and to ascertain that not one shilling was spent over and above the sum absolutely necessary for the due maintenance of our lighthouses. Now, he had gone very carefully through the details, and found that the average cost of a first-class French lighthouse for *éclairage* and repairs was about £390 per annum; of a second-class light, £303; and of a third-class, £142. He would allow for the land lights of England a sum beyond the cost of the first-class French lights—namely, £400 a year, although many of the former were second and third-class lights; and he thought there would be no difficulty in reducing our expenditure to £200,000, including £50,000 for new works for the next year. There were certain places where the Government had wisely determined to build new lighthouses, and he was informed by the Board of Trade that about £50,000 would be sufficient for that purpose. As old systems could not be got rid of without a certain amount of compensation to retiring officials, he would allow £14,000 under this head, and for the establishment of a small central Board. Such a Board, comprising an intelligent engineer, with, perhaps, an officer under the Board of Trade to assist him, and a few local engineers to watch the lights, would assimilate our system to that of the French, and would effect a great saving of expense. He proposed to get rid of a large staff of steamers, of which there were now seven, including the Irish and Scotch boats. The Trinity House maintained five, at a cost of from £27,000 to £30,000 a year. But was it not absurd that in this country, with such an enormous marine, with gunboats in shoals upon the slips in the dockyards, with an immense number of small steamers at command, and with coast-guard vessels, and their tenders now distributed round our coasts, the lighthouses should not be looked after by our navy? Such an arrangement would effect a saving of £30,000 a year. Then there remained that ancient corporation, the Trinity House. He did not at all wish to urge that that corporation should die along with its twin brother, now awaiting the judgment of Parliament. On the contrary, he should be very glad if the House could arrange that the Trinity House

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should compose the central Board, the establishment of which he suggested. He greatly doubted, however, whether they would ever get an old corporation to amend its ways so completely as to introduce the reform and economy required. One of the boats maintained by them was a steam yacht. Now, he had a very great respect for the Elder Brethren, and was very glad that they should take an airing on the water when they pleased, and their other duties permitted; but let them do it at their own expense. He would now proceed to show the House that the French system of lights was far superior in brilliancy to our own, and he might further observe, that it was clearly demonstrated in the Report which had been issued by the Board of Trade for the benefit of our Colonies last year, that no possible force of reflector could equal in brightness a lenticular light of the second order even. Any person who happened to be leaving Folkestone on his way to Paris on a fine night, and was fortunate enough not to be sea-sick, might observe a magnificent bright light as it were at his feet, while he might also perceive a little light, such as apparently might be produced by a farthing candle. The latter proceeded from Dungeness, which was only about twelve miles; the former light from Cape Grisnez which was twenty-five miles distant. Was it not, he would ask, disgraceful to this country that she should be so far behind France in so important a particular? It might be said, indeed, that the expense of changing our system of lights was one which was too heavy to be incurred without much deliberation; but he was sure the House would not be of that opinion, when he informed it, that the outlay which would be required in order to change a first-class light from the catoptric to the dioptric principle did not exceed £2,000. He, therefore, saw no reason why, when we were paying over £350,000 per annum in the shape of light-dues, we should not place our system of lights on the very best and most modern footing. He had referred to the case of Dungeness, to show that we had not done so in one most important instance; and he might also adduce the case of the Lizard, the North Foreland, Beachy Head, as well as of many other first-class lighthouses, in support of the proposition which he had advanced. He could not, under those circumstances, as a seafaring man and one who took a considerable interest in the subject, help urging upon the Government the necessity of carrying out the change which he proposed. In the Report issued by the Board of Trade, to which he had already alluded, it was stated that the increase of brilliancy arising from the adoption of the new system would be in the ratio of two or three to one, and that the expense, once the system was established, would be less than that of the old. It was no doubt true, that if his Motion were carried it would be necessary that an outlay of £200,000 for the next year would be required. He should, however, at once relieve the minds of hon. Gentlemen upon that point, by assuring them that he did not intend to ask for any expenditure of the public money for a period of two years. There were £400,000, or something approaching that amount, in the shape of surplus light dues available at the Board of Trade, and he should suggest to the Government that it could convert that sum to no better use than the carrying out the proposed change in our system of lights. That amount would be sufficient to meet the expenditure for the next two years, and at the end of that period the country might be so fortunate as to possess an overflowing exchequer. At all events, he believed there would be no difficulty as regarded expense at the end of the two years, as the utmost amount of expenditure that would then be required would be £150,000. He had calculated that an outlay of £50,000 would be necessary, in the first instance, for the construction of new works; but when those works were completed a new and perfectly efficient system, comprising a total of 373 lights, including 149 harbour lights belonging to various small corporations, for which dues were now levied by such corporations independently of the Board of Trade, might, he had no hesitation in saying, be maintained at a cost of £150,000 per annum. Under those circumstances, he called upon the House, with the utmost confidence, to assent to the Motion which he had to submit to its notice, and to take the management of our lights out of the hands of the Trinity Board as at present constituted. The present system was, in fact, one of the worst forms of double government. The coil which they were now seeking to get rid of, in relation to India, would be perpetuated in this country so long as they kept up the Trinity Board, the Northern Lights Commission, the Irish Board, and the Marine Department of the Board of Trade. Did he not

feel indisposed to trespass too long upon the attention of the House, he should have felt it to be his duty to enter into the history of that system of jobbery under whose operation our shipowners had so long suffered, and under which they were suffering to the present day. Full details upon the subject were, however, to be found in the reports which had emanated from two Committees, one of which had sat in 1834, and the other in 1845, and which had been presided over by one of the most useful and indefatigable Members who had ever sat within the walls of the House of Commons—he meant the late Mr. Joseph Hume. It would also be seen by the Report of the Committee of 1845, that the noble Lord the Member for Tiverton had divided the Committee in favour of the proposition of placing our lights under one central system, and against that which sought to convert the Trinity House into the Board by which that central system was to be carried into effect. The Trinity Board was a self-elected body, and the noble Lord thought the introduction of one-third of its members, upon the nomination of the Crown, would cure some of the evils which were complained of. The noble Lord, however, unfortunately did not succeed in that object. He would next say a few words upon the amount of debt lately paid off by the shipping interest of this country, amounting to no less than £1,281,000. It was manifest that the debt had been incurred by means of a system of improvident leases which had been granted, sometimes by Parliament, sometimes by the Trinity House, and sometimes by the Kings of former days, who, when they had a favourite to reward, and found a difficulty in doing so, seemed to have thought the best means of carrying out their intention was to give him a lighthouse. There was one gentleman who got a lighthouse because his wife was the daughter of the Earl of Leicester. Even so late as the reign of George III. the same sort of thing occurred, and in the Grenville Correspondence there was this passage :—

"Mr. Grenville went to London, August 13 (1764). The King received him with great good humour and confidence, talked much to him upon the two Secretaries of State—greatly blaming their conduct towards Mr. Grenville, and concurring himself in sentiment with Mr. Grenville upon his foreign business. Mr. Grenville, finding His Majesty in these gracious dispositions, took an opportunity to apprise His Majesty that there was a grant for a lighthouse in the disposal of the Treasury. He humbly asked His Majesty to bestow this upon him, as a provision for his younger children, who, from various circumstances relating to the unhappy state of his own family, might be left in difficulties. The King was graciously pleased to grant it, and did it with expressions of great kindness to Mr. Grenville."

That was very gracious of the King, but what did the shipowners say of it? They were saddled with another improvident lease, and, notwithstanding the recommendations of Committees, a fresh lease was granted, in 1826, to Lord Braybrooke, of a lighthouse, who based his claim for a renewal upon the fact that his family had held leases of the light for 160 years. There were other details, into which he could not enter, but which were perfectly disgraceful. A sum of £250,000 had to be paid to the owners of private lights for loss of dues upon foreign shipping. When foreign nations demanded to be placed upon a footing of reciprocity, and to be released from the payment of double dues, the loss of income to the light owners which ensued from a compliance with those demands amounted to a considerable sum. That sum used to be paid annually from the Treasury of the United Kingdom, and when the lights were about to be purchased the owner naturally calculated those sums as part of their revenue. The Treasury, however, refused to pay in respect to those sums, and consequently the shipowners had to pay an additional amount of £250,000. The last point upon which he would touch was the effect of those dues upon foreigners. He confessed, he thought that, while all the principal foreign nations admitted our ships into their ports free of all light dues, it was quite beneath the dignity of this country to levy a miserable tax upon their vessels which visited our coast. Those charges had been the subject of much sharp correspondence between the American and our own Government, and he thought the former were perfectly justified in their complaints. For these reasons, he submitted to the House that it was high time that the question should be dealt with. He had no desire to put down the Trinity House if it were possible to make that body efficient; but, he felt it to be his duty to impress upon the House, that as long as the lighthouses of this country were left in different and independent hands, without any system of uniformity, our coast lights would be discreditable to the nation. He urged this matter also because he believed the shipowners of this country had undoubted claims to be

Lord Clarence Paget

considered in reference to it. The present Chancellor of the Exchequer, in introducing his last Budget, had referred to this subject, and expressed an opinion that it was indefensible that shipowners should have to pay a large sum, which was, in fact, interest paid to the Trinity House, for the purchase of private leases which had been improvidently granted in former times. He therefore claimed the support of the right hon. Gentleman, as well as of the noble Lord the Member for Tiverton, upon this occasion; and, with that support, he hoped to obtain for his Motion the assent of the House. The noble Lord concluded by moving—

"That this House will, upon Thursday next, resolve itself into a Committee, for the purpose of considering an Address to Her Majesty, praying Her Majesty to direct that measures may be taken for giving effect to the recommendation of the Select Committee on Lighthouses of 1845—namely, 'That all expenses for the erection and maintenance of lighthouses, floating lights, buoys, and beacons, on the coast of the United Kingdom, be henceforth defrayed out of the public revenue.'"

MR. LINDSAY seconded the Motion.

MR. HENLEY: I have to thank the noble Lord for the able and temperate manner in which he has brought forward this important subject. In dealing with it, however, I am thankful to find myself relieved from more than one difficulty. I am in no way responsible for the constitution, or rather for the arrangement, of the present system, otherwise than in common with every other Member of this House. I am also relieved from the difficulty of discussing this in any sense as a party question, because it is within my own knowledge that the noble Lord would have brought forward this Motion, probably in the very same terms, though no change of Government had taken place. This relieves me from a difficulty, because I feel that the House will now consider the question on its own merits, and without reference to the state of political parties. I agree with the noble Lord in every word he has said; and I have often expressed the same opinion to the House, that it is indefensible that the shipping interest should have borne the charges of buying up those private interests on which the noble Lord has touched. That point, however, may well be left out of our consideration, because the debt has been wholly discharged, and all the annuitants have disappeared. I should have been glad, however, if the noble Lord had addressed his Motion to the system of management of lighthouses, and that he had left untouched the question who was to pay for them. These are two distinct and separate questions. We have all a common interest in putting our lighthouses upon the most economical and approved system that can be carried out in this country. I think the noble Lord, in the able statement which he has made, has not dealt quite candidly with some parts of the question. The noble Lord very fairly said that there was no information which it was in my power to afford him on the subject, which I did not with the utmost readiness place at his disposal. My opinion was that on a subject of this importance it was desirable to have the plainest and simplest statement of the facts put before the House that it was possible to obtain. What I complain of is that, in the comparison drawn by the noble Lord between the expense of lights in this country and in France, he has not dealt quite candidly with that part of the question. Taking from a Parliamentary return the amount of money paid for light dues the noble Lord has stated the expense of maintaining lights in this country at £350,000. [Lord C. PAGET: £208,000.] The noble Lord contrasted the sum of £350,000 expended, as he said, in England, with that of £48,000 paid in France, whereas in point of fact the actual charge of the maintenance of the English lights is £208,000 instead of £350,000. That is no inconsiderable difference. But the noble Lord has omitted from his statement one very material element as to the expense of our lights as compared with the cost of the lights in France. I believe that the French do not keep up more than one light vessel. The charge for light vessels is a most important one in this country, and has reference to another heavy charge. I will show the House how these things stand with us. The average annual cost of lighthouses in England for maintenance and repairs is £27,000. The average annual cost of light vessels, with repairs, is £37,000. Hence the light vessels, which the noble Lord did not bring under the notice of the House, actually cost more than the maintenance of the lighthouses. [Lord C. PAGET: I gave the amount.] Another important question is this. The noble Lord did not very accurately distinguish what number of the French lighthouses were harbour lights. I have not the means of information which the noble Lord has of the French system, but I believe that a large number—above 200—of

those lighthouses which he spoke of as costing £48,000, are what we call harbour lights, maintained at a small expense. As far as I could gather, the noble Lord said that the average annual cost of French lighthouses of the first class was nearly £400. [Lord C. PAGET: £390.] The English lighthouses consist of 48 first-class lighthouses, 11 second class, 12 fourth class; and the average cost of their maintenance and repairs is £387. So that when the real expense of the light-houses of the countries is compared, our system does not stand in the disadvantageous light which the noble Lord supposes. The next matter touched upon by the noble Lord was one of great importance. I mean the system of buoys. If we were now, for the first time, establishing a system of buoys, such a system as that referred to by the noble Lord would have a great deal to recommend it, and in many cases would probably be preferable to the course we now follow. But we must recollect that the French coast differs in some respects from the English, and that buoys, though they might be advantageous in France, would not be found to work equally well in this country. We have the estuary of the Thames divided into three separate channels not far distant from each other. It is of the greatest importance that the captain of a vessel should know in which of the channels he was. A red or a black buoy would not give him this information. This great estuary of the Thames and of many of our other great rivers is traversed by thousands of vessels without pilots. The masters, mates, seamen, and boys of which have grown up with a knowledge of every particular spot marked in a particular way. These parties have been accustomed to see a black, white or checkered mark on a particular place, and it is clear, therefore, that, however fine in theory it might be to commence a new system, we should run a vast risk in making the change, and do far more mischief than good. I mention this because there is no indisposition on the part of the light authorities to adopt a simple system of the kind referred to, whenever it is found advisable. Another point touched upon by the noble Lord was with reference to the dioptric and reflecting lights, and the noble Lord complained that the English lights were not all of the improved kind. Now, as far as I am informed, all the lights, when they require to be renewed, are renewed on the best and most improved plan. The noble Lord says that it would cost only some £2000 to change the old lights for the new. Considering the number of lights we have, I think it would scarcely be advisable for those who have the management of the light dues to go to the expense of substituting all at once the new light for the old. The system adopted appears to have been to substitute the improved light for the old reflecting light whenever a change was required, and I believe that a due regard for economy is the best justification for this course. The next point touched upon by the noble Lord was the steam boats, which he said were maintained at a very great cost. No doubt the Admiralty, if it thought fit, could perform all the duty of those boats; but that would only shift the expense from one hand to the other. The Admiralty would, in that case, ask for additional grants, and upon the whole, I do not believe the expense would be diminished. From the great number of light ships we had it was necessary to have these steamers for the purpose of taking up the buoys and of visiting the light ships every six months or so. I now come to a most important part of the subject, with regard to which I am not prepared widely to differ from the noble Lord. I mean that part which relates to the management. The right hon. Gentleman opposite (Mr. Cardwell) in 1853 effected a very great change in this matter, and I doubt whether he did not lay the grounds of still further changes. Antecedent to that period the light dues collected in England were applied to English purposes, those collected in Scotland to the Scotch lights, and in Ireland to the Irish lights. The right hon. Gentleman made a common fund of them. The large amount of light dues collected in England, where the traffic is more considerable, was made applicable to the building of light-houses in Scotland and in Ireland, where it was of advantage to the shipping interest that lighthouses should be, and where the amount of dues collected was small. This appears to lay the foundation for a more uniform management. Even in a short experience of the present system every one will discover that it entails a great deal of trouble and correspondence, in consequence of what the noble Lord very aptly calls the double government. But at present I am not prepared to say that I see any evil results as far as the management of the expenditure is con-

cerned. These are two very different questions. At the same time, I cannot affirm that the system under single management might not be more economical and simple. The noble Lord raised a much larger question than this. The noble Lord desires to place every harbour light and every one of the lesser lights under central management. These are now to a certain degree controlled though their revenues are kept separate. Now this very large and important subject has not escaped the attention of the Government, and one large portion of the question not touched by the noble Lord I will shortly allude to. I refer to the duty which is thrown upon the Board of Trade of erecting what are called colonial lights. At present the charge on the Consolidated Fund on that head is some £40,000 or £50,000 a year, but I cannot say that it is altogether on a satisfactory footing. I think great advantage will arise to the public if a Royal Commission were issued to inquire into the whole subject of the management of these lighthouses. The Motion of the noble Lord touches only one point of the question. At present it would be premature to transfer off-hand, without due inquiry, a charge of £200,000 or £300,000 to the public exchequer from the shoulders of other parties. The noble Lord alluded to a sum of £400,000, which he said some gentlemen who visited me supposed was in my keeping and at my disposal. I can assure him that he was wholly wrong in that supposition. No one had brought to my knowledge the existence of such a sum, and therefore I could not be asked to dispose of it in the manner stated. I have looked to see from what source this sum of £400,000 has arisen. It is a sum of money formed from time to time of the surplus of light dues, and it remains in a sort of standing balance to meet the charges for the new works which are continually required. So far from having that nest-egg at my disposal, no allusion was made to it by the gentlemen in question. I believe I have touched on all the points mentioned by the noble Lord. I believe our present system of management is not so disadvantageous to the public as the noble Lord supposes. If we knew how many of the French lights were harbour lights, I believe we should find our system not so expensive as the noble Lord thinks. I am not prepared to say that if we had a central management, that the expense might not be less, but then the House must remember that we cannot sweep away an ancient system without increasing largely the amount of superannuations. Taking England, Ireland, and Scotland together, the superannuations at present amount to not less than £20,000 a year, a very heavy item, which forms part of the existing annual expenditure. Any extensive alteration in the system of management will, of course, involve an increase of superannuation allowances, and it might be without corresponding benefits. If the Motion of the noble Lord is carried there must of necessity be a central Board of management, for it is impossible that so large a sum of money as that which the noble Lord proposes to throw upon the public exchequer can be administered by irresponsible parties, or, at all events, by parties not so fully responsible as a public board would be. Though the Board of Trade at present possesses a certain power of control I am ready to admit that the fact cannot be concealed that there is in some sense a divided responsibility. At the same time I hope the noble Lord will withdraw his Motion and accept the proposition of the Government to issue a Royal Commission as more likely to lead to a satisfactory solution of the question. A Royal Commission, properly constituted, and investigating the whole subject with all its difficulties, will either satisfy the public that the present system of management is a good one, or point out the best mode of making the requisite changes. I trust, therefore, that the noble Lord will not put the House to the trouble of dividing upon a Resolution which merely seeks to add to the burdens of the public exchequer at a time when, as everybody knows, its resources are barely adequate to meet ordinary demands.

Mr. LINDSAY said, he regretted that the right hon. Gentleman had not gone a little more fully into the subject. However, in what he had said he (Mr. Lindsay) could not altogether agree with him, and more especially as he seemed to intimate that the difference between the cost of English and French lights was not so great as his noble Friend had stated. Now, if any confirmation of the figures of his noble Friend was wanted, he would beg to call the attention of the House to the statement of Captain Washington of the Admiralty—who was a competent authority on this subject. From an estimate of that gentleman it appeared that the annual cost of a

shore light in the United States was £202, and of a light vessel, £656. The annual cost of maintaining the lights in France was £268,000 ; in England, £504,000, or nearly double. In his opinion the noble Lord had made out this part of his case. Some change was evidently called for, when the French were able to maintain superior lights to ours at half the cost. The right hon. Gentleman who last spoke would make it appear that there was almost no balance in hand from the surplus of light dues. By the last account in 1856 there appeared to be a balance of £165,137. [Mr. HENLEY : No balance for the erection of new lighthouses.] He was informed that the balance had now reached nearly £400,000, and the right hon. Gentleman could not deny that that sum was property belonging to the shipowners, for it had been collected by means of a tax levied on the shipping interest, and it ought to be applied to the purpose of lighting the coast and building new lighthouses. But £400,000 would go a long way, and if these lights could be maintained for £180,000 per annum — and he believed they could be efficiently maintained for much less — then it would gratify the Chancellor of the Exchequer to be told that, in case of their maintenance being transferred to the Consolidated Fund, the House of Commons needed not to be applied to for a vote of money on their account for two years at least. Why, he asked, should a much greater tax be levied on shipping than was really necessary for the maintenance of the lights? He might be told that a great sum had been levied for the purpose of purchasing the private lighthouses, amounting to nearly £1,200,000; but if reference were made to the report of the Committee on Lighthouses, of which the noble Lord the Member for Tiverton was a member, it would be found distinctly laid down that all expenditure necessary for the erection and maintenance of lighthouses, buoys, &c., should henceforth be defrayed out of the public revenue; and that if the Trinity House had incurred a debt in purchasing lights from private individuals, the Government ought to take that debt off their hands. The great question before the House was, whether these lights should continue to be levied on the shipping interest of the country, or be paid for out of the Consolidated Fund. Formerly the shipping interest was, unfortunately, in the position of being what was called a "protected" body. It was therefore supposed to obtain some peculiar advantages—which, indeed, protection never gave them—and consequently every Government when they desired to raise revenue, fastened themselves on the shipping interest. Happily, the shipping interest was now relieved from protection, and the consequences of protection should also be swept away. The House could not deny, that to extract from the shipping interest the large amount of £1,200,000 for the purchase of private lighthouses, and the extinction of rights which never should have been granted by former monarchs or by votes of that House, was a gross injustice. The shipping interest of the country had been, however, subjected to that injustice, and he now asked that they might be relieved from the burden. It was impossible to give them back that which had been taken from them, but a tardy act of justice might be done by relieving them from the duty of maintaining lights which ought to be supported by the nation at large. If hon. Members looked to the able report of the Committee of 1845, they would find it clearly laid down by the whole of the witnesses, and agreed to by the majority of the Committee, that it was the duty of the nation to light its own shores and warn strangers of danger. It was not merely the shipowners who derived benefit from the lights, but also the merchants and the consumers, and therefore, even if the House agreed that the necessary amount should be paid out of the Consolidated Fund, instead of laying a tax upon the people, it would diminish the tax now really paid, for it was paid in a most expensive manner—namely, by several hands, one after the other. In justice not only to ourselves, but to the mercantile navy of foreign nations these heavy duties ought to be abolished. The United States of America had remonstrated very strongly for many years against this tax, and with great force, for while they never charged for their lights the English had for a long time taxed their ships for lights. France, too, levied no dues in return for the excellent lights, and even Russia and Prussia made no charge. It was a narrow view of the question, to say that by placing those charges on the Consolidated Fund they would be granting relief to foreigners. How stood the case as regarded America? America had taken the lead of all other nations in the matter of lights. In 1792 she had but 10 lighthouses; in 1848 she

had 270 lighthouses, 30 floating lights, and 100 buoys; in 1850 she had 300 lighthouses; and in 1855 the number was increased to 500 lighthouses, irrespective of floating lights. Yet, with this liberal provision along her coasts, she made no charge for lights. Suppose America made a similar description of charge on our ships as we made upon hers, what an outcry would be raised. An American steam-packet entering the Mersey paid £62 for light dues; and if the Americans had made the same proportionate charge for lights to the Cunard Company that we had made to the Collins Company, that company would have had to pay in 1850 £3,224, from the whole of which that company had been relieved. It was natural that America should deeply feel this injustice, and it was unwise policy that such a feeling on the part of a friendly Power should continue to exist. Again, he could state, that in the year 1849 one firm, having ten ships trading between Liverpool and New York, paid in the shape of light dues a sum of £2,498; and he also knew that two American ships, the *Franklin* and *Washington*, had paid £800 per annum for lights, because they touched at Southampton for the mail bags. The House would, perhaps, be surprised to hear that during the ten years from 1840 to 1850 the Americans paid for lights in this country no less than £234,000. If the same tax were continued between 1850 and 1860 they would pay at least £400,000. Yet the burden borne by foreign shipowners was but small in proportion to that thrown on the shipping of this country, for out of the whole sum our own shipping paid 86½ per cent of the tax. The impost fell with peculiar severity upon the coasting trade. Take, for instance, the case of a vessel of 450 tons, running between St. John's and this country, and earning a freight of £1,000. Such a vessel would have to pay £10 per annum, or 1 per cent on her earnings, for light dues; but if the same vessel were to be employed in the coasting trade, she would have to pay £42, a sum equivalent to 4 per cent upon the gross amount of their freights. Upon the north-east coast of England this was often more than they were earning. The shipping interest did not require to be protected from foreign competition. It spurned such protection; but what it asked was, that it should be relieved from burdens which had been unjustly imposed upon it in the days of protection. He was willing to admit that the right hon. Gentleman at the head of the Board of Trade greatly desired to see the shipping interest relieved from all unjust charges, but he did not see what was to be gained by a Royal Commission. It was something better than a Select Committee, but the House already had all the information necessary; and the question whether lighthouses should be paid for by the shipping or out of the Consolidated Fund was a question for the whole House to decide. He did not see the necessity of a Royal Commission to go about the country and examine the lights. The question was now ripe for settlement, and his fear was, that if a Royal Commission were appointed, the House would only get the same evidence that was already before it.

Mr. LOWE said, he believed that if the House would favour him with its attention for a few moments, he should be able to throw a little light on the intricate question before it. The noble Lord had been at great pains to show, and in his opinion had actually shown, that the management of these lights was needlessly expensive. The noble Lord had gone farther, and had shown the cause of that expenditure. He (Mr. Lowe) believed that the expense was mainly owing to the double government of the Board of Trade and the Trinity House. He did not think that any blame was due to the right hon. Member for Oxford (Mr. Cardwell) who was the author of that double government, because it was a great thing to place the control in a single office, and to make that office responsible to Parliament. That right hon. Gentleman was not, therefore, to be blamed if the institution of the double government which he set up had not worked altogether satisfactorily. Nor did he attribute blame either to the Trinity House or the Board of Trade. They were both anxious to curtail the expenses, but there was a divided responsibility. One department proposed the expenditure, and another had to ratify it, and neither exercised the same control and responsibility as if the duties were discharged by a single hand. He did not believe it was in the power of the President of the Board of Trade to reduce the expense of lighthouses, however large it might be, as long as the double government remained. But what was the proposal of the noble Lord? It was not to abolish or to remodel this double government, and form a single government, which should take the management of the light-

houses, and endeavour to reduce the expenses, but he left the imperfect machinery as it stood, and wished to transfer the light dues from the shipping to the Consolidated Fund. Now, in what position would the right hon. Gentleman at the head of the Board of Trade find himself if the noble Lord's Motion were agreed to? He might have to place an estimate before the House which the noble Lord might have no difficulty in proving to be too large, but which the right hon. Gentleman would be unable to control or reduce, owing to the constitution of his department. If the light dues were to be thrown upon the Consolidated Fund, the first step should be to give the Minister, whose duty it would be to propose the estimate, the means of reducing it to the lowest point consistent with efficiency. That power he did not now possess, for at present he had to control the Dublin Board, the Board of Scottish Northern Lights, and the Trinity Board, and that expenditure could not be controlled as if it were under a single hand. He felt himself compelled to object to the Motion of the noble Lord; but if Parliament did away with the double government and substituted a single department, it would be a fair subject of consideration whether the burden ought to be thrown upon the Consolidated Fund or not. It might be that by defraying the cost of lighthouses out of the Consolidated Fund, something would be saved in expense and something in vexation. So long as the system of divided responsibility and of double government continued he was satisfied—without imputing blame to the Board of Trade or the Trinity House—that a reduction of expenditure could not be effected. He could not vote for a proposal which would place the President of the Board of Trade, or any Minister, in the position of submitting estimates to the House, without having the power of controlling the expenditure to which they referred.

MR. CARDWELL said that the debate had advanced so far that they might be quite certain one desirable result would be attained—that, in some mode or other, there would be a full and impartial inquiry into the efficiency of the present system, and as to whether the present charges were excessive. His right hon. Friend had proposed the appointment of a Royal Commission on this subject. In 1853, when the question was brought under the consideration of the House by the Government of the Earl of Aberdeen, they found it a matter of no small difficulty to deal with the subject, in consequence of the existence of charters of the most remote antiquity, many of them having been subsequently ratified by statute. One corporation—the most ancient, he believed, and not the least eminent among those whose interests were affected—met the demands of the Government and of Parliament in the most frank and liberal spirit. That corporation, having possessed the power of levying large sums beyond the requisite expenditure, and not only having the power, but being directed by the terms of their charter to employ it in a manner which gave them extensive and valuable patronage, finding it was the opinion of the House of Commons that a power so exercised at the expense of the shipping interest should no longer be continued, consented voluntarily to an arrangement which was ratified by Parliament, and which compelled them to submit every shilling of their expenditure to the sanction of a Minister who was responsible to that House. This arrangement subjected their accounts to the examination of the public auditors, and enabled Parliament, at any moment, to step in, and, by questioning the Minister who was responsible, or by directing inquiry, to ascertain whether a single shilling had been expended beyond what was absolutely necessary. The other corporations, however, had refused to follow that admirable example; and the consequence was, that at the period to which he referred, a Royal Commission was issued, to inquire into them. That Commission, with great labour, extended its investigations to every part of the three kingdoms, and they recommended extensive and important changes, which had never been carried into effect. The able speech of the noble Lord (Lord C. Paget) had produced so great an effect upon the House, that it was necessary to have an inquiry now, whether the House accurately understood the real facts of the case. He was sure the noble Lord had left the House under an impression that the heavy debt to which he had referred—£1,200,000—was incurred in spite of the recommendations of Mr. Hume, and that the burden continued to this day to oppress the shipping interest; whereas, the fact was, that this debt, whether right or wrong—and he (Mr. Cardwell) was not at all disposed to defend the transaction—owed its origin to the first Committee, of which Mr. Hume

was the Chairman, that it was now wholly extinguished. and not a farthing was now collected, or would be collected, from the shipping interest, for its liquidation. His hon. Friend the Member for Tynemouth (Mr. Lindsay) had told them, from the Report of 1845, what was the comparative cost of maintaining the lights in France and in England. That was the expenditure before the system was reformed, and the figures quoted were, doubtless, correct; but the hon. Gentleman seemed to have overlooked the information afforded to the House by the noble Lord, as to the present cost of French lighthouses, and to have forgotten also that his right hon. Friend opposite had told them what was the present expense of maintaining English lighthouses. He (Mr. Cardwell) believed the expense of English lighthouses was somewhat below the expense of French lighthouses. [Mr. Lindsay was understood to say that the cost was about the same.] The hon. Gentleman (Mr. Lindsay) had, however, quoted figures from the Report, which might lead the House to suppose that the expense of the lighthouse at Dungeness far exceeded that at Cape Grisnez. He (Mr. Cardwell) believed the House was also under the impression that the Committees of 1834 and 1845 found great fault with the English system, on the ground of its inefficiency, and expressed an opinion that a new system should be adopted. If, however, hon. Members referred to the Reports, they would find that the Committee stated, in the most plain and emphatic language, in their Resolutions, that the system was as efficient as it could be. Was it not to be expected that a system would be efficient which was placed under the management of Mr. Faraday, and for which that name was responsible to the British public? Comparisons had been drawn between the system of lighthouses in England and in America. Upon this point, he would remind the House that, shortly before the Bill of 1853 was passed, the American Government, dissatisfied with the condition of the lighthouses in the United States, sent a Commission to Europe, to investigate the system on which lighthouses were maintained, and that Commission reported in the highest terms upon the management of lights in England, and recommended that the system of the Trinity House should be adopted in the United States. The noble Lord proposed to carry into effect the recommendations of the Committee of 1845, and, undoubtedly, the Committee, not unanimously, but by a majority, he believed, of six to four, arrived at the conclusion embodied in the noble Lord's Resolution; but that Committee also made the following recommendation:—

"Your Committee, therefore, after mature consideration of all the circumstances relative to and connected with the present state of the several establishments for arranging the lights, &c., in the three kingdoms, are of opinion that all public and general lighthouses and floating lights, buoys, and beacons in the United Kingdom should be placed under the management of one Board, resident in London, and that that central Board in London should be the Trinity Board of Deptford Strond."

That was the recommendation of the Committee presided over by Mr. Hume. His right hon. Friend the Member for Kidderminster (Mr. Lowe) had compared the bodies which possessed control over lighthouses to a double government, and he (Mr. Cardwell) was anxious to call attention to this part of the case, because without having any desire to maintain the existing system, he thought it was important the House should understand what a single government for the management of lighthouses meant. It meant that the expenditure of a very large sum of money, the patronage which was involved, and the settlement of the tangled local questions which might arise, should at once be transferred to the Board of Trade. There was at present, however, no double government in reality, but the whole responsibility of managing the lights was left in England, Scotland, and Ireland to three distinct bodies, so that each country had its own special officers presiding over the service. The noble Lord had admitted that if he were a Scotch or Irish gentleman he would strongly object to transfer these powers into the hands of an English body resident in London. There was, however, a common fund and a uniform control. There was no divided responsibility, but for every shilling of money which was improperly expended the President of the Board of Trade was responsible to that House. He did not say that at some future period it might not be expedient to confer these great powers upon a department of the Government; but he maintained that the proposal to increase to such an extent the responsibility, the power, and the patronage of the Executive Government was a matter that required the most serious and careful consideration, and ought not to be

decided upon in an off-hand manner, and by an unexpected Resolution, before the House was fully acquainted with all the circumstances of the case. Then, with regard to the question of money, he was not at all surprised that in the present state of the finances his right hon. Friend opposite should be disinclined to throw any additional charge upon the Consolidated Fund. The right hon. Gentleman near him (Mr. Lowe) seemed to think that if the charge were placed upon the Consolidated Fund the expenditure would be managed more economically, but he (Mr. Cardwell) believed that if they wished expenditure to grow they could find no surer means of accomplishing that object than by transferring it from local control to the Consolidated Fund. That was a question well worthy the attention of those persons, whether members of a Royal Commission or of a Committee, who were going to investigate this subject. There would be no end—he knew it from experience—to the applications which would be made for building new lighthouses of all kinds. Every shipwreck which took place would involve a claim, and would be laid at the door of the Board of Trade. A Committee was now sitting upstairs on harbours of refuge. No veil was so impenetrable as that which shrouded the deliberations of a Committee of this House until they had made their report. He wished that veil could be penetrated, so that the House might form a conjecture as to what part of the coast of this country had not asked for its £5,000,000 of money; and when the general public paid all these charges, while the shipping interest enjoyed all the advantages derivable from them, would there exist the same security as was afforded now that only reasonable demands should be made for establishing lights on the coast of England? For all these reasons—having had the honour of submitting the great reform of the Trinity House which had now been five years in operation—believing that when a change of such a kind had been made it was only just that its result should be investigated and made known—and believing it to be necessary also that the House should be informed of many most important consequences before it placed this charge upon the Consolidated Fund, before it gave to any Government the patronage of every light which now existed or was hereafter to exist, and before it threw upon them the responsibility of all the local controversies and disputes which would be sure to arise, he should support the proposal for inquiry by a Royal Commission, in preference to having this charge at once placed upon the Consolidated Fund by means of an Address.

MR. BENTINCK said, he entirely agreed with his right hon. Friend the President of the Board of Trade, that that could not be regarded as a party question. For his part, he did not wish to prefer charges against any people in that case, but he was anxious to see a remedy provided for the abuses and the absurdity of the existing system; and he thought that no hon. Member would deny the existence of gross abuses, or that anything could be more monstrous that the complication of our system of signals and the system of buoys. His noble Friend who had brought forward a Motion recommended that certain duties in connection with the maintenance of lighthouses should be performed by the Royal Navy; but appeared to him (Mr. Bentinck) that it would not be desirable to impose on our officers a task which they would probably find very irksome, and which they certainly would have no special motive for discharging carefully and zealously. He differed upon one point from his right hon. Friend the President of the Board of Trade. His right hon. Friend had said that great inconvenience would arise from changing the buoys in the Thames, but he (Mr. Bentinck) believed that that inconvenience would be far more than counterbalanced by the great advantages of which such a measure would be productive. He concurred most cordially with the noble Lord in his attempt to induce the House to consider the whole subject; but, at the same time, he did not think his noble Friend could fairly call upon the right hon. Gentleman the Chancellor of the Exchequer to undertake the cost of all this additional expenditure without their having had more accurate and detailed information on the matter. He therefore hoped his noble Friend would be induced to adopt the suggestion of the right hon. Gentleman the President of the Board of Trade, and accede to the proposal for a Commission to inquire into the subject.

VISCOUNT PALMERSTON said, that the House was much obliged to his noble Friend for the ability and clearness with which he had brought before it a subject of great national importance. In many respects he concurred in the view which had been taken by his noble Friend. He

was a Member of the Committee which sat in 1845, and was truly an assenting party to the recommendations which that Committee made to the House. At the same time, he thought the observations of the hon. Gentleman who had just sat down worthy of the attention of his noble Friend. Since that Committee sat, great changes have been made in the constitution and arrangements of the Trinity House, and therefore it could not be said that that Report, and the Report of the previous Committee, contained all the information necessary to enable the Government and the House to determine what course they should pursue upon this important matter. He should, therefore, strongly recommend his noble Friend to accept the proposal which had been made by the right hon. Gentleman opposite, that a Royal Commission should be issued to inquire into this subject. Notwithstanding the improvements which had been made at the Trinity House, he was led to believe that other changes might be made in the arrangement of that Department which would lead to a considerable saving; and, he must confess that he was one of those who thought that, in the abstract, there was a good deal of plausibility in the argument that the expense of these lights ought to be borne by the public, instead of by the shipping interest. The lighting of our coast was undoubtedly a duty which belonged rather to the nation than to individuals. Take for analogy, on a small scale, the lighting of the streets; we did not call upon the persons who traversed the streets of this great town to pay for their lighting. That expense was defrayed by the parishes, who stood in the same relation to the lighting of our streets as the nation occupied to that of the coasts. Upon that analogy he thought that the nation ought to pay the expense of lighting the coast. On the other hand, until the Department, which was responsible to Parliament, was invested with full power of controlling the expenditure and enforcing those arrangements which were best adapted to secure the efficiency of the service and its economical performance, it must be premature to make the transfer from the shipping to the Consolidated Fund. There were matters of detail with regard to which further inquiry appeared to be requisite, and he should therefore strongly recommend his noble Friend, in the interest of the matter which he had taken in hand, to accept the proposal of the right hon. Gentleman opposite, to withdraw his Motion, and to leave it to the Government to appoint a Royal Commission to investigate the whole matter and report thereupon.

Mr. WHITE said, he thought the House ought to be consistent with itself, and he by no means shared in the apprehensions expressed by the right hon. Gentleman the President of the Board of Trade. The right hon. Gentleman the Member for Oxford seemed to think that it would be a great public calamity to place some £200,000 of patronage in the hands of the Executive; but he (Mr. White) would ask how long ago was it since the House arrived at the conclusion that it would be a benefit to have the vast patronage connected with the Indian Administration given to the Executive? Again, no later than in the last Parliament it was deemed expedient to adopt the recommendation of the noble Lord the Member for Sandwich, and pay £1,250,000 to the King of Denmark in order to extinguish the Sound Dues; but the Light Dues on our own coast were of a far more objectionable character, and surely if it was expedient to abolish the Sound Dues, it was no less expedient to do away with our own Light Dues and throw the charge of maintaining the lighthouses upon the Consolidated Fund. With respect to the state of the finances, which some persons viewed with some degree of alarm, he thought that if the Chancellor of the Exchequer was compelled to continue the imposition of the income tax, he would in a great degree do away with the unpopularity of that proceeding, or of raising money in any other unpalatable way, if he would consent to remove so objectionable an impost as this was felt to be. Let it be also remembered that by making the transfer proposed they would be benefiting the consumer, and carrying out the principle of direct taxation, in favour of which the House pronounced years ago. In conclusion, these dues were very severely felt by the coasting shipping, especially by that connected with the port of Plymouth, and, as a Member for that town, he tendered his warmest thanks to the noble Lord (Lord C. Paget) for the admirable manner in which he had brought this subject before the House.

Mr. A. SMITH observed that the right hon. Gentleman the Member for Oxford (Mr. Cardwell) was mistaken in supposing that the United States Commissioners had reported in favour of the English system

of lighting. On the contrary, in their Report, they gave a decided preference to the system pursued in France, and adverted to the extreme economy of that system compared with the one which was pursued here. They stated that the average cost of the lights in this country was £500, while the magnificent French light at Grisnez cost only £300, and they further reported that proceeding on the French system the total cost of the whole of the lighthouses in the United States, which were very numerous, far exceeding ours, would be but £84,000 a year. The greater cheapness of labour and materials had been alleged as a reason for the moderate cost of the French lights, but as that argument could not apply to America it must fall to the ground. The United States Commissioners stated that the expense of the lighthouses in France in 1825 was actually less than the cost of collecting the dues in this country; and they described the machinery of the Trinity House as not only objectionable in principle, but exceedingly expensive. In fact, so many contrary statements had been made upon the subject, that he hardly knew what the real state of the facts was. For instance, it had been said that the cost of lighthouses in this country was only £27,000 a year, and of light ships £37,800; but when he turned to the last accounts published by the Board of Trade, he found that the expenditure for lighthouses alone was nearly £148,000, and the receipts £252,000 a year, which left a balance of £104,000 wholly unaccounted for. It was a great misfortune that the accounts laid on the table for their information as to the actual expenditure of the Trinity House were not as complete as they ought to be. Previous to the passing of the Mercantile Marine Act the Trinity House only gave the amount of the receipt from Light Dues, and the expenditure upon lighthouses; but they were not bound to account for the residue, which was between £60,000 and £70,000 a year. Doubtless a large part of that balance was required for the salaries and expenses of that establishment itself. The Elder Brethren, it appeared from the blue book, had £7,000 a year, the establishment on Tower Hill cost £80,000, and the steamers in connection with the Trinity Board and the lighthouses cost a large sum. He concurred with the right hon. Gentleman opposite that this matter ought not immediately to be placed in the hands of the Government; but he wished to see the Trinity Board establishment remodelled and that body made effective for the purposes for which it was intended. Its constitution was very defective, many of the Brethren being self-elective, while in his opinion the Elder Brethren ought to be selected from different ports in the kingdom by the mercantile marine body in conjunction with the shipowners. The establishment of such a Board as that would be satisfactory to the great shipping interest, which through its instrumentality might be placed in that position in the body politic to which it was fairly entitled. If thoroughly remodelled, its various functions, together with the examination of masters and mates, and other duties beneficial to the mercantile marine of this country, might be exercised by it with great public advantage. The Trinity House had obstinately resisted improvement, never yielding except to the strong pressure of Parliamentary inquiry. For a long period they persisted in the use of sperm oil, on the plea that it encouraged the whale fishery; and it was not until the Committee of 1845 had sat that they were at last induced to substitute colza oil in its place. The Trinity House must be subjected to a thorough and searching investigation before it could be put upon a proper footing. He should offer, therefore, no objection to the appointment of a Commission, because he thought that its investigation would eventually lead to useful results.

MR. PHILIPPS said, he did not see that because we spent £1,250,000 to abolish the Sound Dues, it followed that we were now called upon to place the charge of lighting our coasts upon the Consolidated Fund. He thought that if the argument of the hon. Member for Plymouth (Mr. White) that the cost of maintaining lighthouses ought to be defrayed by the Consolidated Fund, because the charge ultimately fell upon the consumer, was allowed to prevail, it would be impossible to stop there. The railway interest might with equal plausibility urge that the expenses for watching, taxation, and local rates ought to be thrown upon the national Exchequer, because they also ultimately fell upon the consumer and the travelling public. He trembled for the Consolidated Fund. The late Chancellor of the Exchequer had warned them that the danger to which it was exposed at the present day did not arise from personal corruption,

but from the advocacy of the pet schemes of benevolent individuals, each of whom sought to throw a new charge upon the country, for what he no doubt conceived to be the good of the public. If such a practice were not sternly discouraged, it was to be feared that this fund would cease to deserve the epithet "consolidated," and that, as Hamlet wished might be the case with his own flesh, it would "melt, thaw, and dissolve itself into a dew." Inasmuch, however, as the greater portion of the speech of the hon. Gentleman who had just sat down, had reference principally to the improvements which might be made in the Trinity Board, he did not wish to offer any objection to the suggestions which he had made.

Mr. COWAN complained that it was too often the case that when the sheriffs and other authorities on the coast of Scotland submitted good plans to the Trinity Board for the improvement of the northern lighthouses, they were set aside, whether by secret influence or not he could not say. He thought that with reference to the difference in the cost of establishing and maintaining lighthouses on the coast of France and England it arose from the rocky character of our shores, and the impossibility of getting at many of our lights except during a short period of the year, for the purpose of repairing them. Many of them on the coast of Scotland were situated in places access to which was extremely difficult. As the noble Lord had attained his object by bringing the matter under the consideration of the Government, he recommended him to leave it to be dealt with by them on their own responsibility, and to withdraw the Motion which he had made.

Mr. J. EWART remarked that he could not concur with the noble Lord the Member for Sandwich in deeming it expedient that the whole of the proposed expenditure should be thrown upon the Consolidated Fund. It was, however, he thought, a question well worthy of the consideration of the Government whether it would not be desirable to free the coasting trade from the operation of those dues which pressed so heavily upon it, and which amounted to a sum of only £60,000 per annum.

Lord CLARENCE PAGET said, that, after the assurance which he had received from the right hon. Gentleman the President of the Board of Trade, that the Government would be prepared to appoint a Royal Commission to inquire into the important subject which he had that evening brought under its notice, and after the opinion which had been so generally expressed by hon. Members that such a course would be likely to lead to a satisfactory result, he should, with the permission of the House, withdraw his Motion.

Motion, by leave, *withdrawn*.

TRIBUNALS OF COMMERCE.

COMMITTEE MOVED FOR

Mr. AYRTON, in rising to move for a Select Committee "to inquire respecting the expediency of establishing Tribunals of Commerce," stated that he had, in deference to a suggestion which had been made to him upon the part of the Government, consented to enlarge the terms of the Motion by the addition of the words "or otherwise improving the administration of Justice in causes relating to commercial disputes." The subject of the Motion was one he might observe which had been pressed upon his attention by a body of gentlemen occupying most respectable positions in the city of London, who had, to the number of 1500, signed a petition in reference to it, and had requested him to bring it under the notice of the House of Commons. Those gentlemen, in the petition to which he had alluded, stated that they considered the present mode of administering justice in commercial cases to be extremely unsatisfactory, both as respects the manner in which it was administered and the delay which it entailed. They, moreover, drew attention to the fact that in foreign countries justice in such cases was administered through the medium of courts which were called "Tribunals of Commerce," and prayed that the House of Commons might take into its consideration the question whether a system which was found to work satisfactory in foreign countries might not with advantage be extended to our own. He was not desirous of pledging the House to adopt the views of the petitioners, nor, indeed, could he do so himself. His object in making this Motion was to induce the House to consider whether their complaints were well-founded, and, if so, how they could be redressed. It was true these gentlemen did not furnish any details showing how the administration of justice was defective or unsatisfactory; nor did they point to any remedy which they wished to see adopted; but it should be remembered that they were in the

position of a person suffering from some disease, the nature of which it required technical science to discover, and consequently he could not help thinking that it constituted no valid objection to the consideration of their complaints that they were not enabled to point out in a specific shape the evils for which they sought a remedy. They felt they were labouring under a grievance; they perceived that the objects which they desired to attain when they entered upon the prosecution of a suit in a court of justice were not satisfactorily accomplished; but they were willing to leave it to professional men to explain the causes which led to so unsatisfactory a result, and if possible to devise some means by which the inconveniences of the present system might be obviated. Those inconveniences might have their origin in the proceedings to be taken at the very commencement of a suit, whereby the real point at issue might be so involved in unnecessary technicalities as to lead to considerable difficulty in its determination when it came on for decision before the tribunal to which it had ultimately to be submitted. A considerable improvement in that respect had, indeed, recently been introduced into our system of procedure, and a man might now in a comparatively short time—about twenty days in a simple case—arrive at the stage when his suit was ripe for adjudication. But it was sometimes an object of the utmost importance to merchants that their grievances should be disposed of in as many hours as it now took days to investigate them, and in accordance with the system of the "Tribunals of Commerce" twenty-four hours constituted the limit within which parties interested in a suit were compelled to appear, in order that a preliminary inquiry might take place respecting the nature of the case, in order that any emergent question might be brought under the notice of the Court. Under the existing system, when a controversy had arrived at the point when a judicial decision could be taken, it frequently happened that such decision could not be obtained for five or six months, owing to the length of time which elapsed between the visits of the Judges to provincial towns, and even when it came to a hearing it might not be finally decided. In the metropolis the inhabitants could not complain of this delay to the same degree; yet in important commercial cases, even in London, if a special jury was required, before it could be summoned, they might have to wait three months. Even when a tribunal was attained, objections might be raised to the manner in which suits were tried. When a cause came before a Judge and jury the Judge took upon himself to determine many of the questions which arose and left only part of them to the jury. One of the questions which Judges took on themselves to decide was the effect of written commercial instruments. Now a Judge might be a very good interpreter of a legal instrument, but it was very different when he came to deal with those instruments, often obscure and ungrammatical, which were in use among mercantile men, who might read them in a sense different from their strict grammatical construction; and although, in cases where technical terms were used, juries were required to interpret such terms, it was said the Judge trenched too much on the province of the jury. He did not say whether this system was right or wrong, but it involved a serious question, whether the administration of justice in commercial cases could not be improved. Then, again, the delays which occurred greatly increased the cost of litigation; and, moreover, when a decision was pronounced it was not certain that it would be final. In consequence of these evils there was a tendency on the part of persons engaged in commerce in various parts of the country to send their causes for trial in London. Such a system might be agreeable to the legal profession and convenient to the Judges, but it could not be otherwise than unsatisfactory to suitors, whose costs were increased, and to the jurymen of London, whose duties were enhanced by this practice. To such an extent had the tendency to transfer the commercial controversies of the country to the metropolitan courts advanced that he found in one year no less than 1,248 causes were tried in London, while those tried elsewhere throughout the kingdom only amounted to about 1,100. That was not the natural proportion of litigation in London to that of the country, as was shown by the returns of the business in the local courts, for out of a total of 297,000 causes only 55,000 were tried within the metropolitan area, and of 4,000 causes for sums between £20 and £50 only 400 were tried within the metropolitan district. This undue infliction of business upon London jurymen was a real grievance, and tended to bring the institution of a jury itself into disrepute amongst them. Moreover, he was informed that the merchants in the city

were so harassed with the duties they had to perform in this respect that they actually preferred to pay £40 or £50 a year in fines rather than serve upon juries. That was not a proper state of things, and, therefore, the inhabitants of London had a great interest in seeing that justice should be properly administered throughout the country, so that the jurymen of the metropolis should not be called upon to try causes which belonged to other districts. It was needless to remark that suitors also must suffer from the present practice. Indeed it was very distinctly shown in the Report of the Common Law Commission, that the trial of a cause before a distant tribunal was more expensive than a decision obtained upon the spot. The proportionate expense was stated in the Report of the Common Law Commissioners as follows, £30 for a trial when the cause of action arose at an Assize Town, £67 when it arose at a distance of thirty miles, and £87 when at a distance of 200 miles. Another of the evils to which merchants were particularly subject was, that when their causes came to what they hoped would be an ultimate trial it was found so difficult to dispose of them by means of an ordinary sitting of a court and jury, that they were told that they could not be satisfactorily decided, and that it would be better to take them to arbitration; a course which was in fact compulsory upon them, and the expense had thus to be incurred over again, the arbitration was only the beginning of a new suit. Why should they not be remitted to arbitration at the outset? Mr. Rowcliffe, a member of the distinguished firm of Gregory & Co. solicitors, said in his examination before the Commission on this subject—

"My firm belief is that merchants frequently give up disputed accounts when they would have a fair hope of recovering. They abandon their claims in preference to being subjected to the annoyance, expense, and loss of time occasioned by travelling long distances to courts of law and waiting there until their cases come on for trial, with very little prospect of anything but a reference to arbitration."

An Hon. MEMBER moved that the House be counted. It having been ascertained that forty Members were present,

Mr. AYRTON resumed by acknowledging the dulness of the question. It was one, nevertheless, on which he thought he was justified in offering a few explanatory observations to explain the object for which the Committee was to be appointed. Many hon. Gentlemen had asked him what he meant by a Tribunal of Commerce. It was nothing more than a body selected by the Crown in France, consisting of a Judge, who was generally of the legal profession, and the chief merchants of the district — who very much resembled our special jurymen. To them was given the power of dealing with all cases arising out of commercial transactions. Where the inhabitants of a district were very few, the same power was given to the ordinary local Judge, who very much resembled a County Court Judge. The proceedings were very summary. The Court decided a case upon what they understood to be its broad merits. If the claim exceeded £60 an appeal might be made to the superior courts of the country. He did not say that that system could be introduced with all its forms into this kingdom, but he thought that an approach to something of the kind would be an improvement on the present system. There was one place in England — namely, Liverpool, which enjoyed the privilege of a local tribunal of unlimited jurisdiction over cases that might arise within that town. Liverpool had a local Judge who sat four times in the year (more frequent sittings would probably be an improvement), and the merchant of that town had, therefore, four opportunities in the year of bringing his claim before a court, whereas if he commenced a suit in one of the superior courts the trial might not be heard until the expiration of seven months. Why should not the merchant of every other commercial town have the same advantage, instead of having to wait for the time he had mentioned, or being forced to come to London, if he desired a speedier trial. It was of the utmost importance that this question should be settled without further delay, because if a general system of improved local tribunals were not now established they would have individual towns applying for the establishment of special courts under local Acts. When these had become too diversified, some one would propose a grand reform to sweep them all away, and introduce a uniform system, then compensation would have to be given to every one connected with them. He wished to see a general law passed at once, under which the Crown might have the power by charter to establish local tribunals in any place to meet the conve-

nience of the commercial community. He would, therefore, conclude by moving—

"That a Select Committee be appointed to inquire respecting the expediency of establishing Tribunals of Commerce, or of otherwise improving the administration of justice in causes relating to commercial disputes."

THE SOLICITOR GENERAL said, he had listened with great interest to the speech of the hon. and learned Member, not only on account of the importance of the subject in itself, but also on account of the nature of the proposition he made, with the view of remedying what he considered was a great want in our system of jurisprudence. He was anxious to hear from one so competent to inform the House what were the precise grounds on which he thought inquiry was necessary, and the benefit which the commercial community would derive from tribunals of commerce. Although he should not oppose the Motion, he was anxious to state the grounds upon which he should give his assent to the proposition for an inquiry, and at the same time to state the view which he took of the matter. The hon. and learned Gentleman stated that he had presented a petition from a number of persons—no doubt competent to judge of the subject—in London, praying the House to take into their consideration the subjects of Tribunals of Commerce. He admitted that the name in itself was very attractive, and that men engaged in commercial affairs were naturally anxious to see a cheap, easy, and effectual mode of settling their disputes. He could very well understand that they might suppose that a great benefit would accrue to them from the establishment of such institutions. Hon. Members must not, however, be led astray by names—they must consider the amount of the evil complained of, and how those tribunals were to remedy it. The hon. and learned Gentleman stated distinctly and forcibly what he conceived to be the evils of the present system—that cases were constantly occurring in which a speedy decision was the very essence of the case—namely, cases in which perishable property was involved, or in which ships about to sail were in question. Delays in such cases were no doubt very serious, and led, sometimes, to irremediable mischief. Now, in reference to the evil of delay in regard to those proceedings, he would beg to remind the House of one or two facts. There was established in this country, during late years, a very important and most successful improvement in our courts of justice. He alluded to the County Courts, which were scattered throughout the kingdom, and to which Parliament had given a very extensive jurisdiction. The success of those Courts no man could for a moment doubt. They afforded a speedy and cheap mode of settling disputes involving sums up to a considerable amount. In addition to those Courts, they had lately modified their proceedings at common law, first under a Royal Commission, and afterwards by means of discussions in that House. By these means the proceedings in the Courts of Common Law were vastly improved, and had been rendered as speedy as was deemed consistent with the interests of the parties concerned. In addition to this, they had within the last two or three years passed an Act on the subject of bills of exchange, whereby a system of more speedy execution was established in reference to those documents than existed in regard to other subjects of commerce. He well recollected the debates on that measure, and the anxiety that was then evinced to reduce procedure on bills of exchange to the shortest time possible. The consequence, however, was this, that notwithstanding the great desire expressed on this point by the House, they were unable to reduce the proceedings, even in an unopposed action or a bill of exchange, to a shorter time than three or four weeks. In these three different classes of measures the object of the Legislature had been to remedy the evils that sprung from delay in the settlement of disputed cases; and if his hon. and learned Friend was able to show that these proceedings could be still further shortened, he, for one, would be glad to lend his assistance in carrying out so desirable an improvement, and he was sure the House would be prepared to give it their sanction. But when his hon. and learned Friend spoke of cases that required the consideration of a special jury being brought into court and fully stated and disposed of within twenty-four hours, he was afraid he was more sanguine than experience would justify him in being. He feared that his hon. and learned Friend would be disappointed if he ever expected to establish such a state of things as that. He must remember that the Court he proposed to establish must be either a tribunal from which there was an appeal, or a thoroughly independent Court from which there was no appeal. Now, as to a Court of the latter character, he ventured to say that if it were to dispose of cases within the space

of twenty-four hours, it would not enjoy the confidence of the country, to say nothing of those persons whose interests were involved in its decisions. On the other hand, if it were to be a Court from which there was an appeal, his hon. and learned Friend must be aware that its decision would be suspended while the appeal was being determined. The case would be taken before one of the higher Courts; but if so, he was entitled to ask why they could not go to the higher Courts in the first instance? He would now take the other head, on which his hon. and learned Friend had impeached the present system in our Courts of Common Law. He said that the mode in which the mercantile cases were handled by the Judge and the Jury was most unsatisfactory; because questions of fact were left to the Jury, while the Judges were in the habit of putting their own construction on questions of law; and he added, that the Tribunals of Commerce in France decided questions both of fact and law. Of course, in the case of any commercial document that had a peculiar meaning, from the nature of the words employed, the evidence of witnesses would be taken, and upon that evidence the jury would be required to decide upon the peculiar meaning of the document. But did he mean to say that a document springing from the proceedings in a commercial transaction was to be adjudicated upon in a manner different from documents arising out of other matters. He ventured to say, that any innovation of that kind in our system of jurisprudence would be eminently unsatisfactory to the country—it would be so abnormal in itself, and so serious in its consequences, that he believed the House would never give its assent to such a proposition. The fact of Tribunals of Commerce adopting the course referred by his hon. and learned Friend only proved that those tribunals sprung out of a state of things less civilized and less enlightened than we enjoyed in this country. They were the remnants, he would not say of barbarous ages, but of a less enlightened civilization than existed in this country; they were tribunals very far inferior to those we enjoyed, and in no respect more than in this, that the mercantile men who composed them, without stating the grounds on which they interpreted written documents, mixed up in their verdicts questions of law and facts together. His hon. and learned Friend had, however, made a complaint which he was ready to admit was perfectly just. He said it was a very unsatisfactory state of things in this country, that when suitors came into one court they were handed over to another—namely, from a court of equity to a court of law, or from a court of law to a court of equity. That was, no doubt, a serious blot in the jurisprudence of the country, which had been remedied to some extent already, but which required to be remedied to a greater extent still. Indeed, he would ask his hon. and learned Friend to give his support to a bill which he (the Solicitor General) meant to introduce that night, and which he hoped would go far to remedy one or two of the mischiefs to which his hon. and learned Friend had referred. His hon. and learned Friend then addressed himself to another head of complaint of a different kind, in respect of which he was at a loss to comprehend the remedy which Tribunals of Commerce would supply. He said the jurymen of the city of London had a very unfair amount of business thrown upon them, because it was the habit to send country cases to London to be tried. But how did this happen? In the first place, because the courts in London sat for a greater number of days in the year than the courts in the country did. In the next place, because they had courts sitting in Guildhall, presided over by the most eminent Judges, and because these courts were celebrated for the manner in which mercantile cases were decided. In the third place, because the mercantile men who were jurymen in London were eminent for their skill and intelligence which they brought to bear on mercantile subjects; and it was always the fate of those who were able to discharge their business well, to get more business than others, simply on account of their competency. Those were the evils of which his hon. and learned Friend complained. Let him now consider how the system of Tribunals of Commerce would remedy those evils. In reference to the question of speed in the decision of cases, it would be found, he thought, that they could not materially expedite business in regard to important cases in courts of common law, more than they had done already, without endangering the interests of the parties concerned. If they attempted to do so, it would be only by means of a greater number of circuits in the country, or by some extra means for the trial of these cases. He thought, however, that his hon. and learned Friend was mistaken, if he imagined it would be satisfactory to those who had

causes, particularly commercial causes, to be tried, if they had an inferior kind of tribunal to that which they now possessed, for the numerous causes which were brought to London from the country showed the desire which prevailed amongst the commercial community upon the subject. But he wanted his hon. and learned friend to tell him what the proposed tribunals were to be? Were they to be paid tribunals, or were they not? If they were to be paid tribunals, then he asked his hon. and learned Friend whether he thought that Parliament would sanction the institution of a new staff of tribunals, at a very serious expense, throughout the length and breadth of the land—for they must be established wherever commerce was carried on, and there was no corner of the country in which it was not carried on. If they were not to be paid tribunals, what was the probability that gentlemen would be found to discharge the duties of the office with willingness, and to the satisfaction of the public? Again, he wished to know if they were to be courts with or without appeal. If they were to have an appeal, then that appeal must be to the common law courts already in existence? And in that case why not go to them in the first instance. On the other hand, if they were to be courts without appeal, it was clear that they would resolve themselves into nothing more or less than a system of compulsory arbitration. His hon. and learned Friend had referred to the discredit which formerly attached to our system of common law—that when a complicated case was brought before a jury, and it was found that the time occupied was such that the jury could not decide it, it was thereupon sent by the Judge for arbitration; and his hon. and learned Friend read the evidence which had been given before the Commission which sat two years ago, by an experienced solicitor, who spoke of the expense incurred in bringing a case of the kind before a jury, and the hardship of having it withdrawn and sent for arbitration. His hon. and learned Friend, however, had omitted to state that upon the report of that Commission, an Act of Parliament was founded which provided that if a cause were commenced in one of the superior courts, and either party chose to go before the Judge and satisfied him that the case was one of complicated account, or otherwise proper to be decided by reference, the Judge should have power to insist upon the parties incurring no further expense in pleading or evidence, but going at once before arbitrators. By that Bill, therefore, the very evil of which complaint was made, was attempted to be cured, and he believed, to a great extent, that it had been cured by that measure. He had taken the liberty of submitting these observations to the House, only in order that the House might not think that any great benefit was likely to be derived from the establishment of Tribunals of Commerce, or that it would be found upon investigation practicable to have Tribunals of Commerce in this country at all analogous to those which prevailed in foreign countries. In countries where Tribunals of Commerce existed, they had been found from the earliest times, never having been superseded by more formal and regular courts; and if we were now to adopt them he believed that in place of advancing, we should be retrograding, and that it would be found if those tribunals were established upon the system prevailing abroad, they would not be satisfactory to the country. At the same time he would admit that the subject had been largely ventilated in commercial circles, and had obtained a certain amount of favour in the minds of those who felt, as he himself did, that all litigation was an evil, and who gladly and readily grasped at any proposition which would relieve them as they thought from that evil. When a feeling of that sort prevailed, and prevailed among a class of persons whose complaints were entitled to the greatest weight, it was certainly advisable that the question should be investigated, and he thought upon the whole that there was no better way of investigating it than the one now suggested, of appointing a Committee to look into the matter, and endeavour to find out exactly what was the constitution of Tribunals of Commerce abroad, how far that constitution would be applicable to this country, and how far it might be improved. He candidly confessed he did not think it would be found to be an improvement, or that it could be introduced into this country with advantage or with satisfaction to the public. True, he might be mistaken. Therefore, he should be glad to see the subject investigated, and should not offer any opposition to the appointment of the Committee. He was anxious, however, that his hon. and learned Friend should understand that the Government did not anticipate that any useful result would ensue beyond this—that the subject would have been inquired into, and that those

The Solicitor General

who took an interest in it would know all that could be said for and against it, and he expected then that they would see that, so far as the present system was concerned its effects must be remedied by the discovery and adoption of some other measure than the establishment of Tribunals of Commerce.

Lord JOHN RUSSELL:—I am glad that the hon. and learned Gentleman the Solicitor General has consented to the appointment of this Committee. I am not much more sanguine, certainly, than he is as to the result of that Committee; but I think that very good results may arise from an investigation of the subject. I am much of the opinion of the hon. and learned Gentleman with respect to these Tribunals of Commerce. In this country commercial men are used to the privilege of bringing their cases before superior courts of law, where they find Judges highly instructed, and in possession of a code of laws which has grown up during many ages, and who are perfectly able to give a clear and enlightened exposition of that law in any cases that may come before them. It has been pointed out that in many cases of libel Judges are not allowed to direct the jury as to the law, but that juries have the power of deciding both the questions of law and fact; but that power has arisen from political matters being mixed up with this class of cases. It was natural, therefore, and quite right, that the people of this country should insist upon juries being allowed to judge of the law; but with regard to commercial questions, in which no political considerations are involved, juries cannot do better—and I am sure it is what they would wish—than to listen to the opinions of the learned Judge who presides—to decide the question of fact for themselves; but to take the law from him. If, instead of a decision from so high an authority, you had, as I am afraid you would be liable to have—a somewhat confused opinion from men who have not that great knowledge and experience of the law, there would be less content and more discontent with those decisions: I cannot think, therefore, that the specific remedy proposed is exactly the one which would be likely to meet the evils which are complained of. No doubt it is a great evil that commercial men, in many cases, should be obliged, when they wish to close their accounts, to give up debts because of the delay which must take place before their claims can be heard. It is a great grievance, too, that special jurymen should be so often called on in the city of London to decide questions which come up from the country. I do not think that this altogether arises from the desire to obtain a better tribunal, as the Solicitor General argued; the reason very often is that parties have no chance of getting a decision of equal weight in the country without a considerable delay. This, together with other reasons, leads to a conviction which I certainly entertain, that, having made considerable progress of late years in the establishment of local tribunals—to the efficiency of which the Solicitor General is a witness—we shall have to make further progress in that direction. We shall have to improve and extend those local courts, either by having a greater number or by separating some of the smaller causes from them, in order to secure a more speedy administration of justice. There is no complaint as to the excellency of the administration of justice in these courts; but if that justice is not speedily done injustice is often done. A nation cannot possess a greater benefit than to have justice speedily as well as impartially administered, and every investigation tends to show that more may be done by us in this direction. In other questions besides this these local courts might exercise a beneficial jurisdiction, for there are many men who would prefer to have a speedy decision before a competent tribunal than delay a decision in order to get it from a higher court.

Mr. J. D. FITZGERALD said, he believed that the existing state of the law in respect to commercial matters did admit of very large improvements, and he hoped in this inquiry measures for carrying them out would be suggested. Thirty years ago they would have been startled to hear the speech of the Solicitor General. It was then supposed that our administration of law was the essence of human wisdom; but looking back at the reforms which had since taken place, they were surprised now that they could so long have tolerated the anomalies which had been corrected. The hon. and learned Gentleman the Member for the Tower Hamlets (Mr. Ayrton) had referred to the Act for altering the procedure upon bills of exchange. That Act did great credit to his hon. and learned Friend the Member for Reading (Sir H. Keating) who introduced it. He (Mr. FitzGerald) was a member of the Select Committee by which the Bill was finally settled, and he thought at the time that the same system of summary procedure

might be applied to some other contracts in writing as well as bills of exchange. It was one of the evils in our commercial law which this Committee might afford the means of remedying. Another was the division of the systems of law and equity. Some steps, though very imperfect ones, had been made during the last few years towards abrogating the distinction between those systems, and he was happy to find that the hon. and learned Gentleman the Solicitor General, by the Bill which he would presently move for leave to introduce, promised a further advance in the same direction. He would ask any gentleman, merchant, or lawyer, whether there was any sound reason why commercial transactions should be investigated in two courts—one of law and the other of equity; or why the court of law, or the court primarily appealed to, should not administer both law and equity. Another subject which very much interested the public was the jurisdiction in bankruptcy. It was conceded that our bankruptcy system was cardinally defective. He had read articles, and heard from all sides that it was a discredit to the age, that parties were frightened from the court by the great expense and delay, and that the percentage of working a fiat was something incredible. There was another topic which might well be considered by the Committee. He had himself introduced last year and carried through Parliament a Bill for the reform of the law of bankruptcy in Ireland, but though a great advance, it was by no means an approach to perfection. He believed that the result of the Act had been to reduce the expense one-fourth and to increase the business fourfold. He did not agree in one statement of the learned Solicitor General, namely, that they could not beneficially expedite the decision of questions arising upon commercial transactions. He believed that those decisions could be very much expedited with advantage to the public and economy to the suitors. He did not entertain any hope that they would be able to import Tribunals of Commerce into this country, though they might be able to adopt some other simple procedure. He had heard that these tribunals were established in Spain when the commercial transactions of that country were widely spread, thence imported into France, and gradually extended over the other States of Europe. Probably, by an investigation of the principles of those tribunals, they might discover something which would materially improve our own administration of commercial law. He thought that the Solicitor General had fallen into an error when he supposed that the hon. and learned Member for the Tower Hamlets had suggested that by means of Tribunals of Commerce questions of magnitude might be decided within twenty-four hours. He understood the hon. and learned Gentleman's statement to be that by means of the procedure of those tribunals cognizance might be taken of matters in dispute in such manner that the parties might within twenty-four hours be in a position to act safely in the disposition of property, instead of being obliged to act at their own peril. Upon these grounds he should support the Motion, and he believed great benefit would arise from the appointment of the Committee.

COLONEL SYKES said that with reference to the statement of the Solicitor General, that these tribunals originated in a rude and comparatively uncivilized state of society, he had received a paper from Calcutta only yesterday, headed, "Draught of an Act and outlines of a Code for the organization, procedure, and jurisdiction of Tribunals of Commerce in Calcutta." He had not had time to go through it deliberately, and therefore could not speak to the whole of the details; but it was proposed to establish tribunals for the decision of all commercial questions, consisting of twenty-four Consuls, elected by the foreign and native merchants—two out of the twenty four to sit monthly for reference in all immediate cases. If a merchant bought goods on sample and rejected them on the ground that they were inferior, the Consuls would determine, he presumed, within twenty-four hours, whether they were according to sample or not; and he thought a commercial man would be much more likely to determine correctly than a learned Judge of the Supreme Court. The Consuls, being elected by the merchant community of Calcutta, would have their confidence. No doubt, these decisions would be acquiesced in and there would be very few appeals to the ordinary tribunals. The hon. and learned member for the Tower Hamlets was perfectly justified in bringing forward his Motion, and he should cordially support it.

MR. M'MAHON said, he wished to suggest that if it were intended that the Committee should inquire into the questions of bankruptcy and the fusion of law and equity, the form of the Motion

should be amended. He thought the Solicitor General was right in saying that Tribunals of Commerce were a remnant of barbarous ages, not at all suitable to our jurisprudence; and there was the broad fact in support of that view that they had been tried in this country and failed. They had existed with regard to matters of assurance from the reign of Elizabeth to the close of the last century, when, in consequence of the partiality of the various gentlemen who had been called in to decide, they had fallen into disrepute. Mr. Justice Allan Park, one of the highest authorities on commercial law, used these memorable words :—

"It has been much the fashion of late years to insist upon the advantages which the trading part of the nation would derive from the establishment of some equitable and amicable judicatory for the trial of all disputed points in matters of insurance. This is only another proof of the weakness and fallibility of the human mind, which is never satisfied with the enjoyments within its reach, however excellent they may be, but pants after those of foreign growth. Thus, a people who are possessed of a species of trial the best calculated for the discovery of truth and the advancement of justice, and which has excited the admiration of the world, are desirous of parting with such an advantage for a mode of trial which is very unsatisfactory."

He pointed out that the merchants of other nations who had these tribunals had resorted to London for the purpose of assurance, in order to have the benefit of any question on their contract being tried in London.

"It is universally agreed by all writers upon jurisprudence that nothing tends so much to the elucidation of truth and the detection of fraud as the open *viva voce* examination of witnesses in the presence of all mankind, before Judges who from their knowledge of books and men, acquired by long study and experience, are well qualified to discriminate and decide between right and wrong, and before twelve upright citizens who have an opportunity of observing the appearance, countenance, inclination, and deportment of those who are thus examined upon oath. Besides, the subjects of those States which have established these equitable tribunals, sensible of the superior advantages of the English institution, feeling that in great mercantile questions the greatest attention is paid to the external and immutable principles of reason, and that all men, whether natives or foreigners, here meet with an equal measure in the administration of justice, fly to this country to make their contracts of insurance, that in case of dispute they may have the benefit of its laws."

He was satisfied it was impossible that any such tribunals would give satisfaction in this country. The Crown had already the power of trying prisoners, and to leave it to the decision of our civil rights also would be inconsistent with the nature of our laws and institutions. In the metropolis the superior courts held forty-eight sittings every year for the trial of civil causes. In Liverpool, Bristol, York, and Birmingham there were only two assize sittings in the year, so that parties in those towns were obliged to come to London, where so many more sittings were held. He approved the suggestion that the number of assize sittings should be taken into consideration before the Committee, and if it were adopted he should not think it necessary to bring on the Motion of which he had given notice for Tuesday next.

Mr. BLAKE said, he spoke from experience when he said that Tribunals of Commerce worked most satisfactorily. One of these bodies had been in existence for six years in the large commercial city which he had the honour to represent (Waterford), and was much resorted to by the merchants in cases of dispute. He agreed in the applicability of the principle, and believed that the extension and legalization of these tribunals would be of great advantage to the community. He should therefore support the Motion and he had no doubt that the results of investigation would lead to an adoption of that principle.

Mr. COLLIER said, he was glad that the Solicitor General had acceded to the Motion. Many persons among the commercial classes were of opinion that the grievances complained of would be remedied by the establishment of Tribunals of Commerce; but he was afraid that their expectations might be deceived, for he doubted whether such institutions would be found harmonious with the other legal institutions of the country. So far from adding to the number of these tribunals, he was of opinion that they had already quite enough, and it would be better to increase the efficiency of those they had than establish new ones. He concurred in the suggestion which had been made as to the propriety of amalgamating, as far as possible, law and equity. There were two other jurisdictions which it was equally desirable to amalgamate, the jurisdiction of the Court of Admiralty with that of the courts of common law. In the case of an action for collision as the law now stood, a jury might award at common law a verdict for the plaintiff or the defendant; but the Court of Admiralty was empowered to determine the question whether both parties were not in the wrong, and apportion the damage accordingly. Such a jurisdiction was not only equitable but extremely salutary; and he saw no reason why it should

not be granted to the superior courts, and if to them, to the County Courts also. He thought, also, that if this Committee were appointed, it might lead to the conclusion that the circuits of the Judges might be materially altered and improved. They might take place more frequently. Many towns not visited at present might become circuit towns ; and by improving the jurisdiction of Judges at assizes, and extending the limits of the circuits, great improvements might be made in the administration of justice in this country. The jurisdiction of the County Courts might also, he thought, be extended so as to embrace cases such as those dealt with by Tribunals of Commerce in France. Indeed he was inclined to think that the courts might be constituted the real Tribunals of Commerce, presided over by competent lawyers. Taking into consideration the advantages which might be naturally expected to result from the appointment of this Committee, he was extremely glad the Motion had been acceded to, and thought that the hon. and learned Member for the Tower Hamlets was justly entitled to the thanks of the House.

MR. BUCHANAN said, that he doubted whether the range of inquiry proposed to be given to the Committee was not somewhat too large. If the inquiries of the Committee were to embrace the whole subject of law reform and the fusion of law and equity, those who looked to the establishment of Tribunals of Commerce for summary and speedy justice would be disappointed in the Report of the Committee. It was a great advantage that merchants should be able to look to a Tribunal of Commerce for a speedy decision upon their disputes. Tribunals of Commerce were not the product of the dark ages, or at any rate they were at the present day held in high esteem both in France and Germany, and from his own knowledge he could state that in Hamburgh the greatest advantage had arisen from the working of a tribunal of that nature. There were many cases in which it was most desirable they should have some legal tribunal to which they could resort, where they could give their evidence *viva voce*, and obtain a judgment in twenty-four hours. At present merchants were deterred from resorting to the tribunals, not from the expense, but from the enormous delay. When the Judge of the Court of Admiralty sat, a Trinity Brother occupied a seat on the bench in order to give the Judge the benefit of his practical knowledge. For the same reason a matter of mercantile usage was more properly submitted to the decision of mercantile authorities.

MR. HORSFALL said, he wished to express his thanks to the hon. and learned Member for the Tower Hamlets, for the able manner in which he had brought this subject under the notice of the House. Although he was not himself very sanguine as to the results likely to accrue from the proposed inquiry, yet many of those whom he had the honour to represent took a different view, and he was glad therefore that the Solicitor General had assented to an investigation. The establishment of Tribunals of Commerce looked very well in theory, but he was afraid that it would assume a different aspect in practice. Nobody had yet ventured to answer the question of the Solicitor General, as to whether those who were to sit in the tribunals should be paid or unpaid Judges—a point of much difficulty, which would not be easily settled. The hon. and gallant Member for Aberdeen (Colonel Sykes) had produced a Report from Calcutta, as proving the necessity of Tribunals of Commerce, and had mentioned a case involving the question whether the stock corresponded with the sample. The case, according to the hon. and gallant Member, was speedily decided by being referred to a Tribunal of Commerce ; but it would not be difficult to prove that it might have been as expeditiously settled without the existence of such a tribunal. In all commercial communities in England, when a question arose which it was important should be speedily decided, the practice was to refer it to arbitration ; and if the case mentioned by the hon. and gallant Member had been so referred, it would have been as quickly disposed of as by a Tribunal of Commerce. Liverpool had been referred to as having only two courts held in the course of the year where cases could be adjudicated upon, and allusion had been made to the Court of Passage. Now, there were four sittings of that court in the course of the year, in addition to two assize courts, so that in Liverpool justice was as speedily administered in commercial cases, as it possibly could be in courts of law. In conclusion, he was of opinion that if the County Courts were improved, and if their powers were extended, the mercantile community could do very well without Tribunals of Commerce.

MR. AYRTON replied. With reference to the payment of members of these tribu-

nals, he said that those tribunals in France consisted of retired Judges, assisted by persons engaged in commerce, who were not paid. The mercantile members of the Tribunals of Commerce in this country would discharge the duties they were now called upon to discharge as jurymen, and they would no more seek for payment in the one case than in the other. At the same time he was not pledged to the introduction of any foreign system, and he had thrown out suggestions for accomplishing the same object by improvements in our present system. He was willing to embrace the question suggested by the hon. and learned Member for Wexford (Mr. M'Mahon)-with regard to the fusion of law and equity, and he thought his Motion was large enough to embrace that question.

Select Committee *appointed*,—

"To inquire respecting the expediency of establishing Tribunals of Commerce, or of otherwise improving the administration of Justice in causes relating to Commercial Disputes."

Motion *agreed to*.

CHANCERY AMENDMENT BILL.

LEAVE.—FIRST READING.

The SOLICITOR GENERAL, in rising to move for leave to bring in a Bill to amend the course of procedure in the High Court of Chancery, said that with the permission of the House he was anxious, in a very few words, to explain the objects of the measure. In the debate which had just terminated an hon. and learned Friend of his had made some observations with which he was at the time much struck. He alluded to the hon. and learned Member for Ennis (Mr. J. D. Fitz-Gerald, who said that the two most serious evils under which we laboured at present in regard to the administration of the law were—first, the defective state of the law of bankruptcy; and, secondly, the impossibility at present to obtain complete relief in a single court, the suitor being obliged to go to one court, which exhausted part of the case, and then to proceed to another for what he must call the supplemental relief which he desired to obtain. The defective state of the law of bankruptcy was one the importance of which could not be overrated, and he trusted that before many days passed over there would be presented to one or other branch of the Legislature a Bill which he was sanguine enough to hope would remedy, to a considerable extent, those evils which all must admit to exist. The present Bill would, he trusted, go far to remove the other evil mentioned. The measure had two objects in view, both tending to one common end,—to enable the suitor to obtain in one court the complete relief to which he was entitled. Those hon. Members who paid attention to the proceedings in the Court of Chancery would doubtless be aware that a large portion of the jurisdiction of that Court consisted in giving relief in cases of breach of agreement, by restraining the continuance of the breach for the future; but it could not give damages for the injury inflicted in time past. For those damages the suitor was obliged to go to a court of common law; and thus he got prospective relief from the Court of Chancery, and retrospective relief from the court of common law. So, with respect to the specific performance of an agreement, the Court of Chancery could compel specific performance for the future, but could not give damages for the non-performance of the agreement in time past. Now, he proposed to remedy this state of things by empowering the Court of Chancery, upon any application for an injunction, or for the specific performance of an agreement, to award damages for the breach of the agreement up to the time when the Court gave relief. He ought to say that on this point a corresponding jurisdiction had been conferred by Parliament on the courts of common law. They could give retrospective relief by way of damages, and the Common Law Procedure Act enabled them also to exercise jurisdiction with respect to the future by way of injunction or decree for specific performance. He proposed that the Court of Chancery should in the same manner complete its jurisdiction, and then every suitor would have it in his power to appeal either to the Court of Chancery or to a court of common law. In this way, if a perfect fusion of law and equity were not effected, at all events complete jurisdiction would be given to the courts of common law and equity in their several departments, so that there would be no portion of relief which any of those courts might not give to the suitor. This subject was brought before the Commission which sat to inquire into the procedure of the Court of Chancery, of which Commission several eminent Members of that House, among whom were the right hon. Baronet the Member for Carlisle (Sir J. Graham) and the President of the Board of Trade (Mr. Henley) formed part. The subject was considered by

them, and in the second report they recommended that this jurisdiction should be conferred on the Court of Chancery. That, then, was the first object of the Bill, and the second object was a corresponding one though different in its kind. He proposed to obviate the difficulty which now existed in the Court of Chancery in reference to trying questions of fact. Hon. Members conversant with proceedings in courts of law might be aware that in 1852 the mode of taking evidence in the Court of Chancery was materially altered. Up to that time it was taken in a very absurd manner—namely, by taking written depositions as they were called, the party being examined in private without his adversary being present, and the story was committed to paper by the person in whose hand the questions were put which were to be asked of the witness. That practice was altered in 1852, and the system which had since prevailed was the system of *viva voce* examination; but the witnesses were not called before the Judge who had to decide the case, but before an examiner of the court in the presence of both the parties. No doubt that was a great improvement, but evils, and he might add evils of a serious kind, had grown out of the system. In the first place, it was obvious that it was a manifest evil that the Judge who had to decide the cause did not see the demeanour nor hear the evidence of the witnesses. But another objection was, perhaps, more serious—namely, that the examiner had no power to check the prolixity of the proceedings, or to decide as to the relevancy of the questions. The examiner, therefore, was at the mercy of the parties, and must take down every word, and examine all the witnesses, however numerous. The consequence was, that in cases involving a decision on questions of fact piles of papers were collected together, the sight of which might alarm any hon. Member in that House, and which had to be waded through page by page for the purpose of ascertaining one very small grain of fact, which might have been discovered, if the witnesses had been examined in the presence of the Judge, in one-tenth the time and at one-tenth the expense. The Court, then, was in very serious difficulty on the subject, for it could not check this prolixity nor prevent the expense which was incurred; and then, after all, if it were a case in which the witnesses gave evidence one against the other, the Court could not tell without seeing the witnesses which was telling truth and which falsehood. A jury, consequently, must have the opportunity of considering the question of fact raised, and an issue was sent to be tried by a jury in another Court, where, at a serious expense, the whole proceeding had to be gone through again. He therefore proposed that the Court of Chancery should have the power of calling in a jury with respect to any case in which a question of fact should arise sufficiently grave to warrant the interposition of a jury. Thus the issue which had hitherto been sent to be tried in a court of common law would be disposed of in the Court of Equity itself in the most simple, expeditious, and economical manner. This arrangement was the more necessary in consequence of the first part of the Bill, because that gave to the Court of Chancery the power to grant damages, and they all knew that there was no mode of assessing damages satisfactorily except through the intervention of a jury. Therefore, for assessing damages, and on questions of disputed fact, the Court of Chancery would have the advantage of a trial by jury. He did not propose to make his Bill compulsory in all cases, but to leave the matter in the first instance to the discretion of the Court, though, no doubt, that discretion would be very largely exercised in favour of the intervention of a jury; and if hereafter it should be found that this was a successful experiment, he trusted that they would be able still further to improve the mode of taking evidence, by means of witnesses examined in Court, where the Judge might observe their demeanour. Having thus shortly stated the objects of the measure, he trusted the House would consent to its introduction.

MR. HEADLAM said, that he had listened with great pleasure to the hon. and learned Gentleman's statement, and had no hesitation in expressing his opinion that the Bill would confer a valuable jurisdiction on the Court of Chancery, and in many respects contribute to the effective administration of justice. There was no doubt that the provision with respect to suits for specific performance must be beneficial. As jurisdiction was given at common law, for complete justice in cases of breach of contract, so the same authority should be conferred on the Court of Chancery. No proposition could be more indisputable than that very Court in this country, great or small, should have full and complete power to bring to a conclusion all

The Solicitor General

matters intrusted to its jurisdiction. With regard to the other proposal, that the Court of Chancery should have power to summon a jury, if a jury was the best tribunal for the decision of a question of fact, there was no reason why it ought to be confined to the courts of common law. Still he thought that in general it would be found that parties would be satisfied with having the question of fact decided by the Judge; and, therefore, he regretted that his hon. and learned Friend had not gone a step further, and provided that all witnesses upon issues brought before the Courts of Chancery should be examined in the presence of the Judges, precisely in the same manner as in the courts of common law. The system now adopted in the Courts of Chancery had not been satisfactory either to the suitors or to the Courts, but he believed that such an extension of this measure as he suggested would be very beneficial.

Mr. DEASY said, he believed the Bill would greatly improve the administration of justice. He hoped, however, it would not be confined to England, but that either by additional clauses, or by a separate Bill, the advantages it conferred would be extended to the suitors in the Court of Chancery in Ireland. The difficulties mentioned by the Solicitor General had been so sensibly felt in Ireland, that the late Lord Chancellor and the Master of the Rolls, when any question as to facts arose, instead of referring to the Examiner, had invariably required the witnesses to attend before them for examination, and had then come to a decision. He believed, however, that in many cases it would be a great relief to these learned Judges to have the assistance of a jury in determining disputed questions of fact. He might observe that there was at present no adequate machinery for taking down the evidence of witnesses in Chancery, and he would suggest that the Judges of courts of equity should be authorized to appoint shorthand writers to discharge this duty. Such an arrangement would not, he believed, involve any considerable expense.

Mr. MALINS said, he had no doubt the propositions contained in this Bill would be productive of great advantage. The power of sommoning a jury would unquestionably be very beneficial, and although he doubted whether such a power would be frequently exercised, he thought it ought to be given to the court. In four-fifths of the cases in Chancery the evidence was taken by affidavit, and it was only on cross-examination that *vivâ voce* evidence was given. The Court of Chancery was, however, now armed with the power both of examining and cross-examining witnesses *vivâ voce*, and some of the Judges readily availed themselves of the power, while others declined to do so. In the Court of Appeal before the Lords Justices, it was the common practice to examine and cross-examine the witnesses *vivâ voce*. The power was, however, in the discretion of the Court. There was considerable difference of opinion on the subject among the Judges; and in some branches of the court the power was very rarely exercised. It was of great importance that Judges should have an opportunity of observing the demeanour of witnesses, and he thought it would be an improvement in the practice of the court if witnesses respecting matters of fact were in all cases cross-examined before the Judge who was to decide the question. He considered that the administration of the Court of Chancery was now as creditable as it had been discreditable previously to 1852, for as a general rule there was no delay in that court, and cases which formerly occupied years were now decided in months. Believing that this Bill would further improve the efficiency of the Equity Courts, he would readily give it his support.

Mr. M'MAHON said, he had no doubt the measure would prove advantageous to the public, as it would in some degree assimilate the practice of the Court of Chancery to that of the courts of law. The hon. and learned Gentleman would confer a real service on the public, if, instead of having witnesses summoned up to Lincoln's Inn at great expense from remote parts of the country, he would send the issue to be tried —like issues of fact in law—before a Judge of Assize in the county where they arose. He thought that if witnesses were to be brought up from Cornwall, Yorkshire, and other distant places, great confusion and possible injustice would arise.

Mr. J. D. FITZGERALD said, he would ask the hon. and learned Gentleman, the Solicitor General, to give his attention to the suggestion of his hon. and learned Friend the Member for Cork (Mr. Deasy) as to the employment of a shorthand writer in each court where evidence was to be taken *vivâ voce*. This would be a very great advantage in *nisi prius* courts, and it would be absolutely essential in the Irish Chancery Courts if the additional duty pro-

posed by this Bill was extended to them. With regard to the Bill itself, he did not consider that it went far enough, but it took a step in the right direction in abolishing to some extent the distinction between courts of law and equity.

Mr. MELLOR said, that, having some experience in Committees when notes were taken by a shorthand writer, and also knowing something of the proceedings of courts of law, he was bound to express a hope that nothing would be done to relieve the Judge from the necessity of taking notes which now devolved upon him. This necessity led the Judge to bestow the most unceasing attention on the case, and it would be a great misfortune if, by delegating the duty to a shorthand writer, the Court should not, as heretofore, feel compelled to maintain throughout that vigilant watchfulness so necessary for the due administration of justice. The provision in the Bill that the Judges who had to determine upon the evidence should see the witnesses was one of great value. Though a great improvement had been effected in the old practice, the present mode of taking evidence in chancery was very unsatisfactory, and he believed that this part of the Bill would be productive of great benefit. With reference to what had been said in respect to dispensing with juries in certain cases, and allowing the Judge to decide matters of fact, he thought it far better that in all disputed cases the assistance of a jury should be called in. This was the opinion of Mr. Justice Cresswell, the present Judge of the Court of Probate, and he entirely agreed in it.

The SOLICITOR GENERAL, in reply, said, he did not mean to make it compulsory upon the Court to summon the witnesses from the country; it would be left to the Judge, if he thought fit, to direct the issue to be tried in the country. With respect to the employment of a shorthand writer, he would ask what was to be done at the close of the trial when the Judge, having taken no notes, was called upon to charge the jury? The shorthand writer's notes would not be available, because there would not have been time to transcribe them, and he doubted, therefore, whether any saving of time would be effected. With respect to what the hon. and learned Gentleman opposite (Mr. J. D. FitzGerald) had said as to the Bill not going further, he had to remark that with the exception of the two cases he had mentioned he was not aware that any Chancery suitor could not get complete relief. If any other could be suggested, he would gladly give it consideration. The hon. and learned Member for Newcastle (Mr. Headlam) had referred to the advisability of taking evidence in Court *vivâ voce*, and for himself he thought it very desirable to have witnesses examined in the presence of the Judges; but the reason why he had made no provision in the Bill to that effect was, that the Court of Chancery already possessed power.

Leave *given*.

Bill to amend the course of Procedure in the High Court of Chancery *ordered* to be brought in by Mr. Solicitor General, Mr. Attorney General, and Mr. Secretary Walpole.

Bill *presented*, and read 1°.

CONSTANTINOPLE AND BASSORAH TELEGRAPH.

CORRESPONDENCE MOVED FOR.

Sir HENRY RAWLINSON moved for an address for copies or extracts of correspondence that might have passed between Her Britannic Majesty's Embassy at Constantinople and the Foreign Office during the last six months on the subject of the establishment of a line of telegraph between Constantinople and Bassorah. The hon. and gallant Member stated that he did intend, in moving for these papers, to make a statement to the House with the view of showing that telegraphic communication between England and India *viâ* Egypt and the Red Sea was, to say the least, difficult, if not impracticable, while such communication *viâ* Asiatic Turkey and the Persian coast was in an equal degree easy, and if the operations were conducted with tolerable skill and care would, in a short time, be successfully carried out. As it was now so late (twenty minutes to eleven o'clock) he would postpone that statement until the whole subject came before the House upon a Motion of which another hon. Member had given notice.

Motion *agreed* to.

Address for—

"Copies or Extracts of Correspondence that may have passed between Her Britannic Majesty's Embassy at Constantinople and the Foreign Office during the last six months, on the subject of the establishment of a line of Telegraph between Constantinople and Bassorah."

CLERKS OF PETTY SESSIONS (IRELAND) BILL.

COMMITTEE DEFERRED.

Lord NAAS said, he wished to state the course which he intended to pursue

with regard to this Bill, and also with regard to the Medical Charities (Ireland) Act Amendment Bill, the Grand Juries (Ireland) Bill, and the Markets and Fairs (Ireland) Bill. He should propose to postpone the Committee on the Clerks of Petty Sessions Bill till Monday, April 26. Of the Medical Charities Bill he could not support the first three clauses, but would himself introduce a measure to carry out its other provisions. To the Grand Juries Bill there were so many objections that he could not undertake to make the Government responsible for it; and the second reading of the Markets and Fairs (Ireland) Bill he would fix for Monday next, with the view of obtaining a discussion of its provisions on an early day. He would not pledge himself to all its details, and thought it might very fairly be referred to a Select Committee.

MR. J. D. FITZGERALD said, that these were measures which ought not to be in the hands of private Members, and therefore, if there was any one of which the noble Lord would not take charge, it would be better that the order for the further proceeding with that Bill should be discharged. With regard to the others, he would be ready to give the noble Lord all the assistance in his power. He was especially anxious about the first-named Bill, upon which some pains had been spent, and to perfect which the right hon. Member for Kerry (Mr. Herbert) had promised his assistance.

Committee *deferred* till *Monday*, 26th April.

House adjourned at Eleven o'clock.

HOUSE OF LORDS,

Friday, April 16, 1858.

MINUTE.] PUBLIC BILL.—2ª Customs.

SALE OF POISONS:—QUESTION.

LORD CAMPBELL said, he had been requested by many persons who had communicated with him from various parts of the country to ask the noble Earl opposite (the Earl of Derby) whether it was the intention of the Government to bring in any measure for restraining the sale of poisons.

THE EARL OF DERBY:—Before the Easter recess I stated, in reply to a question put to me in reference to the sale of poisons, that it was the intention of my right hon. Friend the Secretary of State for the Home Department to have a conference with the Pharmaceutical Society on this subject. I am not aware whether that conference has as yet taken place, and as on its result our course will very much depend, I am not at present prepared to say whether we shall bring in a Bill. I shall, however, give the noble and learned Lord an answer on Monday.

House adjourned at quarter-past Five o'clock, till To-morrow, quarter-past Eleven o'clock.

HOUSE OF COMMONS,

Friday, April 16, 1858.

THE LATE SIR JAMES MACKINTOSH.

EXPLANATIONS.

SIR JAMES GRAHAM: Mr. Speaker, with your permission I hope the House will allow me to correct an erroneous statement which was made by me on Tuesday last, when the hon. Baronet the Member for Tavistock (Sir J. Trelawny) brought forward his Motion. On that occasion I enumerated several distinguished Members of this House who, as I believed, had filled the position of Colonial Agents, receiving payment for their services. Among others I mentioned the name of the late Sir James Mackintosh. I have reason to believe that that statement was erroneous. To the best of my knowledge, one of the Canadian Chambers, shortly before the year 1830, did come to a vote offering the agency in question to Sir James Mackintosh. The other Chamber, however, did not concur in that vote. The offer was never made and never accepted; consequently, the late Sir James Mackintosh was never the paid Agent of the colony. I very much regret that I made a statement which was erroneous: not that I conceive that it detracts in the least degree from the character of that eminent man, whose reputation for disinterested virtue was of the purest and most exalted nature. I made the statement believing it to be correct. I am sorry that it was erroneous; and I make this correction at the earliest opportunity I could avail myself of, with the utmost pleasure.

COMMUNICATION BETWEEN LONDON AND DUBLIN.

QUESTION.

MR. SERJEANT DEASY said, that although the answer to the question of which

he had given notice had to some extent been anticipated by what occurred in the House of Lords last night, he would nevertheless ask the Secretary of the Treasury whether any definite arrangement has been made for securing to the public the benefit of improved communication between London and Dublin; and if not, whether there is any immediate prospect of any such arrangement being concluded?

Mr. G. A. HAMILTON said that, in consequence of the circumstances to which his hon. and learned Friend had referred, he should state in as few words as possible what was the present position of this most important subject. The House was not aware that, for a considerable time past, the question of improved postal and general communication between London and Ireland had engaged a large share of public attention and interest, and that several Committees of that House had sat and inquired into the subject; but in order to effect this desirable result, the co-operation of three companies was rendered necessary, namely, the London and North Western Railway Company, the Chester and Holyhead Railway Company, and the City of Dublin Steam Packet Company, which latter company had an unexpired contract for the conveyance of the mails between Holyhead and Kingstown. In the year 1855 an Act was passed, authorising the arrangements then proposed. That Act recited that it would greatly facilitate the postal service and the convenient transmission of passengers if those three companies were enabled to provide larger and more powerful steamers, and powers were given for that purpose, and clauses introduced for the protection of the public. After considerable negotiations, in the course of last year an arrangement was made between Her Majesty's Government and the three companies by which this important object was likely to be accomplished, and in the month of February last the draft of a contract for carrying out the arrangement was prepared by the Post Office and forwarded to the three companies. There being three parties concerned, and the draft of the contract being necessarily very long, inasmuch, as it had to be framed with reference to several Acts of Parliament, time was requisite in order that the companies should have sufficient opportunity of considering the details of the contract. The contract had not, therefore, as yet been received by the Post Office from the companies; but he had every reason to believe that it had passed the boards of the several companies, and that not many days would elapse before the draft, with the observations of the different parties thereon, would be returned. He was not at present aware that there was any serious difficulty in the way of accomplishing the object in view. It was true that there was a Bill before that House, the passing of which would no doubt facilitate the amalgamation or arrangement between the London and North Western Company and the Chester and Holyhead Company; but the passing of that Bill was not absolutely essential to the accomplishment of the object; and he had every reason to believe that in a very short time decided steps would be taken for the purpose. In the meantime, he ought, perhaps, to state that the large vessels required were actually in course of construction. Another point which had been referred to by an hon. Gentleman a few evenings ago, was the state of the pier at Kingstown. By the existing law that pier was under the control of the Board of Works in Ireland. He was aware of the inconvenience to which parties were subjected, and he would communicate with the Board and see if some temporary arrangement could not be made by which that grievance might in some degree be remedied.

THE "CAGLIARI."—DEMAND ON NAPLES FOR COMPENSATION.—QUESTION.

Mr. HEADLAM said, he would beg to ask the Chancellor of the Exchequer whether he has as yet received the opinions of the Law Officers of the Crown on the subject of the *Cagliari;* and if so, whether he can state to the House what course the Government intends to pursue?

The CHANCELLOR of the EXCHEQUER: Sir, in the matter of the *Cagliari* there are two questions involved which are really distinct from each other. The one is, what I may call the national question, the other the international question. The first concerns the treatment to which our two countrymen, Park and Watt, have been subjected; and with respect to that question we have received the opinions of the Law Officers of the Crown, and their opinions on the subject are unanimous. They are of opinion that the detention and imprisonment of Park and Watt were illegal; and in consequence of having received that opinion, and after giving to it ourselves all that deliberation which so

serious a matter required, we have addressed a despatch to the Minister of the King of Naples, and the Secretary of State for Foreign Affairs has demanded compensation for the grievances which have been experienced by our two countrymen, Park and Watt. With regard to the international question, that, as the hon. and learned Gentleman well understands, is a question quite distinct from the other—a separate one, in which England is only interested the same as all other maritime nations are. Upon that question we have not yet received the opinions of the Crown Officers; but, in explanation of what might otherwise appear to be an unaccountable delay, I may remind the House that I have already informed them that on Saturday last very important documents were received by Her Majesty's Government bearing upon that question. They were submitted to the Attorney General and his colleague, but the time of the Attorney General has been so completely absorbed, as the House is well aware, during the last few days, in the conduct of the State trial which is now going on, that it has not been possible for him to give to those documents all the consideration to which they are entitled.

MR. HEADLAM: Has the right hon. Gentleman any objection to lay the documents to which he has alluded on the table of the House?

THE CHANCELLOR OF THE EXCHEQUER: I think it would be very inconvenient at this moment to lay any of them upon the table, but on the right occasion they shall all be produced.

PROCTORS' CLAIMS FOR COMPENSATION.—QUESTION.

MR. HADFIELD said, he would now beg to inquire whether the claims of the Proctors for compensation under the Acts of last Session, and which the right hon. Gentleman has stated amounted to £250,000, were £250,000 in gross or per annum?

THE CHANCELLOR OF THE EXCHEQUER replied, that the claims amounted to £250,000 per annum. A certain number of claims had been sent in, but the number was by no means complete, and if a Return were made such as that for the production of which the hon. Gentleman had given notice, the result would be quite deceptive and fallacious. Of course the Treasury, upon the Returns already made, and the provisions contained in the new law, had been forced to form an estimate; and their estimate was that the claims of the Proctors would amount to the sum of £250,000 per annum for several years to come.

NETLEY HOSPITAL.—QUESTION.

MR. WEGUELIN said, he would beg to ask the Secretary for War, whether the Government have appointed a Committee to investigate the Report made by the Barrack and Hospital Commissioners upon Netley Hospital; and if so, whether they are prepared to present to the House the Report of this Committee at the same time as they lay the Report of the Barrack Commissioners upon the table of the House.

MR. TITE: Perhaps the right hon. and gallant Gentleman would state at the same time whether the works are suspended or not; and if there are any objections to placing in the library of this House the last plans upon which the erection of the Hospital was proceeding.

GENERAL PEEL said, he was extremely sorry to say that there were contradictory Reports upon the subject. One Report condemned the site, the construction of the Hospital, and everything connected with it. That Report he had submitted to the Committee begging them to make what remarks they might think proper upon it, and they had formally reported accordingly. The first recommendation they made was that a Board of Medical Officers should be sent down for the purpose of giving an opinion with regard to the site, the construction, and the other matters connected with it; and in the absence of his right hon. Friend (Mr. S. Herbert), who had taken a deep interest in the question, he had thought proper to submit to him a list of eminent medical men to whom he proposed to entrust the duty. He had not, however, received an answer from his right hon. Friend; but the instant he did so, he should send down the Medical Board to investigate the matter and make a Report. In answer to the question of the hon. Member for Bath (Mr. Tite), he begged to state that the works had for the present been suspended, and that there was no objection to supply the plans to the library.

PARLIAMENTARY REFORM. QUESTION.

MR. G. A. HAMILTON moved that the House at rising adjourn till Monday.

MR. T. DUNCOMBE rose to ask the noble Lord the Member for Tiverton (Viscount Palmerston) if he would have any

objection in the present position of the question of Parliamentary Reform, to lay upon the Table of the House a Copy of the Bill for the amendment of the Laws relating to the Representation referred to in the Speech from the Throne at the commencement of the present Session? In his (Mr. Duncombe's) opinion the question of Parliamentary Reform was in a very unsatisfactory position. He did not remember any question with regard to which the House of Commons and past Governments, and even the Sovereign, had been placed in so false a position as that of Parliamentary Reform. In 1852, when the noble Member for the City of London (Lord J. Russell), who was then Prime Minister, abandoned the finality principle, he advised Her Majesty to say in Her gracious Speech from the Throne,—

"It appears to me that this is a fitting time for calmly considering whether it may not be advisable to make such amendments in the Act of the late reign, relating to the representation of the Commons in Parliament, as may be deemed calculated to carry into more complete effect the principles upon which that law is founded."

In pursuance of that pledge the noble Lord certainly introduced a Reform Bill, but after doing so he retired from office, and the Bill then disappeared. The loss did not appear to have been great, for the Bill was not very acceptable either to the country or to Reformers in that House. So matters remained until 1854, when, under the Earl of Aberdeen's Government, that House, in their Address to Her Majesty, in answer to the Speech from the Throne, used this language:—

"We humbly thank your Majesty for informing us that measures will be submitted to us for the amendment of the laws relating to the representation of the Commons in Parliament."

The war with Russia was then going on, and it was thought advisable that the measure of Parliamentary Reform introduced by the noble Member for the City of London, as the leader of that House, should remain in abeyance during the continuance of the war. He believed the House adopted a wise decision upon that occasion. The question remained in this position until the commencement of the present Session, although during the last Session of Parliament several independent Members brought forward measures for effecting reforms in the representation. His hon. Friend the Member for East Surrey (Mr. Locke King) proposed two Bills with that object; Lord Ebury, who then represented Middlesex, brought forward a Bill on the subject; and he (Mr. Duncombe) also submitted to the House a measure for the more frequent registration of voters and relieving them from the payment of assessed taxes as a condition of registration. The postponement of these measures was then urged on the ground that the Government were pledged to introduce a Bill which would comprehend all the objects they proposed to accomplish. At the opening of the Session in December last, the House of Commons, in replying to the Speech from the Throne, said,—

"We humbly thank your Majesty for informing us that our attention will be called to the laws which regulate the representation of the people in Parliament, with a view to consider what amendments may be safely and beneficially made therein."

Parliamentary Reform and the Indian question were then the two most prominent features in Her Majesty's Speech. The noble Lord (Viscount Palmerston) had redeemed his pledge with respect to the government of India, and laid a Bill upon the table of the House. The next question, therefore, that should have come before them was Parliamentary Reform, and he (Mr. Duncombe) had now to ask the noble Lord whether, assuming that a Bill for Parliamentary Reform was ready, or all but ready, he would lay such Bill before the House? If the noble Lord did so, or if he could give such an explanation as to its details as would satisfy the House it would be evident that his Government had been in earnest on the subject. If the measure was ready, let it be brought forward at once. He knew this was an unusual—and might be an unprecedented request. But the House was in a very unusual and unprecedented position. An Indian Bill had been introduced by the late Government, which stood for a second reading. The present Government opposed the introduction of that Bill, and voted to a man that it was inexpedient to legislate upon the subject during the present Session. But what had the present Government done? They had also introduced an Indian Bill, although they voted some six weeks ago that it was inexpedient to legislate with respect to the government of India at this moment. Now, if the noble Member for Tiverton, would lay upon the table the Reform Bill which the late Government had ready, in all probability they would have another Bill on the subject from Her Majesty's present Government. At all even if the Bill of

the noble Member for Tiverton proves unsatisfactory, no doubt the noble Member for the city of London (Lord J. Russell) would kindly step forward, and would spread a feather-bed before the right hon. Chancellor of the Exchequer, upon which his Bill might safely drop. The noble Lord at the head of the Government (the Earl of Derby) had, in another place, very justly found fault with the constant mention of Parliamentary Reform in the Queen's Speeches for the last five or six years, while nothing had been done on the subject. The noble Lord said that it was most inconvenient to keep this subject "perpetually dangling before the Legislature;" but he added that he and his colleagues would do the House the favour to "look into the question." The noble Lord said:—

"I have felt it my duty, in conjunction with my colleagues, to look into this important question. I will not pledge either myself or them to introduce, either now or within any very short period, a Bill upon this subject."—[3 *Hansard*, cxlix. 43.]

Well, then, where were they to look for the Reform Bill? Nobody could blame the right hon. Gentleman opposite (the Chancellor of the Exchequer), or the noble Lord at the head of the Government, if they did not introduce a Bill on this subject. They were not pledged to do so; and he believed that the more they looked into the question the less they would like it, and that there was therefore little chance that any measure for the reform of the representation would be introduced by them. But was it fit and proper that such an important question should be left in this state, especially as they were told that Reformers formed a large majority of that House? For his own part he thought it was not; and if they were to go on in the same manner, and suffer themselves to be cajoled year after year, of course the present Government would not bring in a Bill next year, and that House would just be in the same position in which it was at that moment. He would venture to give this advice to the Earl of Derby, that unless he was prepared to bring in a Bill that would be satisfactory to the people, that would provide for a wide extension of the franchise, that would give protection to the voter, and that would equalize the representation by a redistribution of seats, he had better leave the question untouched, for it was utterly impossible that any measure which did not include such provisions could satisfy the just wants and expectations of the people. Under these circumstances, he (Mr. Duncombe) hoped the noble Member for Tiverton would lay upon the table the Bill referred to in the Speech from the Throne. If that measure were satisfactory, let them proceed with it; for Reformers were in a majority in that House, and could do what they liked. If it were a bad one, it would at all events serve as an index for future Governments, and teach them to avoid its objectionable features, and to frame a Bill more in accordance with the feelings and wishes of the people. He begged, therefore, to ask the noble Lord the Member for Tiverton, "whether he would have any objection, in the present position of Parliamentary Reform, to lay upon the table of the House a copy of the Bill for the amendment of the laws relating to the representation referred to in the Speech from the Throne at the commencement of the present Session?"

Viscount PALMERSTON: My hon. Friend is perfectly correct in stating that, in the last Session of Parliament, the then existing Government did pledge themselves, and more than once, upon the occasions to which he refers, to propose a measure of Parliamentary Reform during the present Session. My hon. Friend, however, is technically not quite correct in his description of the manner in which that question was alluded to in the Speech from the Throne at the beginning of the present Session, because the passage which he has just read did not indicate that any Bill was actually prepared, but simply stated that the attention of Parliament would be called to the subject-matter in question. Sir, it was our intention to have redeemed, in the course of the present Session, the pledge which we had thus given. There were two subjects of great importance with which we had to deal. One was the government of India; the other Parliamentary Reform. In considering which of the two was the more pressing and urgent in its nature, it was our deliberate opinion—in which we may have been right or wrong—that, from the circumstances of the moment, the arrangements for the future government of India called most urgently for the consideration of Parliament. We therefore devoted our attention in the first place to the preparation of a Bill upon that subject. We did not, however, abstain from also devoting our attention to the question of Parliamentary Reform. But the urgency of the Indian affair, and the interposition of that financial crisis

which rendered necessary a Session of Parliament before Christmas, so far interfered as to prevent us from actually embodying, in the technical shape of a Bill, the arrangements which we should have been prepared to submit to Parliament. We obtained leave to introduce, and laid before this House, a Bill upon the subject of India. We expected—short-sighted mortals!—that we should also have the opportunity of presenting to the House a measure upon Parliamentary Reform. A majority of this House, however, determined that that should not be; and, by cutting short our official existence, appeared of opinion that it was not for us to have an opportunity, during this Session at least, of submitting for their consideration a Bill upon this question. We, of course, bowed to their decision; and we now sit on this side of the House, instead of occupying a responsible position on the other side of the table. In the first place, then, my answer to my hon. Friend is, that we did not so far embody our arrangements in the shape of a Bill as to be able, even if we thought it expedient upon constitutional grounds to do so, to lay a Reform Bill on the table of the House. But even if we had prepared a Bill, I very much doubt whether it would be the opinion of this House that a measure of such importance, and bearing upon matters of such great national interest, should be introduced from any quarter except by the responsible Ministers of the Crown. My hon. Friend says there is nothing to expect from the present Government. Now, I certainly understand what passed, on the occasion to which he alluded, in rather a different sense from my hon. Friend. I rather infer, from many things which have come to my knowledge, that the present Government do intend, in the course of the next Session, not only to consider the subject of Parliamentary Reform, but to submit to the House the result of their consideration in the shape of a Bill; and judging, among other things, from the communications which have passed between Her Majesty's Attorney General and his constituents, I should be led to infer that even out of office they did turn their minds very practically to the subject, and have made such progress in it that there can be little doubt that, in the course of the recess, those arrangements to which the Attorney General recommended the attention of his constituents will be embodied by the Government in the shape of a Bill for presentation to this House. I think, therefore, that my hon. Friend need not be under the alarm which he has expressed upon this question. I think he may, upon that point at least, repose confidence in the Government, and wait with patience until the next Session, which is to produce the fruit of their deliberation.

MR. LOCKE KING said, that recollecting the manner in which the noble Lord had always treated this question, he was not surprised to find that the Bill was not prepared; but he confessed he was not a little curious to know what the plan would have been. He hoped, however, as there was now no prospect of any measure of Parliamentary Reform this Session, that the two Bills which he had introduced last year, but which were postponed—one for the Extension of the Franchise, and the other for the Abolition of the Property Qualification, would meet with the support of the whole Liberal party.

THIBET, ETC.—QUESTION.

MR. W. EWART said, he rose to inquire of the Chancellor of the Exchequer whether advantage will be taken of the opportunity afforded by the negotiations with the Chinese Government at Pekin for opening a way for British and Indian commerce into Thibet and other countries under the Chinese dominions beyond the Himalaya Mountains? At the time of Warren Hastings we were pushing a considerable trade in woollens in Central Asia; but since that time it had wholly ceased. But there were several circumstances that rendered it desirable that trade should be reopened. Among others, he might mention the cultivation of tea, which was every year extending along the foot of the Himalaya Mountains on the British territory, and for which a market might be found in Central Asia, where the natives were great consumers of tea. There was also great reason to believe that gold would be found in great quantities in Thibet. For these and other reasons he ventured to press this question on the consideration of the Government.

THE CHANCELLOR OF THE EXCHEQUER: The fact is, that at present we, unfortunately, are engaged in no negotiations with the Court of Pekin. What may happen I cannot say; but we have as yet no means of carrying on any communication with the Chinese Government. The hon. Gentleman will remember, moreover, that when negotiations do take place they will be entered into in unison with three

other Powers, and of course our first endeavour will be to accomplish objects in which the three Powers are equally interested. I need not assure the hon. Gentleman, however, that as negotiations advance the Government, will be alive to the importance of the question which he has brought before the House, and that no opportunity will be lost by this or—I think I may say—by any British Government to assist the development of British commerce.

THE NEW PASSPORT REGULATIONS.

QUESTION.

MR. MONCKTON MILNES said, he rose, pursuant to notice, to put a question to the Government respecting the effect of the New Passport Regulations in Belgium on British subjects, and to call the attention of the House to the inconveniences of the present system of the delivery of Passports by the Foreign Office. He understood it was the intention of the Government to make some communication to the House on the subject, and he wished, in the first place, to express his gratification at the great attention which the noble Lord the present Secretary for Foreign Affairs had given to this subject after the representations made by an independent Member of the House of Commons. He (Mr. Monckton Milnes) would be very glad to indulge in the anticipation that the reply to his present question would be altogether satisfactory, but he feared there would be no satisfactory solution of this question until the passport system was abolished altogether; but, if that could not be, he hoped the Foreign Office would not relax their efforts until the *minimum* of inconvenience and the least possible trouble resulted from them to the English traveller. Since he had last addressed the House on the subject, the French Government had made a certain relaxation in the oppressive restrictions at first laid down. It appeared from the papers that a communication had been made to our Foreign Office, stating that competent authorities would be allowed for the future, as heretofore, to furnish to British subjects, resident in France, passports for travelling in the French territories, and also, in cases of great necessity, for their return to England. He might observe, however, that doubts existed in the minds of some persons as to what was meant by "competent authorities." Did these words refer to French authorities or to the English consuls resident in France? It was greatly to be regretted that the unwise policy which France had adopted on this question had effected the conduct of another country with which we were most closely connected. He felt assured that the House would do him the justice to suppose that he did not wish to speak with the slightest disrespect of Belgium, but he must, nevertheless, say that it appeared to him somewhat extraordinary that the Government of that country should have imposed restrictions with respect to the granting of passports quite as objectionable as those which had been laid down by the French Government. Until within the last few days nothing could be more free than was the intercourse between England and Belgium. An Englishman wishing to visit that country might have obtained a Foreign-office passport, and have it *visé*, by a Belgian consul here, and all those who happened to be summoned thither by any sudden emergency might procure a passport from the Belgian Consul for a very small fee, by means of which he would be enabled to proceed to his destination. Now, however, without even that shadow of provocation which the French Government could allege, the Belgian Government had thought proper to depart from the liberal system formerly existing, and no person was allowed to land in Belgium unless he happened to possess a Foreign-office passport; while no Englishman who was residing in that country, and who wished to go elsewhere, could do so without obtaining a Foreign-office passport from London. He regretted extremely to find that such obstacles had been thrown in the way of our intercourse in that country, inasmuch as it had hitherto been of the most intimate and cordial character. A great number of English children were constantly sent to Belgium to school, while the English population in all its great towns was very considerable. It was under those circumstances he thought it extremely desirable that we should endeavour to remove the impediments which had been recently thrown in the way of the continuance of so desirable a state of things, while he entirely concurred with the hon. Gentleman the Member for Birmingham (Mr. Bright), that the best mode of seeking to bring about that result would be by making representations of the most respectful character to the Belgian Government upon the subject. He trusted Her Majesty's Government would not fail to take that course, and it might, he

thought, do so in a tone somewhat different from that which it might use towards France, inasmuch as the latter country, owing to the attempt which had lately been made on the life of the Emperor, had political reasons to urge in defence of its policy with reference to the system of passports, which in the case of Belgium could have no place. With respect to the general question of passports between England and both those countries, it was his opinion that we ought not to be content until we had returned to the system which until a recent period prevailed. Since the year 1815, up to within the last few weeks, Englishmen might pass over to either France or Belgium without being subjected to any considerable inconvenience, and he trusted that state of things would soon be re-established, and that persons who happened to be called abroad upon a sudden emergency would, for as short a time as possible, be subjected to the annoyance to which the recent regulations in reference to passports exposed them. Those regulations contained no provision to meet the case of the shipowner whose vessel might be stranded on the French or Belgian coast, and to whom t might be of the utmost importance to proceed to the scene of the disaster, without delay; nor did they continue to the d fferent English yacht clubs that privilege of entering a French port, untrammeled by passport regulations, which those clubs had hitherto enjoyed. He trusted Her Majesty's Ministers would not lose sight of those facts, but that they would exercise all their energies to place those passport regulations upon a more satisfactory footing. In his *Sentimental Journey*, Sterne made use of an expression, to the effect that, having been asked for his passport, and not finding one, he had then, for the first time, recollected that this country was at war with France, showing that up to a comparatively late period no such documents were required, except as safe-conducts during time of war. He wished he could see a reasonable prospect of our being able to return to so desirable a state of things, and he might add that he derived the utmost satisfaction from the statement which had been made by a noble Lord, in another place (the Earl of Malmesbury), the evening before, to the effect that the Emperor of the French was not favourable to the passport system, and maintained it solely in obedience to those official influences by which every Government was more or less hampered in the attempt to effect any great reform.

MR. SEYMOUR FITZGERALD was understood to observe that he would reply to points touched by the hon. Gentleman, in the order in which he had put them. First, then, with reference to the complaint that nothing had been done by the Foreign Office, with respect to the granting of passports to meet those cases of sudden emergency which arose from time to time, and the hardships connected with which the hon. Gentleman had, upon a former occasion, so fully detailed to the House, he had to reply that the difficulties to which the hon. Gentleman had called the attention of the Government did not really exist, inasmuch as if application were made, even at the present moment, by any person making a statement to the effect that a relative was upon the point of death, either in France or Belgium, or that any other circumstance of great emergency called him abroad, to the Foreign Office for a passport, that application would, without any recommendation whatsoever, at once be complied with. In reference to the case of the English yacht clubs, to which the hon. Member alluded, he could only say that a request had been made to the French Government to extend to these clubs the same privileges, in reference to passports, which they had for so many years continued to enjoy. To that request a refusal had, in the first instance, been returned; but the British ambassador at Paris had represented in so strong a manner the inconveniences which would be the result of that refusal, that Count Walewski had undertaken to reconsider the question, and had asked for those documents upon which the members of the yacht clubs founded their right to land in France, unrestricted by passport regulations. Those papers had accordingly been forwarded to him; and Her Majesty's Government were in expectation of an immediate reply from the French Government upon the subject. The hon. Gentleman also spoke with something like anger of the course which had been recently adopted by the Belgian Government. It was quite true that, within the last two or three days, Her Majesty's Ministers had received intimation that the Belgian consuls would not be allowed henceforth to issue passports to British subjects who were desirous of going abroad, but that circumstance would not be productive of so much inconvenience as the hon. Gentleman

seemed to suppose. It was true, indeed, that British subjects, who merely intended to proceed to Belgium, would not have the facilities afforded them which they enjoyed under the old system ; but, in the case of that numerous class who went to Belgium, intending to pass through to France, the hardship would not be felt, because, according to the recent regulations of the French Government, English subjects, provided only with Belgian passports, would not be allowed to cross the French frontier. The hardships of the case were not, therefore, quite so great as the hon. Gentleman would lead the House to infer. Hon. Members were, he had no doubt, aware, by means of the ordinary channels of information, of the steps which had been taken by Her Majesty's Government to obviate the inconveniences which had been found to arise from the narrowness of the circle within which recommendations for passports could be obtained, and that the power of granting a recommendation for a passport had been extended to barristers, solicitors, physicians, surgeons, clergymen—in short, to almost everybody who happened to occupy a respectable position in society. All that the Government required, in order to grant a passport, was a certificate of the identity of the person who wished to obtain it ; and he might add that passports would for the future be issued at a cost of 2*s.* each. He, for one, should be very glad that they could be furnished for a less sum ; but, as it was important they should be issued upon stamped paper, in order to avoid fraud, he was afraid the expense could not well be diminished. He might also state that agents would be appointed, for the issue of passports, at Dover, Folkestone, Southampton, Newhaven, and Liverpool ; there were also to be agents at one or two points on the eastern coast, and, in fact, at any other of our ports at which it was found expedient that they should be established. The French Government, he might add, had, upon their side, appointed French agents to *visé* passports at some of the ports at which they were to be issued ; and he trusted those arrangements would diminish, as much as possible, the inconveniences which the necessity of procuring these objectionable documents must always impose.

FOREIGN CRIMINALS—QUESTION.

Lord ROBERT CECIL said, he wished to ask the Secretary of the Home Department, whether there will be any objection to giving directions that a record should be kept of the Nations to which each Prisoner charged at the Metropolitan Police Courts belongs ? The noble Lord said his reason for asking this question was, that some weeks ago he applied for a return of the nationality of prisoners who had been charged, and found that no records had been kept. He believed that the crimes committed by foreigners were increasing very rapidly, and probably the state of things on the Continent would, by driving destitute refugees to this country, create a necessity for special action in reference to this subject.

Mr. HARDY said, the noble Lord had correctly stated that there were at present no records like those which he desired to obtain, but he believed there would be no difficulty in securing such records in future, and he would take steps with a view to the attainment of the object.

FINSBURY PARK—QUESTION.

Mr. COX said, he would beg to ask the First Commissioner of Works what steps, if any, have been taken by the Metropolitan Board of Works towards the formation of Finsbury Park. An Act of Parliament was passed last year authorizing the formation of a park, but nothing appeared to have been done, and, as the Board of Works had been originally opposed to the scheme, the inhabitants of Finsbury were apprehensive lest the Act should be allowed to remain a dead letter. It was true that money had been for a time difficult to raise, but it was plentiful and cheap at present, and it was desirable that the matter should be proceeded with at once, for the 250 acres which last year could have been bought for £150,000 were daily increasing in value. The noble Lord (Lord J. Manners) had been good enough to intimate that he would give an answer to this question when he replied to another which the noble Lord the Member for Haddingtonshire (Lord Elcho) was about to put to him.

IMPROVEMENTS IN THE GREEN-PARK. QUESTION.

Lord ELCHO said, he rose to put a question to the First Commissioner of Works relative to the intended alterations in the Green Park. In ordinary cases he should have postponed his question until

the Estimates came before the House, but were he to do so in the present instance he would then probably find that the mischief which he was anxious to avoid had been effected. They had already a specimen of the so-called "improvements" of the Board of Works in the iron bridge across the ornamental water in St. James's Park. It would be remembered that two years ago his right hon. Friend who then presided over that Department (Sir B. Hall) proposed to make a carriage-road across that park. That proposition was rejected; but in the Committee, by the casting vote of the right hon. Baronet himself, it was agreed to form an iron bridge across the lake. That scheme met with considerable resistance, and it was only by a small majority that it received the sanction of that House, a result which was mainly owing to the influence of the noble Lord the Member for Tiverton, (Viscount Palmerston) who warmly supported the proposition by a speech made in his usual taking manner. On that occasion the right hon. Gentleman the present Chancellor of the Exchequer, expressed his opinion that the projected improvement would convert one ornamental lake into two ugly ponds. On the other hand, the noble Lord opposite contended that the bridge would be a great improvement, observing that everybody knew that the line described by a flexible body suspended between two fixed points was very much admired, as the catenarian curve or line of beauty; and from that proposition the noble Lord proceeded to deduce the corollary that a suspension-bridge in St. James's Park must be an exceedingly handsome structure, and one which must give delight to every man of taste. He (Lord Elcho) was aware that the noble Lord, having already spoken upon the question of adjournment, could not again address the House, but it would be very desirable to know whether, having seen the result of his speech, the noble Lord was satisfied with the catenarian curve as exemplified in the bridge in St. James's Park, for no one else appeared to think that that catenarian curve was anything like the line of beauty. His (Lord Elcho's) own opinion was, that his right hon. Friend the late Chief Commissioner of Works (Sir B. Hall) might enjoy the satisfaction of having originated what was, without exception, the ugliest bridge ever made. He knew of nothing at all equal to it in ugliness, except, perhaps, the suspension-bridge which the Austrians had thrown across the Grand Canal at Venice, and which the natives of that city were careful to impress upon all beholders as the work of an Englishman. In the case of the bridge in St. James's Park he thought the name of the architect should be inscribed upon it, together with a statement that it was erected during the ædileship of his right hon. Friend. The history of that bridge showed how careful they should be not to allow any alteration to be commenced in the Parks without knowing what was really going to be done. The main argument in support of the construction of that bridge was the convenience it would afford to the public, and no doubt it was convenient, for it was strong enough to bear all the traffic of London; but he submitted that convenience was not the only thing to be considered. Now, with respect to the alterations which appeared to be contemplated in the Green Park, the inhabitants of that neighbourhood were surprised one morning to find two large circles marked out, one where the water formerly was, and the other nearer to Buckingham Palace. What those circles were intended for he could not tell. As the former decision of the House had been so much governed by a consideration of convenience, it had been thought that possibly those circles were intended to mark the sites of some buildings to be erected for the convenience of the public. Such an idea, however, was too monstrous to be entertained for a moment. The general belief was that it was intended to plant two shrubberies or clumps of trees on the spots which were marked out, but he thought there could not be a greater mistake than to plant shrubberies in London. As a general rule they were complete failures, and it was the absence of shrubs which caused Berkeley Square to be so much more admired than other squares. If any objection could be taken to the administration of the right hon. Baronet (Sir B. Hall) it was his too great fondness for shrubberies. He thought these shrubberies in London ought to be carefully avoided; but if there was one place more than another where they ought to be avoided, it was the spot where it seemed to be intended to plant them, in the Green Park. The open space there was already sufficiently contracted. It formed a green slope of grass, intersected by numerous roads; and if, in addition to these, a portion of the ground was to be taken up with shrubbery, the

Lord Elcho

park would be materially injured. He hoped, therefore, there was no authority for the statement that these shrubberies were to be planted there. They would interfere very much with the view from the houses there, and, what ought to be to them a matter of no small importance, they would interfere with the view from Buckingham Palace also. Before he sat down he must say that, though he had criticized what his right hon. Friend (Sir B. Hall) had done with reference to the Bridge in St. James's Park, he was bound to say that in his opinion—and he believed it was the opinion of most Members of the House and of the public—his right hon. Friend had conducted the Department of which he was lately the head with great zeal and advantage to the community, and to the improvement, generally speaking, of the metropolis. He never rode along Rotten Row or drove round the park without hearing thanks expressed to his right hon. Friend for the improvements he had made and the liberal and enlarged views with which he had conducted the affairs of his department. With such an example before him, he hoped his noble Friend who was now at the head of that department would not inaugurate the commencement of his administration by giving his sanction to any alterations which would materially impair the appearance of the Green Park; and he had now to ask what were his intentions in the matter—whether any alterations were proposed, and what the nature of those alterations was?

LORD JOHN MANNERS said, when the late change of Government took place, it was a matter of some surprise that the number of official legacies left by the late Ministry to their successors were so few; but he was bound to say that, in so far as the department over which he had the honour to preside was concerned, that remark did not apply. In that department the activity and energy of the right hon. Baronet opposite had left various matters for consideration, and among others that to which his noble Friend had referred. His attention having been drawn to the subject, he directed that certain stakes should be put up, in order that the public might more accurately see what would be the effect of the shrubberies if planted in these localities. He took an early opportunity to satisfy himself upon the subject, and he had no hesitation in stating that the result of his examination was that he had come to the same conclusion that his noble Friend had arrived at. He had therefore no intention of asking the sanction of Parliament for the plantation of any such shrubberies. It was unnecessary for him to make any further comment on the amusing speech of his noble Friend, except to say that he concurred in the views he had expressed on the subject of the bridge in St. James's Park. With reference to the question put by the hon. Member for Finsbury (Mr. Cox), he had to inform him that in the business of his department he had very little to do with the Metropolitan Board of Works. On seeing, however, that the hon. Gentleman had given notice of this question, he communicated with the Chairman of the Board on the subject, and had received the following reply:—

"1, Greek Street, Soho, April 15.

"Sir,—I am desired by the Chairman of the Metropolitan Board of Works to inform you, in reply to the inquiry in your letter of the 14th inst., that the Board have not yet taken any active steps for putting in force the provisions of the Finsbury Park Act. The Board have hitherto proceeded upon the principle of not subjecting themselves to the obligations attending the commencement of measures of public improvement until they have made definite arrangements with respect to the necessary funds. They are now engaged in negotiating a loan to be applied to the formation of two important lines of thoroughfare for which a portion of the funds had already been provided by Parliament, and which, therefore, take precedence of the measure referred to; and as soon as that negotiation is concluded, probably the Board will proceed to take the subject of the Finsbury Park Act into consideration.

"I am, Sir, your obedient servant,

"E. H. WOOLRYCH, Clerk to the Board.

"Brinsley Marley, Esq., Office of Works, &c."

SIR BENJAMIN HALL said, that he was anxious, after what had fallen from his noble Friend (Lord Elcho) to say a few words on this subject, especially as he had made a mistake with reference to what had occurred in the case of St. James's Park. The House was aware that a strong desire existed on the part of the public to have a medium of communication between the two sides of the ornamental water in the park, and that a Committee of that House was appointed to consider the subject. Various plans were laid before that Committee, one of which was to have a carriage ride across the park, but this proposal was rejected. The idea of a carriage ride having been rejected, the next question was whether or not a foot bridge should be carried across the water. That proposal was submitted to the Committee, and, as his noble Friend had said, it was carried by his casting vote as Chairman. It was supposed by some members of the Committee that the bridge

was not wanted ; but, in order to show how fallacious that impression was, he might state that the numbers who passed over the bridge soon after its completion on a short winter's day, when the weather was exceedingly cold, had been counted, and they were found to amount to 37,360 persons. That fact sufficiently showed the necessity that existed for a bridge in that locality. With regard to the kind of bridge which had been erected, he begged to say that he was not in favour of a suspension bridge in the first instance. The House rejected the proposal which he made with reference to a bridge, because it was not a suspension bridge, and directed that the bridge to be made should be of that nature. After that vote he sent for one of the most eminent professional men in England, the late Mr. Rendall, and got from him the plan of a bridge of as light a description as was consistent with safety. The bridge which had been erected was, of course, not such a structure as gentlemen would put up in their own parks, but they must consider the traffic which this bridge had to bear. Supposing they had put up a light bridge, which could not have borne the traffic that went over it—amounting, as he had shown, to 37,000 persons in one day—and which would not have been strong enough for the great weight that came upon it, would they not have been justly blameable for having made an insufficient structure? The bridge was found to suit the purpose for which it was intended, and was the design, as he had said, of that eminent engineer, the late Mr. Rendall. With respect to the shrubberies which he had formed—one from the Marble Arch to Victoria Gate ; another, a narrow strip, beginning at Park Lane—both had been generally considered to be great improvements.

Mr. ELLICE said, that having taken an interest in this subject in former times, he wished to say one or two words. He remembered when it was intended to plant a long line of shrubbery from the site of the old reservoir down to the Mall to prevent children playing before the great houses on the east side of the Green Park, and he had to get up almost an insurrection in the adjoining parishes before it was put a stop to. He agreed with his noble Friend (Lord Elcho) that every shrub, almost every tree planted in the Parks, so as to destroy one blade of grass, was a great nuisance ; and though he was ready to pay his tribute to the great merit of the administration of his right hon. Friend (Sir B. Hall), he must say that there had been too much disposition to indulge in the taste of landscape gardening in the Parks. Nothing could be worse than the shrubbery planted in the Green Park, near Piccadilly last year, for they would intercept the view across the park; and he would say of trees and shrubs generally, in such positions, that so far from being desirable they only gathered the dust and smoke of the metropolis, and created damp, when what was wanted was pure fresh air. He wished to ask the noble Lord (Lord J. Manners) whether it would not be of advantage to remove the clump of laurels now planted in the centre of the park. The reason given for placing them there was that it was desirable to screen the houses from the view of the distinguished guests at the Palace: but there was not the slightest pretence for that assertion, which was only given to shelter the gentlemen, who indulged in these fancies, from the observations of the public.

Sir HARRY VERNEY said, he could corroborate the statements which had been made with respect to the effect of shrubberies in London, for the portion of Park Lane to the north of Stanhope Gate was dry when that to the south was wet, in consequence of the shrubbery being planted there. Nothing was of so much importance in the metropolis as plenty of fresh air and sun. The small plantation to which he alluded answered no purpose, except that of obstructing the air.

GOVERNMENT OF INDIA.

QUESTION.

Mr. COLLIER said, that having understood the right hon. Gentleman the Chancellor of the Exchequer to say, upon a former occasion, that it was his intention to propose, on next Wednesday week, certain Resolutions relative to the government of India, he was anxious to ask the right hon. Gentleman when Her Majesty's Government intend to lay upon the table of the House the promised Resolutions relative to the government of India. It was obviously desirable that they should be placed in the hands of hon. Members as soon as possible, in order to afford them an opportunity of considering them before they became the subject of discussion.

The CHANCELLOR of the EXCHEQUER: The Resolutions to which the hon. Member refers will certainly be laid on the table of the House at the latest on

next Monday, and I trust they will be in the hands of hon. Members on the same day.

THE *ABEONA*.—QUESTION

MR. LINDSAY said, that he had been requested by the friends of some of the persons on board the transport ship *Abeona* to ask for an explanation of the circumstances under which that vessel was now at Kingstown.

CAPTAIN VIVIAN said, he would take that opportunity of asking the right hon. and gallant Gentleman the course intended to be pursued with regard to the Army Estimates?

MR. P. O'BRIEN said, he also hoped that the Minister for War would be able to tell the House what took the *Abeona* to Kingstown, where she was out of her course.

GENERAL PEEL said, that the *Abeona* sailed from Gravesend on the 31st of March, with 750 men on board, for Calcutta. After her departure smallpox broke out on board. In consequence of this occurrence the vessel put back when ninety-six men were landed, and the remainder being free from the disease the vessel was ordered to put to sea again. In order to prevent the possibility of the recurrence of the malady, the vessel was ordered to Kingstown to be inspected by the medical officer there and the Commander in Chief, Lord Seaton. During the voyage to Kingstown two more cases broke out, but it might allay any alarm among the friends of those on board to state that since he had been in the House he had received a telegraphic measure from Dublin Castle, containing the certificate of the Medical Inspector General, who stated that he had inspected the transport ship *Abeona*, and had examined all on board. He found them all in good health, and free from any appearance of epidemic disease. He added that the vessel was now ready to proceed to sea. In answer to the question of the hon. and gallant Captain, he had to state that, the House having voted the number of men for the army, he did not intend to make any general statement as to the Army Estimates that night, but should merely move a Vote for pay and allowances as a foundation for the proceedings of the Chancellor of the Exchequer in bringing forward the Budget.

Motion *agreed to;* House at rising to adjourn till *Monday* next.

WESTERN BANK OF SCOTLAND.

OBSERVATIONS.

Order for going into Committee of Supply read.

MR. BRADY said, he rose to call the attention of the House to the circumstances connected with the failure of the Western Bank of Scotland. He felt considerable diffidence in bringing before the House a question of such great importance to the commercial interests of the country, and he regretted that some hon. Member of commercial experience had not thought it his duty to bring forward this question, the more especially as no Scotch Member had taken it up. Indeed, he could only account for this apparent indifference to a subject so nearly affecting the interests of Scotland by attributing it to that strong feeling of nationality and implicit faith in the principles, upon which their banks were conducted, which characterised the representatives of that portion of the Kingdom. He earnestly trusted, however, that as there was a chance of the subject being now ventilated, those hon. Gentlemen would not abstain from taking a part in the discussion. The Western Bank of Scotland was established twenty-five years ago with a capital of £1,500,000. Soon, however, it had obtained deposits to the amount of £5,000,000. It had, moreover, the privilege of issuing bank notes to the amount of £337,000. By these means the company had at its command a sum amounting to £7,000,000. This sum was amply sufficient, but, notwithstanding these favourable auspices, it became obvious almost from the commencement of its proceedings, that its management was so badly conducted as to render ultimate success highly improbable, and this remark applied in an especial manner to the conduct of its affairs in the last ten years of its existence. He had received a document from one of the unfortunate victims of this bank—a gentleman of the highest respectability and social position in Scotland—setting forth the charges against the directors. The first charge was that, although the contract provided that as soon as one-fourth of the capital was lost, a meeting of the shareholders should be called, in order that the concern might be wound up, the bank was carried on for many years in defiance of this provision. The second charge was, that for many years bad and doubtful debts had been carried to credit as good assets, and balances struck on this footing; divi-

dends had also been declared which had to be paid out of the capital. It was one of the gravest charges that could be made. The directors held out to the public that the bank was in a state of prosperity when they well knew it was insolvent, and to heighten the deception they declared a dividend of 9½ per cent., the consequence of which was that hundreds of people with small savings were tempted to invest, many of whom, since the bankruptcy, had become inmates of madhouses, and many more had been reduced to utter destitution. One gentleman had written to him stating that he had been induced by the directors' report to buy stock within a month of the collapse at a premium of 15 per cent., and had thereby been swindled out of £2,000, for he was told that he had no remedy. The third charge was, that the directors had sent £800,000 to the United States to be used in discounting bills, contrary to the terms of their contract, which limited their operations to banking in Scotland. The whole of that sum was lost to the bank. The fourth charge was, that they had rediscounted bills in London to a large amount for the purpose of carrying on advances to firms in Glasgow, who were in many instances persons of little or no capital. He would trouble the House with but two instances. There was a creditor of the bank of the name of Monteith, who was engaged as a commission agent to a merchant named Smith. Smith informed Monteith that he was about to become a bankrupt. Monteith went to the manager of the bank, and detailed the case. The manager said that must not be, as it would be a degradation to Smith's family, and the death of Smith's uncle, another Mr. Smith, and rather than Smith senior should die he would advance £6,000, although at that time the bankrupt Smith had overdrawn his account to the extent of £14,000. Monteith finding how easy it was to get advances from the bank, soon got advances on his own account on discount to the extent of £124,000. All this time the manager of the bank knew that Monteith was never worth £1,500. But there was a worse case. There was a man named Macdonald who never having had a commercial position, became bankrupt for £383,000 raised upon acceptances. There were seventy-five names to their bills, of which number only fifty-five had ever had business transactions with the Macdonalds, who got the names through agents in London, Liverpool, and Glasgow, and they were composed of tailors, milliners, and persons of that class. And yet this bank, in whose directors there was placed implicit reliance, advanced £200,000 to this firm on the security of the names of these persons, most of whom became bankrupt when the bank failed. With such facts before them they were surely bound to make some inquiry into the subject. It had been said that Mr. Taylor, who had been appointed the manager of the bank, contrary to the advice of the directors, had exercised absolute control over the business of the establishment, and that he was the author of all the calamities which had ensued in that case: but that statement would not justify the conduct of the directors, who should never have left to any manager such unchecked power. The directors were accountable for the acts of their subordinate, and he (Mr. Brady) hoped that they would be brought to the bar of justice to account for their misdeeds. The Lord Advocate had stated, in reply to a question he had put to him on a former evening, that no evidence had been brought before him which would justify him in taking criminal proceedings against those men. Now he (Mr. Brady) had seen it stated in the public press that either at the time the learned Lord had given that answer, or a short time previously, he had himself been the legal adviser of the directors of the bank, He (Mr. Brady) hoped that statement was not well founded; because, although he did not mean to charge the learned Lord with having been influenced in the slightest degree in the course he had taken by the position he had occupied outside these walls, it appeared to him that he ought not, if he had really filled the office of adviser to the directors, to have made the statement which had fallen from him in the House. At all events, he trusted they should hear the learned Lord declare that evening that he was prepared to institute a most searching inquiry into the proceedings of the bank, with a view to bring to the bar of justice any person whose criminal conduct might have led to that deplorable catastrophe. He (Mr. Brady) had discharged his duty by making the statement he had just put forward, and he would then leave the House to deal with the subject as they might think fit.

THE LORD ADVOCATE said, he could assure the House that, although rising immediately after the hon. Member for Leitrim, he had no intention of answering the speech of that hon. Member. He (the

Lord Advocate) was not there for the purpose of defending the principles upon which the Western Bank of Scotland had been established, or the conduct of the directors of that institution. Neither was he there to offer any opinion as to the personal culpability of the directors; but he was glad to take the opportunity of removing an erroneous impression that prevailed in certain quarters out of doors, and which seemed to have taken possession of the mind of the hon. Member. With regard to himself personally, the insinuation of the hon. Member for Leitrim seemed hardly to require even a passing observation; but he might mention that both while the bank was carrying on its business and at the time the bank stopped payment and was winding up, he was in his professional capacity frequently consulted by the directors, the shareholders, the liquidators, the depositors, the creditors of that institution. In fact, all parties, who might in any way be supposed to need legal advice with respect to its affairs, had consulted him in turn, and he had endeavoured to do fairly what he believed to be his duty by them all. It might be supposed therefore that he had no prepossession in favour of one class over another. The matter, however, to which he wished then to refer concerned his office as public prosecutor in Scotland. The hon. Member for Leitrim had on a previous occasion asked him (the Lord Advocate) whether criminal proceedings would be instituted, and his answer in substance was, that he had not before him any information that would justify a prosecution. He begged now to repeat that statement, for such was his position down to the present moment. He would, however, add, that it did appear strange to him that the parties who had given the hon. Member the information which justified him in using such strong language as that in which he had indulged, should not have thought fit also to lay their information before the public authorities in Scotland. It seemed that a very great misapprehension existed in the minds of the hon. Gentleman and of many persons out of doors, as to the nature of the office which he had the honour to hold. A public prosecutor was not a minister of police. It was no part of the business of a public prosecutor to hunt out crime. On the contrary, he had always understood that the true theory of the Lord Advocate's functions was, that he should prosecute only on the complaint of an injured party. This rule was liable to certain very important exceptions it was true. Still, as a general rule, a prosecution should not be set on foot except on the complaint of the injured party; and he must take leave to say that the rule was peculiarly applicable to the case of commercial frauds. In the first place, because it was almost impossible that the public officer should be able to possess himself of the materials even for making a preliminary inquiry without the aid of injured parties; and in the second place, because in the ordinary case it might fairly be presumed that if the supposed injured parties remained silent, there could be no very good grounds for undertaking a public prosecution. The rule was firmly established by the practice of the law of Scotland, and was at once expedient and salutary; but he did not go so far as to say that it was a rule which even in the cases of commercial frauds never could have an exception. On the contrary, had he been placed in the same situation with reference to the Western Bank of Scotland as had his hon. and learned Friend, the late Attorney General with reference to the Royal British Bank in England, he should have adopted a precisely similar course. But it was just because his position was entirely different, that he had been compelled to remain quiescent, and give to the hon. Gentleman that answer of which so much complaint had been made. Let the House recal for a single moment in what way the prosecution against the Royal British Bank came to be instituted. The whole of the frauds charged were disclosed in the course of examinations in the Bankruptcy Court, and, being thus made public and notorious, necessarily came in that way to the knowledge of the Attorney General, who had then no alternative in the administration of the duties of his office but to institute proceedings. On the other hand, what was the case with regard to the Western Bank? There had been but one proceeding in the Bankruptcy Court, and that was in the case of Mr. Taylor's sequestration. On that occasion, all that transpired was, that Taylor seemed disposed to assume to himself the entire responsibility of the conduct of the bank's affairs, and completely to exonerate the directors. It is true, the matter did not stop there; there had been various meetings of the shareholders since; but it must be recollected that throughout the whole of those proceedings, and up to the present time the published accounts given, were all a person in his (the Lord Advo-

cate's) position could know anything about. The tone adopted at those meetings was, to charge the directors with great culpability and neglect of duty in not controlling their manager, but certainly to charge them with nothing which could be made the foundation of a criminal prosecution. He was anxious that this should be understood by the House, and that the hon. Member for Leitrim should not think he made the statement without foundation, and, therefore, begged further to state that, so early as December last—very soon after the occurrence of the calamity, there was a meeting of the shareholders of the bank in Glasgow, when a Committee was appointed to investigate the whole case. That Committee did make an investigation and reported to a subsequent meeting—he did not mean to say this was a very complete investigation, for the inquiry occupied but a fortnight, and was merely preliminary—but still it was rather important to see how this Committee of shareholders, very indignant, and smarting under recent suffering, did express themselves as to the culpability of the directors. They said—

"The Committee are of opinion that, during the whole of Mr. Taylor's career, as well as during a portion of Mr. Smith's services, the Directors of the Bank have been much to blame in neglecting to perform the ordinary duties incumbent upon them on the acceptance of such a trust. They appear, without sufficient inquiry or examination, to have trusted to the statement of the managers with a simplicity which appears to the Committee almost incredible. While we acquit these gentlemen of any moral blame in their management as directors, and consider that their errors have been those of judgment, and not of intention, we are clearly of opinion that they have failed to perform those ordinary duties in the management of the company which it is well known they all practise with so much fidelity and success in the prosecution of their own private affairs, and their neglect of these duties has been, in part, the means of bringing both pecuniary and mental distress on hundreds of their fellow-countrymen."

Now, that being the opinion of the shareholders in the month of December, he put it to the House whether there was as yet any encouragement for the institution of proceedings by a public prosecutor. It was true that time had run on since then, and the shareholders might now entertain different views; but, as before stated, down to the present moment, not one single shareholder or person interested, had ever made a complaint to the authorities. But they had done what was much more becoming their position, and what he apprehended any sensible person would advise. They had organized themselves into an association, for the purpose of conducting a complete and searching investigation into the whole history and proceedings of this bank. That association was now in action, and he had that day received a letter from the chairman—purely voluntary on his part, and not in reply to any communication from him (the Lord Advocate)—of which he should take the liberty to read an extract to the House. The chairman said—

"As chairman of the shareholders associated for investigation, I am now enabled to state that our arrangements are completed. Funds have been subscribed and preliminary points have been settled. An accountant has been chosen, who will commence his investigation on the 19th. None of us anticipate such disclosures as would call for criminal procedure against the Directors, whatever their pecuniary liabilities may be. If anything of the sort occurs you will be informed."

Now, it was to be supposed that these gentlemen understood their own position much better than their representatives in that House, and could, if they chose, probe the matter to the bottom, and ascertain whether, in point of fact, there was any foundation for a criminal prosecution. He now left the matter in the hands of the House, having stated what the actual position of the case was, and he submitted that he should have been totally unjustified if with the information before him he had occupied the valuable time of public servants and expended a large sum of public money in conducting this investigation for the shareholders of the Western Bank of Scotland.

Mr. ELLICE said, that he thought the House and the public was much indebted to the hon. Member who had brought this subject forward, and that it was quite impossible to allow it to pass in the way in which the learned Lord opposite had left it. If Scotland were so unfortunately placed that no legal investigation into a subject of this nature could take place against persons who, at any rate, were under the appearance of having committed a great fraud, it became the duty of Members of the House to represent strongly to the Government that some change must be made in the state of the law. What was the actual state in the present case? He was not going into all the particulars which had been already detailed; but he took it this large establishment owed its origin to certain great speculating capitalists in Scotland, who gathered together from all parts of the country deposits for their own purposes. Having, then, also gathered to-

gether the capital of the shareholders who had followed them in subscribing money to the undertaking, these gentlemen had never come to the office, had never inquired into the proceedings, but left the management to some person who was wholly unworthy of the confidence reposed in him. In the case of the Glasgow bank, he need only mention two circumstances to the House, which would at once show the necessity of further proceedings; whether in the shape of a prosecution against the directors, or taking some legislative measures for preventing such calamities in future, he would not say. These were the two circumstances. This bank had the largest circulation of bank notes in Scotland. They had tempted poor people all over the country with the offer of a greater rate of interest than was given by the savings banks; many had given way to the temptation, and deposited all their little savings with them, for there were no less than 10,000 depositors in the bank, with sums under £50. There was something very curious in the history of these transactions. It appeared that the shareholders, so late as in May last, were assured that, upon due examination of the accounts, the bank could divine 9 per cent profits after payment of capital in full. An individual case had come under his own notice of a poor lady who had been induced by these representations to invest her property in shares of the bank, and had thereby lost her little all, and had been reduced to absolute ruin. He said to her, "If you invest your money in a bank, you must expect to run some risk." She remarked, that when 9 per cent was offered by gentlemen in the position of these directors, some of the wealthiest capitalists in Scotland, who were well capable of managing their own affairs, how was she to distrust them? He thought the Lord Advocate was bound to ask whether that statement made in May last was honestly made by the directors, and that there must be some available means of ascertaining the fact. But, so far from taking any step of that kind, or even joining with the public in their expressions of indignation at such conduct, the Lord Advocate had actually appeared in the House that night as the humble apologist of these men. He had produced letters from Glasgow, in which it was stated that they were free from all real blame. Good God! no real blame attaching to men who having been appointed guardians of the savings of 10,000 poor persons, had entrusted the whole of their affairs to some worthless agent, without seeing into them themselves for a single day. Was the learned Lord aware that several of these unfortunate depositors had been driven by the misconduct of those directors into lunatic asylums? that some were banished the country? that others were famished and reduced to the lowest destitution? They were left to believe that such persons had no public protection —that no one of the shareholders was personally liable. He was told that the directors had taken care to insert a clause in the deed of settlement that no shareholder should be liable for any loss that might accrue to the funds of the company. If the public were left in this way without protection, he (Mr. Ellice) called upon the right hon. Gentleman opposite (Mr. Disraeli) to look seriously into the question. He knew perfectly well the calamities that had resulted to the public from the failure of this bank. He had heard the whole misfortune unfolded upon investigation. The House ought to see at least, if they could not punish, whether they could not prevent the recurrence of such a calamity. If directors would neglect their duty in the way he had stated, after having induced people to invest in these banks, they should at least be liable to some penalty, personal or pecuniary. With respect to joint-stock banks in England, some had failed in an equally disgraceful manner as the Glasgow bank. It was, therefore, absolutely necessary that some regulation should be made, either that accounts should be laid before the shareholders, or that auditors should be appointed who might certify that the accounts laid before a public meeting of the shareholders were correct. A report had reached him (Mr. Ellice) which showed, at least, the shamelessness of these offenders at the present moment. He heard that they had made an application to be enabled to sell their privilege of raising money. Perhaps in one sense, however, they were justified in endeavouring to realise all the assets they could. But at any rate, if there were no means of proceeding criminally or pecuniarily against them, it was the duty of the right hon. Gentleman at the head of the Government to see whether the law could not be altered on this subject.

Mr. BLACKBURN said, he thought the hon. Member for Leitrim (Mr. Brady) had pursued a very inconvenient course in bringing this subject forward on going into

Committee of Supply. It was impossible that the House could come to any practical conclusion, and the inconvenience had certainly not been lessened by the way in which the hon. Member had introduced the question. Nor had the right hon. Gentleman who spoke last done anything to clear up the confusion which previously existed. He had mixed up two questions which were totally distinct and separate—the question, namely, of the culpability of the directors of the Western Bank of Scotland, and the much larger question of the whole system of banking in Scotland. There could be no doubt that the hostility which some hon. Gentlemen entertained towards the Scotch system of banking had dictated many of the severe comments which they had made upon the proceedings of the Western Bank. The present was thought an excellent opportunity of attacking the Scotch system through the side of the Western directors; but, nevertheless, the two questions ought to be kept separate. As a Scotchman, he was ready at the proper time to defend the system of banking established north of the Tweed; but he could not help thinking that the subject now before the House—the misfortunes of a particular bank—had nothing whatever to do with the issue of notes, or the Scotch system of banking generally. There was one fallacy in the speech of the right hon. Member for Coventry (Mr. Ellice) which he felt bound to notice. The right hon. Gentleman seemed to think that the 10,000 depositors in the Western Bank were going to lose their hard-earned savings by their connection with that institution. That was an entire mistake—so complete a mistake that they would lose little or nothing. Indeed he himself was willing to purchase any claim which the right hon. Gentleman might have against the Western Bank at a very small discount. He believed, indeed, that many parties were ready to give 19*s.* in the pound for claims against the Western Bank, and there was not, therefore, the smallest ground for saying that the creditors of the bank, whether note-holders or depositors, would lose a single farthing. The hon. member for Leitrim (Mr. Brady) in bringing forward the question had used very harsh language towards the Western directors, but for that language there was no foundation, except the statements of an anonymous correspondent; and he interpreted the remark of the hon. Member, that he regretted this subject had not been brought forward by a Scotchman, as an acknowledgment that he himself was ignorant of the circumstances of the case—an acknowledgment of which no one who had heard his speech could doubt the truth. But he did not stand there as an apologist for the conduct of the directors; he had no shares in the Western Bank himself, nor was he connected in any way with any of the directors; his only connection with the bank was as a depositor, and having a brother and other relatives shareholders. As far, therefore, as his own personal feelings were concerned, he was by no means in favour of those who had caused so much loss; but he knew many of the directors personally, and the whole of them by name and reputation, and he must say that their conduct had been misrepresented both in that House and elsewhere. Again, the right hon. Member for Coventry (Mr. Ellice) had said that the largest capitalists in Scotland had used the Western Bank as a means of collecting money, which they appropriated to their own purposes. After making that statement, the right hon. Gentleman might as well have named the parties to whom he referred, for everybody in Scotland knew that the allusion could only be to Messrs. Baird.

MR. ELLICE: I beg to say that I had no intention of alluding to the Messrs. Baird, or in fact to any particular individual.

MR. BLACKBURN said, he was glad to find he was mistaken on that point; but he would suggest to the right hon. Gentleman the propriety of withdrawing his statement altogether. His disclaimer was satisfactory so far as it went, but still the allusion to the "largest capitalists" in Scotland was most unfortunate.

MR. ELLICE: I did not say the "largest" capitalists, but large capitalists in Scotland.

MR. BLACKBURN thought it probable that the right hon. Gentleman did not refer to the Western Bank at all. At all events his statement, as now explained, seemed a mere general assertion, which meant anything or nothing as the case may be. With respect to the Messrs. Baird, however, he was glad to have elicited that denial from the right hon. Gentleman, for it ought to be known that they were large shareholders in the bank, and that their loss upon shares alone amounted to about a quarter of a million, exclusive of £120,000 in the shape of deposits. They were liable,

indeed, to the extent of the whole of their fortune, and having identified themselves in every possible way with the rest of the shareholders and depositors, the charge of using the money of the bank for their own purposes was totally unfounded as far as they were concerned. So with the other directors. Nobody—not even the most discontended shareholder—had ever insinuated, in the most remote degree, that they had appropriated to their own use the funds of the bank. The whole of them were known to be perfectly free from any imputation of that kind, and they were all holders of shares in the bank, equally unfortunate with the other proprietors. That made the great distinction between their case and the case of some other notorious banks, such as the Royal British, of which the world had recently heard so much. The hon. Member for Leitrim (Mr. Brady) had used the word "swindling." That term was fairly applicable to the conduct of those directors who had used for their own purposes money intrusted to them by other parties; but in no sense described the conduct of the Western directors, who had derived no personal advantage from the funds of their depositors, but, on the contrary, had themselves been the severest sufferers by the failure of the bank. He could not understand why the Western Bank should be singled out for condemnation while so many banks and large houses which had failed in the late crisis were allowed to escape. The Borough Bank of Liverpool failed for as large a sum as the Western Bank, and yet nobody thought of blaming its management. He suspected that the misfortunes of the Western Bank were to be used as an argument against a system of banking which was disliked by certain influential parties. That was not a fair course of proceeding, and he hoped it would not succeed. He believed that the whole circumstances of the Western Bank would be explained before the Committee now sitting on banking; at all events the directors, although they might not think it necessary to reply to the statements of anonymous writers in newspapers, were anxious that the fullest publicity should be given to all their proceedings, and they were ready to present themselves for examination before a proper tribunal. He did not say they were free from blame—far from it; but he denied that their conduct deserved the epithet of "criminal" which had been applied to it both in that House and elsewhere.

Mr. J. D. FITZGERALD said, he was bound to say that the answer of the hon. and learned Lord did not seem to be at all satisfactory; that the statements made by the hon. Member for Leitrim in introducing this subject to the House had been fully justified by the admissions of the Lord Advocate. He (Mr. FitzGerald) knew nothing of this case beyond what appeared in the Report produced by the learned Lord; but he thought that nothing in the speech of his hon. Friend went beyond that Report. That Report, as he understood, had emanated from a committee of the shareholders or the creditors—he was not certain which—of the Western Bank appointed to investigate the affairs of the establishment as far back as December last. It appeared, then, that the liabilities of the bank, at the time that it stopped, might be stated in round numbers at £9,000,000, and that the ascertained deficiency in December amounted to £2,200,000. Subject to considerable increase on the occurrence of certain eventualities. The flattering prospect held out to the public at that time was, that the private fortunes of the shareholders were amply sufficient to meet all deficiencies. That he presumed, was what the hon. Member for Stirlingshire (Mr. Blackburn) referred to when he said that nobody would lose by the bank, for surely he did not mean that the shareholders would not be losers to the extent stated. How was this deficiency of £2,200,000 created? He did not find anything in the Report produced by the Lord Advocate which would justify a charge of moral turpitude against the directors; but there was abundant evidence to prove that the directors had grossly neglected their duty to the public and the shareholders, and had not bestowed upon the business of the bank the same care which they would have given to their own private concerns. The directors seem to have intrusted everything to the hands of Mr. Taylor, the manager, thus exhibiting negligence so great that it could with difficulty be distinguished from criminality. He did not charge any party with fraud; that was a question to be determined elsewhere; but he recognised in the Report of the committee of shareholders elements which rendered an inquiry absolutely indispensable. Such an inquiry must somehow or other be made. The Lord Advocate had told them that it was not his duty, as public prosecutor, to institute an investigation of this kind, where no injured

party made any complaint to him. That, no doubt, was true as a general rule. The Lord Advocate was public prosecutor in Scotland, and for certain purposes, such as the institution of inquiries and the carrying on of prosecutions, he was armed with a large staff which the Attorney General in England did not possess. But, while assenting to the general rule, he would respectfully suggest to the learned Lord that there were exceptional cases which required a departure from the ordinary routine, and one of these cases was to be found in the affair of the Western Bank. Enormous losses had been sustained, and the public interests, as well as the interests of private individuals, had suffered serious damage, and perhaps great fraud had been committed. What was the course pursued by the late Attorney General in the case of the Royal British Bank? The Attorney General was not a public prosecutor in the same sense as the Lord Advocate in Scotland; he had no solicitor to assist him and no special counsel; but nevertheless the hon. and learned Member for Aylesbury (Sir R. Bethell) no sooner became aware of the nature of the depositions in the Royal British Bank bankruptcy than he put himself in communication with Mr. Linklater, the able agent of the injured shareholders, and requested that gentleman to furnish him with copies of all the depositions. The result was, that the case was investigated, and the Attorney General having informed the House that he had received sufficient information to warrant the institution of a prosecution, Mr. Linklater was employed with an able staff of counsel to conduct it. They all knew the result. The trial was had. The Lord Chief Justice gave an admirable exposition of the law. Those who were guilty were convicted, and punished according to the degree of their guilt. But what happened in the present case? He found that there was a sequestration against Mr. Taylor, that person whom the directors trusted to such an extent that they received his statements and accounts without any question. He recollected seeing, in December last, that there were sequestrations against other parties—against the firms, for instance, of Monteith and Co., and Macdonald and Co. Now, the firm of Monteith and Co. was one of those establishments which failed at the same time, or rather whose failure brought down the Western Bank; for at the time of the failure they owed the bank nearly £500,000 on paper in the hands of the bank. The firm of Macdonald and Co. owed nearly as much, and with respect to them it appeared that the accommodation paper on which Taylor had advanced the property of the shareholders was actually drawn on accommodation acceptances of seventy-five persons in London, many of whom were paid a commission for signing them. Had any investigation taken place into those cases. Now, the directors, who had undertaken a certain trust, yet, "with a simplicity not to be believed," as the Report stated, left the whole affairs in the hands of Taylor until he had disposed of £2,500,000. It had also been publicly stated, without contradiction at a meeting in Scotland, that the directors at the last annual meeting had allowed and supported a dividend of 9 per cent, paid not out of profits, but out of capital. All these circumstances appeared to constitute a case of such magnitude and gravity, that not only the individual creditors and shareholders of the bank, but the public at large had an interest in its investigation, and it should be probed to the bottom. He had the highest respect for the learned Lord as a distinguished lawyer, but if it were the practice in Scotland that the public prosecutor could not take proceedings against those parties without being set in motion by some one behind, the time had arrived when that system of procedure should be altered. It was remarkable that whenever a Bill making changes in the law, whether commercial, criminal, or municipal, was introduced into Parliament, there was always a provision put in it that it should not extend to Scotland. The jealousy of the Scotch Members in this respect was most remarkable, although, as far as he could judge, the Scotch laws and the institutions of Scotland were not so good as the laws in the other parts of the United Kingdom. An Act was passed last year to repress fraudulent breaches of trust, and in that Act would be found the usual provision that "it should not extend to Scotland." He thought that the hon. Member who had brought forward this subject had not been treated with very great fairness, and not being satisfied with the answer of the Lord Advocate, he had ventured to address these observations to the House.

MR. MONCREIFF said that, having filled the office of Lord Advocate when the failure of the Western Bank occurred, and

having had for some time the responsibility of any steps that might be taken in consequence, he thought it right not to allow the discussion to close without making one or two observations. He should not enter into a discussion as to the comparative merits of the Scotch and English laws; but, having been accustomed to a state of things in which every crime was investigated by public authority, and any person having a knowledge of crime had only to give information to the public prosecutor in order to have the matter investigated, he should be rather jealous of prosecutions arising out of popular discussion, newspaper articles, or speeches in that House, or upon any other ground than information having been given in the regular course to those officers by whom the matter would be immediately investigated. No question, if the hon. Gentleman who brought forward this subject had laid before the learned Lord opposite (the Lord Advocate) the facts on which his statement was founded, instead of making it publicly in that House, an investigation would have followed immediately. No doubt, in England it was sometimes necessary to set the Executive in motion, and a prosecution by the Attorney General was an expensive and laborious proceeding; but in Scotland, if there were any real charge to make, the office of the Lord Advocate was open, and there the charge would be investigated as a matter of course. He understood the learned Lord to say no more than this, that with respect to the directors of the Western Bank of Scotland no such charge had as yet been made; he did not say that he had resolved that there should be no prosecution, but that he thought it wise to wait, before instituting a prosecution, to see how the affairs of the bank would ultimately stand, and how the civil responsibility of the parties concerned might be worked out. That was the course pursued in the case of the Royal British Bank; for no steps were taken by the Attorney General until the proceedings in bankruptcy were completed. But if hon. Members supposed that the proceedings of the Western Bank had escaped the attention of the legal authorities in Scotland, they were entirely mistaken. While it was the duty of the public prosecutor to see that crime did not go unpunished, it was not less his duty to guard against unjust prosecutions being instituted from unpopular prejudice or from the emergency of some public event, and to take care that parties were not exposed to the shame and disgrace of a public prosecution without the utmost caution. The question where criminality began was a delicate matter to decide, and was not to be determined by popular discussion, but by the judgment of those who were responsible for the manner in which they discharged their duties, and who were bound to consider the matter with a judicial mind. He repeated, that if there were grounds for charging the late directors of the Western Bank of Scotland with criminal acts, the proper course was for the informants to lay their case before the proper legal officers, who, acting with calmness and judgment, would determine whether a prosecution ought or ought not to be entered into against the persons charged. And surely it was better that the public prosecutor should proceed on judicial considerations rather than institute a prosecution founded only on popular clamour.

Mr. P. O'BRIEN said, he must express his surprise at hearing it laid down as a sound legal axiom that a public prosecutor was bound to wait and see the effects of the crime which had been committed, and the extent of the injury inflicted by the criminal, before directing a prosecution. They could not estimate crime in any such manner, and he conceived that such a doctrine was utterly inconsistent with morality. Still from what had fallen from the learned Lord Advocate it appeared that he was waiting to see whether assets were forthcoming sufficient to release the manager from the consequences of his acts. Public prosecutors were not slow to prosecute the press without previous investigation, when the press happened to be at fault, and why should the Lord Advocate be so indisposed to take the initiative in this case, where the great principle of commercial morality was involved? Believing, as he did, that the conduct of the managers of the Western Bank of Scotland was of such a character that the directors were bound to have inquired into it, he thought that the House ought to convince the people that there should be no immunity for crime, whether committed in England by the directors of the Royal British Bank, in Ireland by the directors of the Tipperary Bank, or in Scotland by the directors of the Western Bank of Scotland. They ought to show their determination to maintain intact the commercial morality of this country, and in his opinion his hon. Friend deserved the

thanks of the House for having brought forward this Motion.

MR. BUCHANAN said, an attempt had been made to establish a parallel between the case of the Royal British Bank and that of the Western Bank, but he thought there was a wide difference between the two cases. The directors of the Western Bank were not accused of any fraud. At the time of the bankruptcy most of these gentlemen had large deposits in the bank, and they had not helped themselves to the funds of the establishment, as had been done in the case of the Royal British Bank. The charge against the directors of the Royal British Bank was of conspiracy to defraud; they were accused of deceiving the public and the shareholders of the bank in regard to its real position; but he did not think such a charge could be maintained against the directors of the Western Bank. If they were conspirators, they were, at all events, most innocent and self-deceiving conspirators, for within three or four months of the bankruptcy they might have gone into the market and realized £70 or £80 for their £50 shares. If those gentlemen were really engaged in a conspiracy to deceive the public as to the condition of the bank and to secure a profit to themselves, why had they not sold their shares? If they had put forth false accounts, or had realized profits, by their acts as directors, there would have been a colourable case against them; but no such allegation was made. On the contrary, when the failure took place all the Directors continued to hold their shares, and most of them had considerable sums to their credit with the bank. The conduct of these gentlemen had been strongly impugned, but he would say to their credit that when the bank became involved in difficulties, they evinced the most laudable desire to assist the shareholders in every possible way. Not one of them deserted the sinking wreck, but they laboured to do all in their power to alleviate the lamentable consequence of the catastrophe. He did not mean to be their apologist. He frankly admitted that there had been great negligence; he believed that for many years a vicious system had existed with regard to the management of the bank; that it had been the practice to bring forward balances which ought to have been written off the books; that the securities had depreciated without sufficient allowance being made for such depreciation, and that the system pursued had been unjustifiable.

Mr. P. O'Brien

It must be remembered, however, that some of the directors had only recently been elected, and he believed that all of them had acted with perfect *bona fides*, and without any view to their private interests. From his own knowledge he could say that it would not be easy to select a body of directors who were less likely to be guilty of dishonourable conduct, and in the west of Scotland they bore the highest character for honour and integrity. As it had been said that a criminal prosecution might still be instituted, he had thought it right to make this statement, for nothing could be more painful to men of sensitive minds than a suggestion that they might be called upon to answer for their conduct at a criminal bar.

MR. ATHERTON said, he thought some misapprehension existed as to the circumstances under which the prosecution of the Directors of the Royal British Bank took place. It had been assumed that the charge against the seven directors of that bank who had been placed upon their trial was, that they had unfairly dealt with the funds intrusted to their care as trustees, for their own personal benefit or aggrandisement. He had assisted in the conduct of that prosecution, and he could state that, with the exception of two of the seven persons prosecuted, there was no ground whatever for any such suggestion: it formed no element in the case, it was not a point to which the prosecution was addressed, nor did the guilt or innocence of the parties turn upon it. When it was urged, on the part of the gentlemen engaged in this most unfortunate bank in Scotland, that they stuck by the sinking ship, that their fortunes had been embarked in the undertaking, and had perished with the fortunes of those who trusted to their care, it should be remembered that the same remark applied to several of the directors of the Royal British Bank, five out of seven of whom had no charge against them of having abused their trust to their personal benefit; indeed, several of them had invited their friends and relatives to invest in the bank as shareholders not very long before the stoppage. It was important to have this matter well understood, and he would endeavour briefly to state the circumstances of the last mentioned case. The charge against the six directors of the Royal British Bank was, that they had combined together to make untrue statements to the public of the

pecuniary condition of the bank; the untruth of the statements had been most satisfactorily proved, inasmuch as in the last year of their proceedings a balance-sheet was presented, from which it was made to appear that a dividend was to be declared at the rate of 6 per cent on an apparent surplus, to the extent of £30,000, of assets over liabilities, and this was arrived at by taking credit for £150,000 as available assets, which consisted of hopeless debts. In fact, however, if the truth had been told, the liabilities then exceeded the assets to the extent of £120,000. False statements of the accounts had been made from year to year, and the bank was hopelessly insolvent; the imposture was discovered, and ruin came upon all the directors, and on the whole body of shareholders. It was necessary to prove the misrepresentations by the directors, and that they were aware of there being misrepresentations; and it was on the fact of misrepresentation that the late Attorney General proceeded, while it remained for the jury to decide whether the persons on trial knew the untruth of what they had put their hands to. Certainly, when untruth was put forward to lure people to mischief and ruin, there was sufficient ground for investigation and careful inquiry, with the view of punishing those who had been the authors of the fraud if it could be shown they were aware of it. He was not minutely acquainted with the affairs of the Western Bank of Scotland, but he heard it admitted on all sides that when that bank declared a dividend of 9 per cent, it was hopelessly insolvent; certainly, in any event, not in a condition to declare a dividend to that amount. Such a declaration, made or sanctioned by the directors of the bank, unless circumstances warranted it, was the declaration of falsehood, and was calculated to produce very disastrous consequences to those who, not knowing it to be false, had put faith in it. The learned Lord Advocate had told them that the public prosecutor in Scotland must be put in motion by some individual who had a grievance, but admitted, at the same time, that it would be extraordinary if there were no exceptions, though he failed to enumerate any of them. However, he would put it to the learned Lord, if a case like the present should not constitute one of those exceptions which he had adverted to, but did not describe. The learned Lord admitted that the late Attorney General proceeded in the matter of the Royal British Bank with the most perfect propriety, and that, in acting as he had done, he had rightly discharged the duties of his office. On what data did he proceed? Upon the fact of a proved hopeless insolvency, and upon the fact of declarations at that time by the directors of the flourishing state of the bank. There was proof here also that the Western Bank of Scotland proclaimed a dividend upon false returns, that its true condition was misrepresented, and that instead of being a flourishing concern it was an insolvent one. If so, the only addition needed to parallel the case of the Royal British Bank was the knowledge of this by those who put forward the untruth. He, therefore, thought the hon. Member for Leitrim (Mr. Brady) had only discharged a duty in bringing the case forward. He hoped that after the discussion which had taken place the learned Lord Advocate would reconsider the matter, and reflect if he was not called upon to follow the example of the late Attorney General in a case of a very similar character.

Mr. HOPE JOHNSTONE said, that with reference to the observation of the hon. Member for Glasgow, he must protest against the statement that the public had not been misled with regard to the position of the Western Bank. On the contrary, it was his belief that, up to the last moment, a system of deception had been kept up, which had been the ruin of many. A person connected with the bank, in the district in which he resided, told him that those who were concerned in the conduct of the business of the bank made representations to him, within a few weeks, nay, within a few days, of the time at which it stopped, which led him to believe that it was in a perfectly solvent state. Upon the faith of those representations, he not only induced depositors to allow their money to remain in the bank, but he himself, and some of his friends, purchased shares in the bank within ten days of the closing of the transfer books. Some of these persons had, in consequence of the failure of the bank, been reduced almost to a state of beggary. This was a subject which required early investigation; and he was glad to hear that it was likely to be inquired into by a Committee on the Bank Act, which was now sitting. Without some such inquiry, he was convinced that the people of Scotland would not rest satisfied.

Mr. COWAN said, he thought that, in

discussing what ought to be done in a particular case, the House was too apt to forget that its proper function was to learn from experience, and to provide a remedy against its recurrence. It had, accordingly, been his intention, before Christmas, to move that the whole subject of the management of joint-stock banks should be referred to a Select Committee, and he gave notice to make a Motion to that effect, as an Amendment to the Motion of the hon. and learned Member for Newcastle-upon-Tyne (Mr. Headlam), for leave to bring in a Bill to extend the principle of limited liability to joint-stock banks. He was told, however, that such an Amendment would be informal, and he did not persevere with it. He thought, however, the causes of the calamities which had recently afflicted the nation were sufficiently apparent, and it was the duty of the House to suggest a remedy. A very unworthy prejudice existed in this country against the Scotch banking system, and it was supposed that one great reason of the bad state of things which existed was the privilege granted to the Scotch banks, of issuing £1 notes. That was quite a mistake. The real evil, he thought, was the reckless way in which bills of exchange were negotiated. Taking the case of one of the firms engaged in this very bank, the facts were sufficient to startle everybody. The firm of Macdonald and Co. were, probably, considered the best customers of this bank. What was the amount of accommodation they required? In 1849 they had accommodation to the amount of £16,000. Not to mention the amount of intervening years, he would pass to 1854, when that amount had arisen to £80,000; in 1856 it was no less than £188,000; and, in 1857, when the crash came, it had reached the gigantic sum of £383,000, not one fraction of which would reach the unfortunate depositors or shareholders in the bank. In 1849 the interest on the amount advanced was £2,800; in 1854 it was £14,000; in 1856, £19,000; and in 1857, £40,000. How was it possible, he asked, for any firm to stand such an amount of interest as that? There could be only one result, and that result ought clearly to have been foreseen by the bank directors, and guarded against. A bill of exchange, provided it was genuine, was a most valuable instrument to commerce—indeed, it was essential to commercial life; but, if this paper could be created and discounted at random, there would be an end to its value. He was sorry to say, the issue of fictitious paper was not confined to Scotland, for he could mention a case in London, which failed some time ago, and in which every servant, every clerk, even the very porters, were employed to put their names to the back of accommodation bills for a gratuity sometimes as low as *5s.*, or even *2s. 6d.* Those fictitious bills were thrown into the market, and contributed to swell the amount of negotiable paper. He did not wish to prevent one individual from becoming security for another; but he did say, that the placing of such bills in the same category as *bonâ fide* bills of exchange was totally subversive of every principle of commercial morality, and ought to be put a stop to.

MR. DRUMMOND said, that the charge against certain individuals for alleged malversation, and the complaints made on behalf of persons who had been shamefully wronged, were but small parts of this question. The hon. Gentleman (Mr. Cowan) said that there were houses in Scotland, and in England too, where certain persons, employed in the establishments, by giving their names as security, could obtain for themselves or their friends immediate advances of money. Those observations of the hon. Member for Edinburgh (Mr. Cowan) went to the root of this matter, which concerned the whole system of Scotch banking. Under that system, A, who had not a farthing, went to a bank to ask for an advance, and, upon giving the security of B and C, neither of whom had any farthings, he received a sum of money. That was a system of fraud and delusion. If a stop were not put to it, as well as to the plan of limited liability, by which men could no longer be called upon for every penny they possessed, in satisfaction of their debts, you would aggravate and increase the number of these panics, which had developed themselves every ten years, but which would now be likely to occur every five years. With regard to the suggested prosecution, he should like, if any such proceedings were taken, to prosecute the Duke of Hamilton, the Duke of Argyll, my Lord Belhaven, and all those men who had lent the influence of their names and reputations to deceive the poor throughout Scotland. These persons were as much concerned in the result as any others. No doubt, they found it very profitable to announce that they would receive the Western Bank notes from their

tenantry; but, then, it should be remembered that they could not have received their rents in any other way. He believed there was not a gentleman connected with Scotland who could not give most heart-rending accounts of the ruin which had taken place. "Oh," it was said, "but these are individual exceptions." That was not so. The exceptions were to be found among the rich men of Glasgow, who saved their own necks, and allowed the poor people of Scotland to be the sufferers.

Mr. FINLAY said, that as one of those who attended the meeting referred to by the hon. Gentleman, he did not think it necessary to apologize, either for himself or for the noble Lords who were present, further than to say that he attended it, in common with others, for the purpose of mitigating, as far as possible, the shock which had at that time been given to the public credit.

Sir EDWARD COLEBROOKE observed, that he would willingly have left the question as it rested, after the full discussion that had taken place, if it had not been for the observations of the hon. Gentleman opposite (Mr. Drummond). That hon. Gentleman had thought proper to pass a severe censure on some of his noble Friends, for the part they had taken at the meeting held in Glasgow, in relation to the Western Bank of Scotland. He (Sir E. Colebrooke) had the honour of taking part in the proceedings of that meeting, and of proposing a resolution. That resolution was, however, of a formal character. Now, he challenged the hon. Member for Surrey, or any other hon. Member, to point out one word in the resolutions agreed to at that meeting that could justify the charges that he had made against his noble Friends. There were only two resolutions passed; the one contained a general expression of confidence in the system of Scotch banking; and the other, to which he (Sir E. Colebrooke) gave his cordial assent, expressed the belief of those present at the unreasonableness of the panic that had arisen, and their confidence in the power of the banks to pay all their liabilities. They further pledged themselves, one and all, at that meeting, to take the notes of the bank in exchange, without other security. Now, he was content to be judged, either by the event that resulted, or by the determination they had formed at the time. If by the event, they would come out of the matter triumphantly; for the notes had never been discredited subsequent to the meeting, and had never failed to circulate from hand to hand; while not merely the proprietors of the bank, not merely the 300 firms of Glasgow, but even the agents of Her Majesty's Government, agreed to take the notes. With regard to the liabilities of the bank, he could not say that they were all paid; but there was little doubt of the probability of their being paid; and, within the last few days, notice had been given that half of them would be paid in a month's time. All that was done at that meeting was done with a view to restore confidence, and he did not think they were to be blamed for what they did.

Sir MICHAEL SHAW STEWART said, he would not have taken any part in this discussion but for the observations of the hon. Gentleman below him (Mr. Drummond). The hon. Gentleman had mentioned the names of two or three Dukes, and blamed their conduct at the time of the failure of the Western Bank. One of those Dukes, however, was not present. He (Sir M. S. Stewart) was not ashamed to say that he took part in that meeting; and he would say that the gentlemen of Scotland were as scrupulous with regard to their honour as the gentlemen of any other part of the country. It was all very well for writers in newspapers to abuse those gentlemen who did what they could to alleviate the distress which prevailed; but he regretted that an hon. Gentleman whom the House was accustomed to respect should have spoken as he had done. The hon. Gentleman did not seem to be aware for what purpose the meeting at Glasgow took place. The Western Bank failed on the 9th of November, and, as hon. Gentlemen acquainted with Scotland knew, the 11th of November was a day on which a great many payments were made. The meeting at Glasgow was not called to uphold the Western Bank, but to see what steps could be taken to alleviate the panic. Gentlemen in London might not be aware what that panic was. The whole west of Scotland was in a state of confusion, for the Western Bank had 100 branches—almost all of them situated in that district, and hon. Members might imagine the excitement which arose when such a bank suddenly stopped payment. The panic was so great, that all the other banks in the West of Scotland were run upon, and the City of Glasgow Bank had to close its doors. It was to alleviate this critical state of things

that the meeting held in Glasgow was called. The resolutions moved on that occasion were such as might, under the like circumstances, be very properly moved over again. Though he had himself been called upon unexpectedly to take part in the proceedings of that meeting, he could safely say on his honour, that if he had to speak again on the same subject to-morrow, he would not shrink from repeating every word that he had then spoken. When he heard in the House of Commons—he did not care about the newspapers—gentlemen held up to contempt for doing what it was only their duty to do, he felt bound to express his regret; and, especially, he regretted that an hon. Gentleman should hold up certain noble Dukes to opprobrium for doing what he (Sir M. S. Stewart) thought was their duty.

MR. DRUMMOND, in explanation, said that the resolution ran thus:—"That the meeting had full confidence in the system of banking in Scotland which had been maintained for so long a period."

MR. EWING said that he was grateful to those gentlemen who came forward with the hope of restoring confidence in the west of Scotland during the panic. He agreed with the hon. Member for Glasgow (Mr. Buchanan), that there could not be more honourable gentlemen than the directors of the Western Bank, who had themselves severely suffered for a neglect of duty, for which he did not mean to offer any apology.

MR. HOPE JOHNSTONE explained that he had brought forward no special allegation against the directors, but he spoke of the officials.

MR. BARROW said he wished to express his strong opinion, that on the days fixed for public business of great importance, the time of the House should not be occupied hour after hour by discussions which led to no practical results.

MR. TURNER said he begged to thank the hon. Member for Leitrim for originating a debate of the most valuable character, and which was likely to have an effect on the country; and he believed that many of the observations which had been made would be valuable in relation to commercial communities such as he represented. The country had recently passed through a severe crisis from which they had all suffered, and one of the difficulties of which was caused by the withdrawal of gold to meet the wants of Scotland. It was no justification of the directors of the Western Bank to say that all the notes and deposits would be ultimately paid, for it ought not to be forgotten how much misery had been suffered during the period of suspense, when it was not known whether they would be paid or not. The banks in question had locked up money which had been collected in small sums from the frugal people of Scotland till it reached millions in a hundred branch banks, and it had been used in the way to interfere with the legitimate trader, by lending hundreds of thousands to men of straw; thus causing great loss to those who traded on their own capital, by depreciating their trade. He rejoiced that it had been pressed on the Lord Advocate to make some inquiry into this matter; and he (Mr. Turner), as a director and chairman of a joint-stock bank, was of opinion that all such concerns were liable to injury if they were not conducted with the same care as the affairs of private bankers. He was of opinion that they were amenable to the public, and ought to answer for their conduct. Whenever anything of this kind happened, he hoped that the directors of joint-stock banks would be considered amenable to justice, and that it would be administered to them.

THE NELSON MONUMENT IN TRAFALGAR SQUARE.

OBSERVATIONS.

ADMIRAL WALCOTT: Sir, there are times when parsimony on the part of a Government is a cause of national shame and reprehension. In the very heart of this great city — the central square through which its population and every visitor from the country and every foreigner had to pass—London had for years presented the humiliating spectacle of a memorial to our greatest naval hero left incomplete. It is unnecessary to remind the House that when first I went to sea, the name of Nelson made our Navy the pride and hope of this country. On it depended the very existence of this island and her colonies. With the command of the sea they stood or fell. While Europe saw her armies melt away before the ambition of a general hitherto irresistible, Nelson transferred, one by one, the successive fleets of our enemies to the harbours of Portsmouth and Plymouth, or otherwise crushed their power. At Copenhagen, as at the Nile, he obtained, in his own emphatic words, "not a victory but a conquest." The man who had subjugated a continent declared that

the fates decreed to France the empire of the land, but to England the sovereignty of the sea; and Talleyrand assigned, as the limits of British supremacy, wherever a frigate could find water to float her. The crippled, maimed body, and indomitable spirit of a Nelson preserved these shores from the horrors of invasion, and by a martyr's death at Trafalgar laid open the road to Waterloo. I speak, Sir, in no spirit of braggartry. I trust that the sword is sheathed for ever in amity with those once, our most formidable enemies and now our firmest allies, and that the mingled blood shed before Sebastopol has consecrated a perpetual friendship between us. But I am quite sure that chivalric nation, which had never been wanting in offering tributes of honour to its own fallen worthies, must observe, with feelings which I do not care to describe, our lamentable display of indifference to a man of whom, if one of themselves, they would have considered the noblest and most costly monument too unworthy. A very moderate grant would provide the accessories of the Nelson column. A foreign King had been a subscriber to its completion; but I hope we may be spared any such significant censures for the future. I trust that the Government will not allow any further delay to occur before they redress a signal wrong to the inestimable services rendered by the heroic Nelson, and remove a standing reproach to English gratitude. I may observe that the Nelson Monument was designed by Mr. Railton. The statue, by E. H. Bailey, R.A., was set up Nov. 4, 1843; £20,483 11*s.* 2*d.* having been the amount of the private subscription, of which the late Czar of Russia contributed £500. It—at that period—was computed that £12,000 more would suffice to pay for its completion. On reference to *Hansard*, I find, on the 22nd of July, 1844, on the question, this House in Committee of Supply—

"That the sum of £800 be granted to defray the cost of completing the Nelson Monument, in Trafalgar Square."

An hon. Member (Mr. Wyse) wished to know—

"Whether the Government had not received an offer from an artist of the name of Park to complete the monument at his own expense if he were suffered to undertake and finish it in conformity with his own taste and judgment?"

To this question Sir Robert Peel made reply—

"It was true that the Government had received such an offer, but had not thought proper to accept it, as a monument like that erected to Nelson ought to be the subject of competition to artists, and it would be establishing a bad principle if such a proposition as that referred to by the hon. Member were to be accepted. The best way was for the Government to pay the expense attendant on completing the monument upon such a plan as might be deemed proper, and not to accept the money of private individuals in such a matter."

Again, I find in *Hansard*, of date January 23, 1846, in reply to a question put by an hon. Member (Mr. Collett)—

"As to whether, seeing that the Nelson Monument had been so long delayed, it was the intention of Her Majesty's Government to complete it."

The Earl of Lincoln made reply, that—

"The House would recollect that the Monument was originally intended to be raised and completed by private subscription—at the expense of a number of individuals who subscribed this money for the purpose. The funds raised subsequently proving to be utterly inadequate for the purposes intended, the monument remained unfinished, and about a year and a half ago Her Majesty's Government undertook the work; and the hon. Gentleman would recollect that in the Session before the last a supplementary Vote was proposed and granted for this purpose, and contracts had been entered into for the completion of the design with Messrs. Cubitt, but the material being granite, there had been a difficulty in finishing the work in the required time. With regard to the intended works of art on the base of the pillar, he had, with the consent of his right hon. Friend Sir Robert Peel placed the matter in the hands of several eminent artists for their consideration. He could assure the hon. Gentleman that since the Government had taken up the matter there had been no time lost."

On the 31st of May, 1847, a Vote was agreed to, in a further sum, as follows—

"Estimate of the sum required to be voted in the year 1847-8, towards defraying the expense of completing the monument erected in Trafalgar Square to the memory of Lord Nelson—£2,000."

This vote was agreed to. Since that date no further grant has been made by Parliament. In order to complete the memorial according to Mr. Railton's design, a further sum of four or five thousand pounds may be required to place around the base four colossal couching lions, of which, said Sir Robert Peel, in a speech on the 22nd July, 1844, the size should be "an open question." I trust, Sir, I may have succeeded in laying the subject before the House in a manner likely to conciliate its co-operation; and, therefore, now with confidence appeal to its support when I urge the completion of this memorial upon the immediate consideration of the Government.

MR. W. WILLIAMS said, he wished to express his entire concurrence in the observations which had fallen from the hon. and gallant Admiral, as he had always thought that it was a disgrace to the country that the monument to one who rendered more service to his country than any man that had ever lived, and that at a time of great difficulty, should have been left so long incomplete, and this, too, when we were spending thousands upon things of no value. He wished, however, to call the attention of the Chancellor of the Exchequer to the system which now prevailed of allowing Motions to be made on going into Committee of Supply. He did not wish to interfere with the right of hon. Members to the enjoyment of a privilege which was intended to enable them to bring forward Motions connected with public grievances; but he thought, by a different arrangement on the days which were devoted to Government business, this species of delay might be prevented, and he would suggest to the Chancellor of the Exchequer to take the matter into consideration.

THE CHANCELLOR OF THE EXCHEQUER: It is not for me to restrict the privileges of the House of Commons. I have, in the course of my experience in Parliament, known many attempts made with that object, and with the purest motives, all of which proved to be fruitless; and I feel convinced, Sir, that the best policy for any Government to adopt in reference to the subject is to trust to the good sense and good temper of the House in the conduct of public business, and not to attempt to influence its proceedings by effecting any change in those rules to which we have so long been accustomed, and which we all regard and venerate. I can, however, assure the hon. Member who has just spoken that I shall be ready to take into consideration any suggestions which he may think proper to make on this subject, though my own impression certainly is, that the wisest plan for one holding the position which I have the honour to occupy is to place reliance upon the kind assistance of the House, and not to endeavour to control its action by artificial regulations. In reply to the observations of my hon. and gallant Friend behind me, I can only say that I am not surprised he should have brought under our notice a subject upon which I myself have always felt strongly, and in which he—a distinguished ornament of that gallant profession to which Nelson belonged—may naturally be supposed to take even a still deeper interest. I entirely concur with my hon. and gallant Friend in the opinion that the name of Nelson is the glory of this country, as I think that his monument is its shame. It is, I think, a great national mistake that monuments to the memory of British worthies of the class to which Nelson belonged should not be erected until so long after their death, and that even then the erection of those monuments should be entrusted to the hands of private persons. I am aware of no single instance in which individual efforts have been successful in such objects. Then the private subscribers appeal to the public authorities for aid, and the unsatisfactory result is what naturally might be expected from that double government which is no longer in fashion. There ought, in my opinion, to exist upon the part of a nation a stronger sense of the recognition due to the merits of its heroes than I regret to think prevails in this country. A want of public spirit and of public feeling in the case of Nelson cannot indeed be laid to our charge; but we certainly are open to the imputation of a want of taste and of an absence of the habit of coming forward at the right time to recognise as we ought to do the services of our illustrious men. To the supereminent merits of the individual whose name my hon. and gallant Friend has this evening brought under our notice, I could not presume even to attempt to do justice. I may, however, remark of Nelson, that he stands alone as the greatest man in his profession. Our great men in every other department of human action find their equals. Our illustrious Wellington is compared with our famous Marlborough. But when we consider the achievements of Nelson we find that he has no rival — no parallel. It might really be said of him, as Cardinal de Retz said of the Marquess of Montrose, that he was the only man of modern times who reminded one of the heroes of Plutarch. I agree with my hon. and gallant Friend that it is a disgrace to this country that his monument should not long since have been completed; and, although our finances are not in a flourishing condition, I feel, after the observations of my hon. and gallant Friend and the hon. Gentleman opposite (Mr. W. Williams) ashamed to throw any difficulty in carrying into effect the object for which this Motion was introduced. I shall, therefore,

take upon myself the responsibility of providing for the completion of a monument which is so intimately associated with the glory and the reputation of this country.

CONTINUOUS SERVICE MEN IN THE NAVY.

RETURNS MOVED FOR.

SIR CHARLES NAPIER said, he rose to move for a return of the number of Continuous Service Men who accepted their discharge and then crossed the quarter-deck and entered for five years.

SIR JOHN PAKINGTON said, he doubted if the Motion of the hon. and gallant Gentleman could be complied with, but if it was possible to be complied with, he should have no objection. He hoped that the hon. and gallant Gentleman would not press the Motion now, because it would be in the position of an Amendment to the Motion for the Speaker leaving the Chair. If the hon. and gallant Gentleman would withdraw the Motion, he would inquire how far it could be complied with, and it might be then brought on as an unopposed Motion.

Motion *withdrawn*.

DUMFRIES MILITIA.

OBSERVATIONS.

MR. B. JOHNSTONE said, that in calling attention to this subject, he would take occasion to state that he had heard about ten days ago that 10,000 of the embodied militia were about to be disembodied, and that he had consequently felt it his duty to wait upon the right hon. and gallant Gentleman the Secretary of State for War, to represent to him the peculiar position in which the Dumfries Regiment of Militia was placed. He had also called upon the Under Secretary for War, and had mentioned to him that the regiment in question had been ordered last November from Scotland to Aldershot, where it was stationed at the present moment. He had added that agricultural labourers were hired in Dumfriesshire only twice a year—namely, in the months of November and March, and that, as a consequence, the men who composed the regiment had just missed the time when they could hope to be employed. The Secretary for War had informed him that the principle which was to be adopted in the case of the militia was to continue the enlistment of those regiments which had contributed the greatest number of volunteers to the line, and which were, moreover, in the highest state of efficiency. He (Mr. Johnstone) had stated in reply that his regiment required only twenty men to complete its quota, while in point of efficiency it was second to none in the service. They had been the first to volunteer for foreign service during the war, and he thought it would be neither generous nor just to the men of his regiment to send them back to Scotland at a time when it would be impossible for them to obtain employment, the only periods at which agricultural labourers were hired in that country being March and November. In order to show the efficiency of the officers of the regiment, he might mention that one of the captains had taken a first-class certificate at Hythe. He thought the circumstances of the case were so peculiar as to justify him in bringing them under the notice of the House, and hoped, therefore, he had stated sufficient grounds for the Government to reconsider this case.

GENERAL PEEL said, he perfectly appreciated the kindly motives that induced the hon. Gentleman to bring forward this subject, but thought that when he had heard the explanation of the reasons for the step of which he complained, the hon. Gentleman would be convinced of its necessity. The circumstances under which the militia were called out were these:—In consequence of the drain of troops from this country to India, it was determined to embody 25,000 militia. At that time the number of rank and file of the regular army in England was 45,998. When he came into office he found on the 1st of April the number of embodied militia amounted to 29,915, and the rank and file of the regular army to 71,581, being an increase of 25,000 men. The only vote which had been taken on account of the militia was one of £150,000. That sum would only maintain 10,000 men for six months; and, of course, with 30,000 it would only suffice for two months. Unless, therefore, an additional vote was taken, it became necessary—though they did it most reluctantly—to reduce the number of embodied militia regiments. The principle upon which the reduction was effected by His Royal Highness the Commander in Chief, was to dismiss first those regiments which had not contributed their full quota of volunteers to the line, and thus it was that the regiment in question had been selected for disembodiment.

MR. SCOTT said, he could confirm the

Statements of the hon. Member for Canterbury as to the peculiar hardship of discharging the Dumfriesshire regiment at this time. Had they been disembodied before the 25th of last month no objection would have been made.

Motion *agreed to.*

SUPPLY.—EXCHEQUER BILLS.

House in Committee.

Mr. FitzRoy in the Chair.

The following Vote was *agreed to.*

(1.) £20,911,000, Exchequer Bills.

SUPPLY.—NAVY ESTIMATES.

Motion made and Question proposed,—

"That a sum, not exceeding £70,439, be granted to Her Majesty, to complete the sum necessary to defray the Salaries of the Officers and the Contingent Expenses of the Admiralty Office, which will come in course of payment during the year ending on the 31st day of March, 1859."

SIR CHARLES NAPIER said, he had often before found fault with the constitution of the Admiralty, but he thought this vote so extravagant, that he could not allow the opportunity to pass without again calling the attention of the House to the subject. When the right hon. Baronet the Member for Carlisle was at the head of the Navy, he effected very great changes. He established the offices of Surveyor of the Navy, Controller of the Victualling Department, the heads of the Medical Department, the Accountant's General Department) and the Storekeeper General's Department. That arrangement, he confessed, had appeared to him (Sir C. Napier) to be at the time the best that could be devised for securing departmental responsibility, but now he was obliged to say that in consequence of the number of the Lords of the Admiralty, a Lord had been nominally placed over each department, by which the duties of the several Lords had become almost a sinecure, the business being transacted almost entirely by the inferior officers, and thus the responsibility of these naval Lords had been very much weakened. At a time when we were doing away with double governments it was desirable to abolish that which now existed at the Admiralty. And he believed that it would have a most beneficial effect to reduce the number of Lords of the Admiralty from six to three. He believed that we had now five as good officers at the head of the several departments of the Admiralty as could be found. And it would be far better that each of them should have the entire responsibility for his department than that it should be weakened by the nominal control of a Lord of the Admiralty who did not exercise any efficient control over the business. The great defect of the Admiralty administration was the division of the business between Whitehall and Somerset House, which rendered communication and control difficult. The Surveyor of the Navy had no fewer than six masters, according to the nature of the business he had to transact. To a certain degree this inconvenience was remedied by his being brought to the Board of Admiralty. But still he was always under some one. Neither he nor the Comptroller of the Navy had the power to do anything without the assent of the Board of Admiralty, which involved much correspondence and considerable delay. He would give the whole power of the Navy in these departments to those officers, who should be responsible for their conduct. There should be at the head of the Navy a Minister of Marine, and a Vice and Rear Admiral of Great Britain, who should not be changed with each Ministry. The two latter should act as counsellors of the first, who should be at liberty to take their advice or reject it, as he thought fit, but should bear the whole responsibility. It was impossible that there should be any efficient responsibility when power and the control over the various departments of the Navy were divided amongst six Lords. Another serious defect in the present administration of the Navy was that the different Lords of the Admiralty who were placed at the head of the several departments worked in different rooms, and the result of this was that the most contradictory orders were given to officers in command of fleets. He recollected, when he was in command of the Channel fleet, some years ago, having an order one day to take the *Queen*, three-decker, out for the purpose of exercise, and another immediately afterwards to send her home. Again, he had one order one day to take the lower deck guns out of the *St. Vincent* and try her without them, and a second communication, immediately afterwards, blaming him for doing so. When he commanded the fleet in the Baltic also, he received the most contradictory orders from the Admiralty. It was clearly impossible that officers could execute their duties satisfactorily if they received different orders from different Lords. He hoped that the present First Lord would

grant a Commission to inquire into the working of the present Admiralty system, and he would then find that the entire system was one in which a change was loudly demanded. There were Lords of the Admiralty present who would probably rise and say he was all in the wrong, but if a Commission was appointed, he believed there was not a clerk at the Admiralty who would not give evidence against them. If, however, the Government would not consent to a Commission, he (Sir C. Napier) must move as an Amendment that the present Vote should be reduced by a sum of £3,000.

Motion made and Question proposed,—

"That the item for Salaries of the Lords Commissioners, for executing the office of Lord High Admiral, be reduced by the sum of £3,000."

Sir JOHN PAKINGTON said, that he thought it would be better that the constitution of the Board of Admiralty should be defended either by the right hon. Baronet the Member for Carlisle (Sir J. Graham) or the right hon. Baronet the Member for Halifax (Sir C. Wood) who had each presided over the department with great ability for some time, than by himself, who had been only a few weeks in office. At the same time he must say, that so far as his experience enabled him to form an opinion, he could not concur in the greater part of what had fallen from the gallant Admiral. He regretted, however, that the hon. and gallant Admiral had given no notice whatever of the proposal he was about to make, as until he rose, he (Sir J. Pakington) had no idea of the nature of that proposal. The hon. and gallant Admiral complained that there should be a civil Lord at the Admiralty. [Sir C. Napier was understood to dissent.] At all events it appeared to him that the duties appertaining to finance and to the superintendence of the buildings going on in the different dockyards might be as well attended to by a civilian as by a professional man. Then the hon. and gallant Admiral said that the Admiralty was a system of double government. He must say, that he could see nothing of the nature of a double government about it. [Sir C. Napier: Somerset House and Whitehall.] There were double offices certainly, but that was a different thing from a double government, and no doubt great inconvenience rose from the division of the business of the Admiralty between these establishments; but it was impossible for any vote of that House to correct that evil. Certainly it could not be done by such a reduction of the Vote as the hon. and gallant Admiral had proposed. The division of the offices arose from the great amount of business transacted by the Admiralty. That business required the services of 200 clerks, a number the Admiralty buildings at Whitehall were not adequate to accommodate. It was, therefore, necessary that all the business of the several departments, except that of the Surveyor General, should be conducted at Somerset House. The attention of Parliament had been drawn during the last few years to the necessity of constructing new Government Offices, and he hoped that, when the arrangements contemplated were carried out, the whole of the Admiralty business might be conducted under one roof. He understood the gallant Admiral to say that the officers of the several departments might carry on the business of those departments without the superintendence of the naval Lords. But although his experience was sufficient to enable him to agree with the gallant Admiral, that it was impossible to speak too highly of the ability with which the gentlemen referred to performed their duties, he did not think it followed that they were not to be superintended and aided by the Lords of the Admiralty. The Admiralty business was of a very peculiar kind, in which civil and professional matters were mingled together; and he must, for his own part, say that he thought the public advantage was promoted by naval men acting as junior Lords, and exercising a superintendence over the various departments. The practical effect of the proposition of the hon. and gallant Admiral would be to reduce the naval counsellors of the First Lord from four to two—the Vice and Rear Admiral. He could not sanction that. He believed that the advice, counsel, and experience of which the First Lord gained the advantage from having four professional gentlemen to advise him were not only an assistance to himself, but highly beneficial to the interests of the country. Under these circumstances he could not assent to the Motion of the hon. and gallant Admiral, and he trusted that it would not be pressed to a division.

Question, "That the said item be so reduced," put, and *negatived.*

Original Question put, and *agreed to.*

(3.) £118,592 to complete the sum for Coastguard Service and Naval Coast Volunteers.

SIR CHARLES NAPIER said that, having had the opportunity given to him by Commodore Eden of inspecting the coastguard, he thought that the present condition of that body was highly satisfactory. The principle of a naval militia, as embodied in the Royal Naval Coast Volunteers, was a suggestion of his own, made so long ago as 1819, and repeated by him half-a-dozen times since. The plan had not yet been carried out far enough, for the term of twenty-eight days was not sufficient for exercising the men. At present, a man having entered the coastguard service, might remain there for ten years without seeing any active service afloat, and thus lose his serviceableness as a seaman. There was another point to which he wished to draw attention. The coastguard obtained their pensions too easily, and it would be better to call upon them to serve a longer period afloat before they became entitled to a pension. At present the privileges given to the coastguard were calculated to cause great discontent among the seamen, who had to serve twenty years afloat before they got a pension, while the coastguard obtained theirs after five years' service. The great object of the Admiralty should be to hold out more encouragement to seamen to enter the Royal Navy. Faith had been so often broken with the sailors that they did not believe in the promises of the Government, and if the Government wanted to man their ships with facility, they must consult the feelings of the sailors a little more than they had done. It was no wonder, under such circumstances, that ships were now four, five, and even six months before they could be manned. Why should not the Government give both a bounty and a kit to the sailor as well as to the soldier? The Admiralty ought to have, during the summer, a fleet of ten sail-of-the-line exercising at Spithead and in the Channel, and that from time to time the block-ships at the different ports on the coast should be telegraphed to join the exercising squadron at the shortest notice, in order to test their efficiency.

ADMIRAL WALCOTT: I wish once more to impress upon the attention of the First Lord of the Admiralty, a suggestion which I made on a late occasion, when these Estimates were before the House. It is of the utmost importance that a training brig should be attached to every line-of-battle block-ship, in order to provide adequate opportunities to the petty officers and seamen of the coastguard to be constantly and practically employed in the knowledge of their duties at sea. The vessel should be thus manned in successive reliefs, and kept on a cruize extending over a period of one month or six weeks.

SIR JOHN PAKINGTON said, he wished to express the pleasure with which he received suggestions on these points from naval men. He would, however, remind his hon. and gallant Friend that under the regulations of his predecessor at the Admiralty one or two gunboats were attached to each of the coastguard ships. He felt the force of what the gallant Admiral (Sir Charles Napier) had said upon the danger that the coastguard men, however good and valuable in the first instance, would become less efficient as they remained on shore, unless some steps were taken to keep up their sea-going experience. He would not lose sight of this subject, but he did not deem it necessary then to enter into the general question of the coastguard men and naval volunteers after the manner in which he had referred at length to these points in his general statement in moving the Naval Estimates on the Monday evening previously.

ADMIRAL WALCOTT: The First Lord of the Admiralty will pardon me if I remind him, that gunboats not being square-rigged vessels, would be unavailable for the purpose which I recommend; their only use when afloat (for I regret to find that at present they are staged with such extraordinary caution as to be launched with considerable difficulty and delay) and whilst attached to these ships would be for the service of the coastguard volunteers, to inure them to the blue-water by correcting a disposition to sea-sickness, and to teach them the management of fore-and-aft-rigged vessels.

SIR CHARLES WOOD said, that when they wanted to increase the number of coastguards it was necessary, as an inducement, to reduce the number of years' service; but having filled up the numbers it was no longer necessary to spread their net so widely.

Vote *agreed to;* as was also

(4.) £30,615, to complete the sum for Scientific Departments of the Navy.

(5.) £81,634, to complete the sum for Naval Establishments at home.

COLONEL BOLDERO said, that as this Vote was connected with the Victualling Department at Deptford, he wished to put some questions to the right hon. Gentle-

man the late First Lord of the Admiralty, with reference to a letter he then held in his hand. In consequence of his being Chairman of the Committee on contracts which sat last year, a letter had come to him, dated the 4th of April, 1857, in these terms :—

"My dear Sir,—After all the assurances which we have received that the Government never give out important orders but by contract, and always accept the lowest tender for stores, you will be surprised to hear that a very large private order for prepared meats, upwards of half-a-million pounds weight, has been given to Messrs. So-and-so for the service in China, without any public notice of the requirement, and consequently Messrs. So-and-so have had an unrestricted price. Besides this being an act of injustice to the trade, the public service will be injured by the inferiority of the articles arising out of the haste and the unseasonable period at which they are preserved, particularly should meat form a portion; whereas, if the contract had been thrown open to competition, the Government would have found themselves amply provided with meats in a state ready for immediate shipment, and which had been put up at a proper season in good order. On the contrary, an unfair preference has been given, to the detriment of the public service. This is sad jobbing, and I am not at all surprised at the general expression of discontent whenever public contracts are mentioned."

[*Cries of* "Name!"] He would rather not give the name of the writer, but he would show the letter to the late and the present First Lord of the Admiralty, and when he had done so he was sure they would both admit the respectability of the authority, and that it was such as could not for a moment be supposed to give information not founded on fact. The Admiralty invariably obtained their supplies by open tender, and they accepted the lowest tender, provided the contractor was proved to be a man of substance. It was also the system of the East India Company. It was not the system of the Army. They had three courses by which to obtain supplies—by open tender, by an office list, or by purchasing on the spur of the moment. The questions arising out of this letter which he wished to ask were—whether the supply referred to was delivered, and, if so, was it received or rejected? What was the money value? In what part of the Estimates the transaction appeared? And why it was not an open tender?

SIR CHARLES WOOD said, he was afraid he could not answer the questions which referred to last year's Estimates. The hon. and gallant Officer was rather behind time. This was an order given in April, 1857, in reference to preserved meats, which must have been sent out to China twelve months ago. Why, on earth, did not the hon. and gallant Member put his questions last year when the Estimates were before the House. [Colonel BOLDERO said the letter was not in his possession.] He had certainly understood the hon. and gallant Member to say that it was received a year ago. It was impossible to remember the details of a transaction which occurred a year ago, or to answer questions on those details, especially when put without notice. With regard to the general statement, the hon. and gallant Member was entirely mistaken. It was not the invariable rule of the Admiralty to obtain all the supplies which they might require by open contract, and as invariably to take the lowest tender. The practice which he pursued, and which was pursued twenty years ago, when he had the honour to be Secretary to the Admiralty, as a general rule was to take the lowest tender. That was the object, indeed, of calling for tenders and putting the matter up to public competition; but he had never held himself bound, under all circumstances, to take the lowest tender, if he did not consider it to be most advantageous for the public service. With regard to preserved meats, it was one of those items on which they were bound to be most careful. It was quite impossible to be certain that the meats were properly preserved. A quantity had been sent to the Crimea, and some was bad before it got there, and some was good when it came back. Of meats preserved by the same person sometimes a portion would fail at the end of three months, and a portion not fail at the end of three years. It would be, therefore, exceedingly unwise to throw a contract of that kind open to public competition, as the only security was to go to a person whom they had reason to trust, and upon whom they could rely.

MR. MILES, as a member of the Committee on preserved meats, which sat in 1852, said, that if there were one thing of primary importance to the Navy, it was that it should be insured a good supply of properly preserved meats; and he believed, that if once the supply were thrown open to competition, the result would be, that they would get such trash that, when they were required to save a ship's crew from starving, they would turn out to be of no use whatever. It was the unanimous conviction of the Committee of 1852 that, notwithstanding certain individuals might generally be relied upon for supplying good

preserved meats, yet that they could not always command an adequate supply. Almost every description of preserved meat was produced before the Committee, who tasted most of them, and found some to be remarkably good. Of course none of the bad samples were brought forward, but only the best; and the Committee, one and all, arrived at the conviction, that the lowest tender, as regarded preserved meats, ought never to be accepted, unless the Admiralty were certain that they were of the very best quality. Indeed they had thought it desirable that the Admiralty should preserve its own meat.

SIR CHARLES WOOD said that, to show the inequality of the supply, he had lately tasted some of Mr. Goldner's preserved meat, the contractor of whose supplies so much complaint had been made, which had been six years in store, and very good it was.

SIR FRANCIS BARING said that, so far from its being the rule at the Admiralty to accept the lowest tender, when the Arctic expedition was fitted out, an order for the preserved meat was given to a contractor, in whom confidence was felt, to furnish the quantity required entirely without reference to price.

COLONEL BOLDERO said, he was not at all sorry that he had mooted the question, his sole object being that the food supplied to the Navy and Army should be of the best quality. So long as it proved to be good, he cared not a straw whether they paid a penny, twopence, or threepence a pound more for it than they would have done had they taken a low contract. All he wished to learn from the late First Lord was, that the contract was fairly entered into, and that the food was of good quality, and was now being consumed without detriment to the health of the service.

SIR JAMES ELPHINSTONE said, that two questions had to be considered in looking at this matter of preserved meats; one was the accuracy with which the chemical preparation was conducted; the other the quality of the meat preserved. And he believed that neither of these points had ever yet received proper attention. Good meat, preserved in a proper manner, would maintain its strength and purity for many years, provided these two conditions were properly regarded. But it was of no use to preserve bad meat. The animal preserved must be a well-fed animal. It must be good meat. They must not attempt to preserve coarse and inferior; if they did, the juices and fats were entirely lost, and it was like eating rope-yarn. He grounded what he had now stated upon his own personal experience, having commanded a troop-ship, and had occasion to serve out those meats; and it was his belief that when men had been kept for any considerable time upon salt provisions it was very necessary that they should have at least two days in the week preserved meats supplied to them. The attention of the Admiralty might very advantageously be turned to this matter, for if proper chemical anti-scorbutics were administered to the sailors, many more years' work might be got out of them.

Vote *agreed to;* as was also the following one:—

(6.) £17,279, to complete the sum for Naval Establishments Abroad.

(7.) £516,921 to complete the sum for artificers at home.

SIR JOHN PAKINGTON said, that before this vote was discussed, he felt bound, although he did so with reluctance, to call attention to an error in the Estimates as prepared by the late Government. He did not mean to impute any blame to the right hon. Gentleman his predecessor in office, nor to those who had assisted him in drawing up the Estimates; but, of course, it was of the greatest importance that accounts of this kind should be stated with accuracy. If the items of expenditure printed in the estimate did not correspond with the real amounts to be defrayed, the result was that both the Members of the Government and the House of Commons were misled. The Committee would recollect that he objected on Monday night to adopt the number of men intended to be proposed by the late Government for the dockyards—namely, 12,190; but proposed to take a vote of £50,000 for hired labour to meet the existing pressure in the dockyards, that being half of the apparent difference between the establishments of the last and the present years. The Committee would perceive by the Estimates that the proposed establishment of 12,190 men was estimated at £737,751, while the smaller establishment of 10,850 of last year, was estimated at £637,751, showing a difference of £100,000. It was on that ground that he proposed on Monday to take a vote of £50,000, to carry on the works in the dockyards for the next six months. On Tuesday he requested the Surveyor of the Navy to draw up a programme of those works on which that sum could be most

beneficially expended. The answer he received from that gentleman surprised him very much; for he said, "You have not got £50,000; you have only got £20,000." He asked for an explanation and received an answer to the effect that £30,000 of the £50,000 that he had obtained on Monday would be required to make up a deficiency which by accident occurred in the Estimates for the preceding year. He (Sir J. Pakington) believed that the error had arisen entirely by an accident. He ought to have explained that £10,000, or thereabouts, of this deficiency arose from an increase in the wages paid to the labourers in the dockyards last year. The remainder of the deficiency arose from asking for less than the establishment of last year required. That error he believed was owing to the haste with which the Estimates were cut down last year. The original Estimate for 10,850 men last year stood correctly at £659,761, being exactly £22,000 more than the Estimate actually submitted to Parliament. The Vote for Deptford dockyard, for instance, was £36,573, but the original Estimate was £40,472; for Woolwich dockyard the vote was £75,271, but the original estimate was £79,771, and so on. So that it seemed as if some one had gone through the entire Estimate of the dockyards, and reduced the money items by a small amount, but had forgotten to make a corresponding reduction in the number of men employed, 10,850. The result was that instead of £100,000 being proposed by the late Government for increased dockyard expenditure, not more than £70,000 had been so proposed. He did not mention this matter to cast blame upon any one. It was in fact a business affair, and the error must be corrected. Of course the officer of the Admiralty upon whom the blame might be supposed to rest was the Accountant General; but he thought it due to that able financier, who was deservedly mentioned in terms of great praise on Monday night, to state that by a most objectionable arrangement made in 1850, this particular Vote was taken out of his control and placed in that of the Surveyor of the Navy and the Board of Admiralty. Since that time all that the Accountant General had to do was to place in the Estimates the sum which they thought necessary to the dockyard establishments. He had no power to subject their proposals to the revision to which he subjected all the other amounts proposed to be inserted in the Estimates. That system led to great inaccuracies and inconveniences — for example, the Committee would observe that in the Estimates for one year, there was a vote for 319 men in a particular department, and for 538 men in another; but there was no entry in either case of the amount of money required for their wages. He could not understand why the particular Vote in which the error which he had first mentioned had occurred, should not be inserted like any of the other navy Votes in the Estimates. He had now but one course to take—namely, to ask the Committee to grant £30,000 more than he asked for on Monday night, in order that the deficiency might be covered.

SIR CHARLES WOOD said that, to a certain extent he understood the statement of the right hon. Gentleman, but he could not see the error in the estimates of which he complained. He did not know on what authority the right hon. Gentleman asserted that the late Government made reductions in the Navy Estimates so carelessly as to ask for less money than was necessary to maintain the number of workmen agreed to by the House as the establishment of the dockyards. The statement of the right hon. Gentleman was altogether unexpected, and he was, therefore, not prepared with documents to answer it. The inadequacy of the Estimate for the present year must depend upon whether £737,751, which the late Government proposed to Vote, was too little for an establishment of 12,190 men. To a certain extent it would have been impossible, even if the House had agreed to give the whole of the additional men requested by the Government, to obtain the entire number in the course of the first few months of the year, and, therefore, a sum less than the whole amount of the wages of the whole number of the men for the whole year would not have been an inadequate Estimate. He believed, however, that the sum taken was the full amount for the year. The statement of the sum voted last year was perfectly true. There might have been an excess of expenditure for wages in the dockyards; he did not know whether the fact was so or not; but there could be no doubt that the sum voted was £637,751. The late Government were, therefore, bound to put that sum in the Estimates, and hence the only question could be whether the sum proposed to be voted for the present year was adequate for the establishment which could by possibility be obtained within the year. He concluded, therefore, that the right hon. Baronet meant to say that £737,751 would not

pay the wages of 12,190 men. [Sir J. PAKINGTON: I have not said anything of the kind.] He could not see, then, where the alleged inaccuracy lay. It could not be in the Estimate of last year, because the late Government were bound to state the actual sum voted, and then they proposed to add £100,000 more for the present year, in order to provide for as many additional men as the Surveyor might think right, thus raising the Estimate for wages to the amount of £737,751. The object of that increase was to get rid of payment for extra hours and of hired men. The right hon. Baronet had charged him with departing from the recommendation of the Committee presided over by Lord Seymour. Now, the recommendation of that Committee was that, if an increase were necessary it should be done by an addition to the permanent establishment and not by the employment of extra men. During the Russian war, finding that job and task work and hired labour was the most available means of increasing the work done in the dockyards, the late Government had recourse to it; but he repeated now what he had stated before, that a worse system could not be adopted during peace. He believed that £737,751 was an adequate sum for paying the establishment for the present year, and therefore, unless the right hon. Baronet told him that those persons who were answerable for the details had miscalculated the amount of wages necessary for the payment of 12,190 men, he could not admit that there was any inaccuracy in the Estimates.

SIR JOHN PAKINGTON observed that he did not impugn the Estimates for the present year. What he stated was that the Estimates for last year, as it appeared in the papers before the Committee, was incorrect. The Government last year took £22,000 off their Estimate, but made no reduction in the establishment, and the result was that instead of having £100,000 for extra labour in the present year he had only in round numbers £70,000

SIR CHARLES WOOD stated that £637,751 was more than enough to pay the establishment of workmen in the dockyards.

SIR FRANCIS BARING said, that gentlemen in office possessed peculiar advantages when commenting upon the conduct of their predecessors. The right hon. Gentleman the First Lord of the Admiralty had been kind enough to inform the House that certain alterations, of which he did not approve, were made in 1850; but, failing in that courtesy which was usually shown by one official man to another, he had not given the slightest notice of his intention to make that statement to anybody who was connected with the Admiralty at that time. He did not know whether the right hon. Baronet had obtained his information from Mr. Bromley, but that gentleman was not at the Admiralty when the alteration in question was made; and although the change itself might appear wrong to the right hon. Baronet, who had been only a short time in office, the Committee should know that it was effected under the sanction of a most intelligent officer who was Accountant General to the Admiralty in 1850. For his own part he was still of opinion that the Surveyor of the Navy was better able to frame an estimate than the Accountant General, who merely kept the accounts; and at all events, when the right hon. Baronet next travelled out of his way to attack the conduct of his predecessor in 1850, he would take it as a favour—or rather as an act of justice—if he would have the kindness to give him some previous notice of his intention. He confessed that he could not understand the explanatory statement of the right hon. Baronet. The result of it, however, was the very uncomfortable one that the House would have to vote an additional sum of £30,000. He might be permitted to say, that the discrepancy which the right hon. Baronet had pointed out was not so remarkable or uncommon as he seemed to imagine. When an establishment was reduced, it did not follow that the reduction in the expense would be equal to the reduction in the number of the men, because, as the right hon. Member for Halifax (Sir C. Wood) had pointed out, the whole number of men was not likely to be employed throughout the year.

SIR JOHN PAKINGTON said, he could not too strongly express his regret at finding that, most unconsciously and unintentionally, he had given offence to the right hon. Baronet opposite (Sir F. Baring). The best proof he could give of the innocence of his intention was, that, at the moment he spoke, he did not recollect that the right hon. Baronet was the First Lord of the Admiralty in 1850. If he had recollected that circumstance, he might have given him notice; but still he was not quite certain that he would have done so, inasmuch as he did not attack the right hon. Baronet or anybody else. He simply stated a fact which the right hon. Baronet had now confirmed, that in 1850 a change

was made with respect to the management of these Votes. The right hon. Baronet thought the alteration a good one; but that it was bad the Committee had a practical proof in the errors which had crept into the Estimates. His own opinion was, that those errors would not have occurred if the Votes had been brought under the supervision of the Accountant General. The right hon. Baronet had stated that £30,000 was wanted to cover a deficiency of last year. There was a deficiency to that amount to be covered, but he understood it was partly met by a surplus of £20,000 in another Vote, and therefore no larger sum than £10,000 would have to be provided in some other way.

Sir FRANCIS BARING said, that such an arrangement might have been made in 1850 as that referred to by the right hon. Gentleman, but he did not recollect it.

Sir CHARLES WOOD said, that if there were a mistake it was quite of the right hon. Gentleman's own making. The right hon. Gentleman said that he (Sir Charles Wood) improperly reduced the Estimate last year without regard to the establishment to be maintained, and that the Estimate was below the requisite amount to the extent of £22,000. Now, he found that the whole sum voted for the year 1855-56—the last year of the war—was £864,000. That sum included £250,000 for additional wages for extra work to be performed by task and job, and for the pay of hired men. Deducting £250,000 from £864,000, there remained £614,000 as the sum required for the regular establishment. For the next year the sum voted was £839,000, which included £225,000 for extra work by task and job, and for the pay of hired men. Taking £225,000 from £839,000 there remained £614,000 as the sum due for wages for the establishment. Now, the sum voted last year was £637,000, which exceeded the sum shown on the two preceding Estimates as due to the establishment by £23,000; being £1,000 more than the sum which the right hon. Gentleman said he (Sir Charles Wood) had improperly dealt with. The right hon. Gentleman had made something like a charge that the Estimates had been misstated, but all that was done was according to practice to put down in the Estimates for the present year the Vote of last year, and he did not understand that the right hon. Gentleman denied that the Estimate the late Government had proposed for the present year was adequate for the men proposed to be employed. Therefore the Vote of last year was correctly stated, and the Estimate for the present year was also correct in reference to the services to be performed. When an end was put to task-work, a sum of £23,000 was provided for any occasional labour that might be required in the course of the year, and therefore the attack made by the right hon. Gentleman was totally unjustifiable. The fact was obvious. The right hon. Gentleman was determined to make a reduction from what had been proposed, and somehow or other took off £50,000, not knowing why or wherefore, and in order to justify himself made an attack against him (Sir Charles Wood.)

Sir JOHN PAKINGTON said, he could not too strongly express his regret at the tone in which the right hon. Gentleman had spoken. As a matter of business he could not avoid mentioning the circumstance, and now the right hon. Gentleman charged him with making an utterly unjustifiable attack. He did not like these criminations and recriminations, and had not intended to indulge in them in the present instance. He said at first that he thought it was an accidental error; but let him tell the right hon. Gentleman (Sir Charles Wood) since he held such language, that he had got the right hon. Gentleman's letters in his hand, though he did not wish to make use of them. He had got the old Estimates and the new Estimates and the changes—two changes—of the figures in red ink. He had got, too, the right hon. Gentleman's letters directing those changes. The fact was incontrovertible that, the Government last year prepared an Estimate for 10,850 men, and the sum put down to meet that establishment was £659,751. At the last moment, however, they knocked off £22,000, without making a corresponding reduction in the establishment. The result was that the Estimates presented to the House gave an erroneous view of the expenditure in last year. He had made no charge against the right hon. Gentleman, supposing that the error arose from the precipitation with which the Estimates were produced last year, and he regretted the tone adopted by the right hon. Gentleman.

Sir CHARLES WOOD said, he was sorry if he had said anything to annoy the right hon. Gentleman, but he thought an attack had been made on him. He was speaking to a great disadvantage, because

he could not refer to official documents and to letters, which, under ordinary circumstances, would be in his possession. He proposed last year an establishment of 10,850 men, for which £614,000 were taken as an adequate payment; and he also proposed a sufficient sum, as he believed, beyond that to provide for hired artificers and extra labour, because it was not till the present year he proposed to put the whole on the establishment. If the right hon. Baronet told him that £637,000 was not enough to pay for 10,850 men, then he (Sir Charles Wood) was wrong; but if it was sufficient, then he (Sir Charles Wood) had not fallen into any error. No doubt, in the first instance, the Government had entertained thoughts of taking a larger sum than they afterwards resolved to ask Parliament for; and they did not propose any reduction in the number of men until they heard the statement of the First Lord of the Admiralty He (Sir Charles Wood's) belief still was that £637,000 would be sufficient for 10,850 men.

Sir FREDERIC SMITH said, he had been concerned all his life in making estimates, and he thought it would be very hard, indeed, if the First Lord of the Admiralty were to be held responsible for every item of the Navy Estimates. He rose, however, for the purpose of referring to the amount of wages given in the dockyards, as he thought that the men were very much underpaid. The expense of house rent in such places as Chatham, Portsmouth, and Devonport, was very high, and it could not be expected that men in the receipt of 13*s.* 6*d.* a week, who had to pay 3*s.* or 3*s.* 6*d.* a week for rent, could support their wives and families adequately upon the remaining 10*s.* a week. The consequence was, that these underpaid labourers, although honest, could not be zealous in the discharge of their duties, but they husbanded their energies during the day, in order that, by working in the evenings, they might make some addition to their miserable wages. He was informed that bricklayers in London earned from 3*s.* to 3*s.* 6*d.* a day, while the artisans in the dockyard boroughs only received 2*s.* 2*d.* a day. He hoped the First Lord of the Admiralty would direct his attention to this subject, as he believed that the rate of wages in dockyard towns did not depend upon the question of supply and demand.

Mr. P. W. MARTIN observed, that

Sir Charles Wood

workmen in private ship-building yards received 5*s.* or 5*s.* 6*d.* a day, and he thought it was a mistaken economy to give so low a rate of wages to the artisans on the public establishments. It was the opinion of Mr. Stephenson, Sir S. Peto, and other competent authorities, that men employed in such labour as was performed in the dockyards ought to have a good meal of meat daily; but many a time during his canvass—[Hear]—he found the working men employed in the dockyard making their dinner on bread, cheese, and potatoes. He believed that the saving effected by underpaying these labourers was fully counterbalanced by the inefficiency of their work, and he could corroborate the statement of the hon. and learned Gentleman (Sir F. Smith), that many of the labourers had to work till late hours at night, in order to make up the amount necessary for the support of their families. He regretted that the Motion made last year by the noble Lord the Member for Cockermouth, did not extend to civil servants paid by the week, for the consequence was, that while those civil servants who were paid by the year had been relieved from the superannuation tax, the shipwrights, blacksmiths, and joiners, who received weekly wages, were subjected to a superannuation tax of 20 per cent.

Mr. W. WILLIAMS thought the present First Lord of the Admiralty, and the two right hon. Gentlemen who formerly held that office, had occupied the time of the House very unnecessarily about a small amount of £30,000, for any one who looked to the reports of the Board of Audit would find that some of these Estimates were formed upon mere guesses, and under one head in a former year £516,000 more than was voted by the House according to the Estimate had been expended, while under another head £300,000 less than was voted by the House had been disbursed. Since the termination of the French war, not less than £77,000,000 had been expended upon our navy. What had become of it? It had been spent, to a great extent, upon rubbish, and also in waste and jobbery. There was no remedy for this state of things, except the adoption of the American system, under which an account was given each Session of the manner in which the money voted during the preceding year had been expended.

Mr. WHITE said, he was fully aware of the placid, he might almost say contemptuous, indifference, with which the

House received the representations made by hon. Members who represented ports at which there were dockyards, and therefore he was not surprised at the derisive cheers which greeted the hon. Member for Rochester (Mr. P. W. Martin) when he spoke of what he saw during his canvass. For his own part he had never canvassed a single dockyard voter, and therefore in saying a few words in support of the claim to consideration which had been advanced on the part of the dockyard labourers, he did so without reference to any political interest. There was now no dockyard at the borough for which he sat, but he had visited that of the neighbouring borough of Devonport, which had the advantage of being represented by the late Secretary of the Treasury (Mr. Wilson). He would not say how gratified the electors of that borough were at having for their representative a gentleman so nearly connected with the Treasury, or what he had promised them; but he was informed that, by some occult influence which he could not explain, the wages of some of the artisans at Devonport had been advanced, while the wages of others, who did not belong to the same class, were allowed to remain as they had been. The wages of some of the labourers had been reduced 2*s.* a week, while those of the ropemakers and some other classes, had been raised 3*s.* a week. This was a distinction which they could not understand. When he looked at the state of the representation, and thought how very little the House did for the class to whom he referred, he thought it would be no waste of the public time to inquire a little into their condition; and he assured the right hon. Baronet who presided so efficiently at the Admiralty, that if he would pay a little attention to the wants and wishes of those poor people, he would reap a rich harvest of popularity. He looked to the First Lord of the Admiralty to set matters on a right and proper footing.

Sir JOHN PAKINGTON said, that no doubt the House smiled when canvassing was alluded to, because they knew that there were various modes in which canvassing was carried on. The hon. Member was, however, mistaken in supposing that any feeling of contemptuous indifference existed in that House towards the representatives of the working classes. Against any such construction he strenuously protested. It was most essential for the general prosperity of the country, that the working classes should be contented and happy; and when any hon. Member brought forward facts to show that they were treated with injustice, it was the duty of that House to pay every attention to his statement. He was quite prepared to admit the possibility that the wages of labour might be unduly depressed by competition. With regard to the wages paid in the dockyards, he could only say that he looked upon that subject as one well worthy of attention; and when he visited the dockyards, as he proposed to do in the course of the summer, he should investigate the whole circumstances.

Mr. WILSON said, that he was much obliged to the hon. Gentleman (Mr. White) for the interest which he manifested in his constituents; but so far as he was concerned, he should never feel it to be his duty to urge upon the Executive any increase of expenditure beyond that which in their judgment was necessary. With regard to the alterations made last year in the wages of the workmen at Devonport, and referred to by the hon. Member (Mr. White) he was not aware of those cases, but his right hon. Friend (Sir Charles Wood) would probably be able to explain them. The inference which the hon. Member apparently sought to draw from the facts he had mentioned ought to be pretty well rebutted by the course which he (Mr. Wilson) had pursued last year in opposing the repeal of the superannuation allowance abatements. That course was naturally in opposition to the feelings of a large number of his constituents. By the Bill of the noble Lord (Lord Naas) the wages of our most highly paid public servants were increased immediately to the extent of £70,000, and ultimately of £100,000 a year. This was in the face of the fact that hundreds of men in Government employ were dragging out a miserable existence upon 13*s.* a week, out of which he knew they had to pay 5*s.* or 6*s.* per week for their lodgings in consequence of the high rents in the towns where they were compelled to reside. This was the class of persons to whom he had referred last year as being most underpaid and as most demanding the attention of the Government, and who, while those he had mentioned had received a lavish grant of £70,000 a year, had not their pay increased by one farthing. In pleading the cause of these men, the representatives of dockyard towns were pleading the cause of non-voters against

those who possessed the suffrage, and they could not therefore be accused of interested motives.

SIR JAMES ELPHINSTONE said, the Government possessed the larger part of the property in the town which he represented (Portsmouth), and consequently the poor rates fell very heavy upon the dockyard labourers there. These latter were 6,000 in number, many of whom were in a most depressed condition. It would be a disgrace to any country gentleman if his labourers were in no better state. He was glad to hear that the First Lord of the Admiralty meant to take these circumstances into consideration. It was urged some time ago in that House that if the rate of labour rose much higher, Government would have their ships repaired at merchants' yards, and he thought any such plan as that would be most injudicious, as he felt certain the Government would not get labourers at a private yard at 13*s.* a week.

MR. J. C. EWART said, he would suggest to the right hon. Baronet at the head of the Board of Admiralty, and to the House generally, that many of these complaints would be obviated if they left to private enterprise a great portion of the work at present done in the Government dockyards. He was convinced that the men would then be more highly paid, while the work would be performed better and more cheaply.

SIR FRANCIS BARING said, he thought it extremely desirable that the Government should, by a distinct announcement of their intentions, put an end to the agitation which at present prevailed in the dockyards in reference to the question of the wages of the labourers. He could state that, although hon. Members had disclaimed the imputation of allowing themselves to be influenced by canvassing in that matter, such canvassing was going on, and expectations were excited on the part of these poor men which were not likely to be realized. He, therefore, entreated the Government, if they had not already made up their minds on this subject, to do so as soon as possible, in order that the agitation which now existed might be set at rest. With regard to the question of Superannuation, together with the deductions to which the Civil Service was subjected, the Committee had recommended that it should be referred to two impartial actuaries. If the actuaries had made their report, perhaps the Government would say whether they had any objection to lay it on the table.

GENERAL CODRINGTON said, he was glad to hear a promise of inquiry from the right hon. Gentleman. He might observe that there was a great difference between the wages paid in the arsenal at Woolwich and those paid in the dockyard. The dockyard received the inferior labourers, and a constant change of hands took place, which was detrimental to the proper execution of the work.

MR. WEGUELIN observed, that in the payment of salaries to the Civil Service the remuneration ought strictly to correspond with the amount and quality of the work done. They ought not to complicate the question by having to calculate what deduction should be made on account of the superannuation pension.

SIR CHARLES WOOD said, that the late Government had regulated the wages they paid according to the principle of supply and demand. They had raised the rate of pay of that class of artificers whose services they could not secure at the previous scale of remuneration. With regard to the wages of the labourers, the rate was the same in all the Government dockyards, and it would be difficult to make it otherwise; whereas the wages paid by private employers in the various neighbourhoods often differed considerably. If varying rates were adopted by the Government they would create a good deal of heartburning. At Plymouth the wages of the established labourers had been raised, but those of the class of labourers who were not permanently employed, and who could come and go whenever they pleased, had not been increased. The opinion that he had previously expressed as to the Estimate for wages, &c., was confirmed by the memorandum which the First Lord of the Admiralty had handed him for perusal.

Vote *agreed to.*

SUPPLY.—ARMY ESTIMATES.

(8.) £2,454,027 to complete the sum for Pay of Land Forces.

GENERAL PEEL, in rising to move that a sum not exceeding £2,454,027 be granted to Her Majesty to defray the expenses for pay and allowances to Her Majesty's land forces abroad, said that if the Committee would refer to page 2 of the Estimates, containing the abstract of those Estimates, it would find that they were divided into six parts. He should,

however, submit to the consideration of the Committee upon that occasion only that portion of the Estimates which related to the effective department of the army. It was desirable to obtain votes for that department previous to the introduction of the Budget, and he trusted, therefore, that the Committee would excuse him if he refrained from entering that evening into any detailed observations upon the subject of the various items contained in the Estimates. If the Committee were to enter upon that occasion into a general discussion of such points as barrack accommodation, the clothing of the troops, and things of a cognate nature, he was afraid that not only would no progress be made in taking the votes, but that no satisfactory decision with respect to the several items of which they were composed could be arrived at. It was customary in moving the Estimates, to institute a comparison between their present amount and that of the preceding year, in order that the House might be afforded an opportunity of forming an opinion in reference to the expediency of any changes in the amount which might be proposed. He had simply to state upon that point, that while the difference in the gross amount of the Army Estimates for this and the preceding year was but slight, there was a considerable variation in some of the items for the two periods—a variation, the reasons of which he should explain when he brought forward those Estimates more in detail. There was, however, but one great comparison to be drawn in such cases—namely, that between the proposed amount of expenditure and the absolute wants of the service. The proper system to adopt was to combine together, as far as possible, economy and efficiency, and he felt bound in justice to the noble Lord who had preceded him in office to say, that he appeared to have framed his estimates upon the combination of those two important principles. Indeed, so thoroughly had that policy been carried out by the noble Lord, that when he (General Peel) had examined the Estimates with a view of discovering what reductions in them might be effected, he had come to the conclusion that he would be justified in diminishing them only by a sum of £10,000, by postponing some Votes which might be brought forward upon a future occasion, should the exigencies of the service require it, but the postponement of which would be productive of no public inconvenience. He should, upon that occasion, particularize only one Vote in the Estimates, and that was the sum of £10,000 which he had added, in order to secure 100 68-pounders to Malta. It would be recollected that when the Estimates had been framed last year, a great reduction had unfortunately been made in the army. In some points those reductions were unfortunate; for whatever objections might have been urged in former times to maintaining a large standing army, it was absolutely necessary at the present day that the army should be kept up in the most efficient state, especially when they took into consideration the necessity of employing a large additional European force in India. That circumstance, however, would cause no additional expense to this country, the whole of the increase being borne by the East India Company. He trusted the House would excuse him from entering further into detail, and he begged to conclude by placing the Vote which he had risen to move in the Chairman's hands.

Captain VIVIAN said, he hoped that, when the right hon. and gallant General entered into the general statement to which he had adverted, he would be prepared to give the Committee some explanation in reference to the reduction which he had made in the Votes for the purchase of land for the erection of new barracks, a subject to which the attention of the public had been of late much directed.

General PEEL said, the Government had postponed the Vote for the purchases of land at Windsor and Glasgow, as they had come to the conclusion that no possible inconvenience could result from that postponement. He would give an explanation when the Vote for the purchase of land was before the House.

General CODRINGTON asked, if any determination had been arrived at respecting the allowances to staff officers in lieu of servants?

General PEEL was afraid the answer he had to give would not be a very satisfactory one. The matter had been referred to the Commander in Chief, and, although no actual decision had been come to as yet, he was afraid that eventually they would have to return to the old system.

Vote *agreed to;* as was also

(9.) £409,651, to complete the sum for Miscellaneous Charges.

(10.) £50,000, to complete the sum for Embodied Militia.

Colonel BOLDERO said, that for the

last two years the House had been continually impressing upon the Government the necessity of having placed before them the Estimates in a clear and distinct form; and although he admitted that some improvements had been effected in that respect, yet he did not consider that the details were rendered sufficiently explicit. This Vote was not properly defined. In former Votes the items were given in detail. They ought to have an account of the number of regiments embodied, and also the number called out. This Vote was really not a reduction from that of last year, but actually an increase of £450,000.

CAPTAIN VIVIAN said, that, considering the large reductions made from the Estimates of the late Government, he thought it would be much more satisfactory that the Committee should have some statement from the Secretary for War explaining those reductions.

GENERAL PEEL said, he should explain the reasons for the reduction upon each Vote as it was taken.

Vote *agreed to;* as was also

(11.) £58,000, to complete the sum for Volunteer Corps.

House *resumed.*

Resolutions to be reported on *Monday* next.

LOAN SOCIETIES BILL.

COMMITTEE.

Order for Committee read.

House in Committee.

SIR HENRY WILLOUGHBY asked why the Bill was extended to four years' duration?

MR. HARDY said, that the object was to prevent the necessity of bringing in a precisely identical Bill each Session.

Bill *considered* in Committee.

House *resumed.*

Bill *reported* without Amendment.

House adjourned at a Quarter after Twelve o'clock, till Monday next.

HOUSE OF LORDS,

Saturday, April 17, 1858.

Their Lordships met, and having gone through the Business on the Paper,

House adjourned at half-past One o'clock, to Monday next.

Colonel Boldero

HOUSE OF LORDS,

Monday, April 19, 1858.

MINUTES.] *Sat First in Parliament*—The Earl Spencer, after the Death of his Father; the Lord Ranfurly, after the Death of his Father.

PUBLIC BILLS.—1ª Ecclesiastical Corporations Aggregate (Estates).

THE CASE OF THE "CAGLIARI."

LORD WENSLEYDALE said, that on a previous occasion when this subject was before the House he had thrown out a suggestion to the effect that it would be desirable to bring the whole question before the Judicial Committee of the Privy Council. An answer unfavourable to the suggestion he then made was returned. He now learned that there was a difference of opinion, on the part of the law officers of the Crown as to the right of the Neapolitan Government to detain or try a British prisoner. Now, as this difference of opinion existed on a subject so important, he would suggest that it would be highly desirable, under all the circumstances of the case, to obtain the best possible information on the whole matter; and for this purpose no better plan could be adopted than to refer the question to the Judicial Committee of the Privy Council, on which there were various distinguished civilians as well as lawyers, who would discuss the question dispassionately, and come to a conclusion on which Her Majesty could rely. There was a clause in the Act of Parliament, the 3 & 4 *Wm.* IV., c. 41, which empowered the Crown to refer a question of this kind to her Privy Council, and the provisions of the statute, after reciting this power, went on to declare that the Committee of the Privy Council should report the decision they came to to the Crown. He thought it would be desirable and proper that this should be done, because, with all possible respect to the Attorney and Solicitors General of both Governments, who no doubt gave a good and satisfactory opinion on the subject, surely it would be better to consult a tribunal composed of the highest common and civil lawyers before the House committed itself on, or came to a conclusion on, so important a subject as the present. He wished to ask the noble Earl whether it was the intention of the Government, seeing that the law officers of the Crown differed in opinion, to submit to the Judicial Committee of the Privy Council the disputed question of international law

involved in the seizure of the *Cagliari* and the detention of Park and Watt, the English engineers, at the instance of the Neapolitan Government?

The Earl of MALMESBURY: I am glad the noble and learned Lord has put his question, because I am able to answer it up to a certain point, I hope clearly and satisfactorily to your Lordships; and the more so as it gives me an opportunity of explaining why, apparently, Her Majesty's Government has been some time in office without announcing to Parliament the decision which the legal advisers of the Crown had come to, and whom, when we first came into office, we assured Parliament we would consult, and whose opinions we promised to report. My Lords, the question, I need not say, is a very grave one, and Her Majesty's Government have arrived at the conclusion, after a careful examination, and after an anxious consultation with the law officers of the present Government, that it may be divided into two parts. The first part of the question relates entirely to the English interest, and makes it purely an English question —namely, the question that relates to the detention, imprisonment, and sufferings of the two English engineers, who happened to be on board the *Cagliari* when she was seized and who were made prisoners with the rest of the crew. My Lords, the law officers of the Crown, on that part of the case as to whether their detention and imprisonment was legal or not, were unanimous in their decision. They decided and declared that such detention and imprisonment was illegal; and not only so, but that, on account of the sufferings that the two engineers had gone through, Her Majesty's Government might legally demand from the Neapolitan Government redress and compensation for these two men. In accordance with this opinion of the law officers Her Majesty's Government have acted, and a few days ago I addressed a despatch to Signior Carafa. There being no strictly diplomatic person at Naples to whom I could address the despatch, I addressed Signior Carafa directly, and after stating the opinion of the law officers of the Crown, I have made a demand of the Neapolitan Government for compensation for these two men who thus suffered, and were thus illegally detained. Now, my Lords, with respect to the second question, as to whether the capture of the *Cagliari* is legal or not, it is only within a few hours that I have received the opinion of the law officers of the Crown; and it appears, from this report, that two of these learned gentlemen are of opinion that the capture was legal, while the third is of opinion that it was entirely illegal. With respect, therefore, to the legality of the capture of the *Cagliari*, and with respect also to the point of law involved in it, the matter stands thus: of the five law officers of the Crown consulted by the late and by the present Government four have declared that the capture was legal, while one consulted by the present Government has declared that capture to be illegal. Therefore, as the opinions stand at present, they are as four to one of the learned gentlemen consulted by the two Governments that the capture is legal. Under these circumstances, it is impossible, as your Lordships must feel, to adopt any strong steps at present—even if strong measures were advisable under any circumstances—with respect to that part of the question. No doubt great sympathy, for many reasons which I will not state, in the shape of similarity of government and similarity of political feeling, must subsist between this country and Sardinia; but I felt when I first came into office that I ought not, on account of these sympathies, to forget that I was responsible for doing what was legally right as regards this country, and it was therefore impossible for me to act, or for Her Majesty's Government to act, until they had a clear report made by the law officers of the Crown. My Lords, that is how the case stands at this moment; and when asked what Her Majesty's Government — having only just had time to read the papers and reports — intend doing further on the subject, I can only say, without giving a decided answer, that if it is found that the suggestion of the noble and learned Lord is worthy of consideration, it will be entertained and acted on by Her Majesty's Government. There is one point that a noble Lord behind me has reminded me of, to the effect that the law officers of the Crown of the new Government who declared the capture and seizure of the *Cagliari* to be legal have also declared that the confiscation and condemnation of that ship would not, on the other hand, be legal; but, at the same time, Her Majesty's Government have not been able to ascertain whether there was an official condemnation and confiscation. It has not been officially announced to the Government of Sardinia, though the vessel had been detained as a prize with a view to

condemnation and confiscation. While two officers of the Crown declare the seizure to be illegal, a third declares that such condemnation and confiscation would be illegal, and so the matter remained at present.

LORD WENSLEYDALE said, there appeared to be a great difference of opinion among the law officers of the Crown of the late and present Government, and between them and Drs. Twiss and Phillimore, and he thought the inconsistency that characterised the opinions of the law officers of the Crown formed a strong additional argument in favour of his proposition to refer the matter to the Privy Council—more particularly as it involved a very important point of international law. In a conflict of opinions of this kind we ought to take the best possible opinion of the most competent tribunal, such as the Privy Council, composed as it was of persons in every branch of civil and commercial law, and such an inquiry he considered before such a tribunal could alone be satisfactory to all classes of the community and to the country at large.

EARL GRANVILLE asked whether the Government were disposed to lay on the table the despatches referred to by the noble Earl?

THE EARL OF MALMESBURY said, the question was still under negotiation, and therefore it would be inconvenient to lay the despatches on the table.

PATRIOTIC FUND.—CORRESPONDENCE MOVED FOR.

THE DUKE OF NORFOLK moved for an Address for—

1. A Copy of the whole of the Correspondence which has taken place between the Royal Commissioners of the Patriotic Fund or their Executive Committee, or any of their Officers, with any other Party, relating to the case of Mrs. Rosina Bennett and her children:

2. A Copy, with the date when passed, of the Minute or Resolution of the Royal Commissioners of the Patriotic Fund or of their Executive Committee, by which the Form of Application given in the Appendix No. 14 to the Second Report of the said Commissioners was first adopted; or if there is no such Minute or Resolution, then the Date at which such form was first used:

3. A Copy, with the date when passed, of the Minute or Resolution of the Royal Commissioners of the Patriotic Fund, or of their Executive Committee, by which, as stated in the fourteenth paragraph of the Second Report of the Royal Commissioners of the Patriotic Fund, pecuniary provision has been made for meeting any objections which might be made by the Mothers or Guardians of Roman Catholic Children, whose Fathers perished in the late War, to placing such Children in mixed Schools:

4. A Return of all Applications or Recommendations to the Royal Commissioners of the Patriotic Fund for the admission or transfer of Children of Non-commissioned Officers and Privates to any Schools or Asylums, or for placing such Children under the charge of any persons other than their Mothers; with the Date at which each Application was received, and the Name of the Person who made the same, together with the Names, Regiments, and religious Persuasion of the Fathers of such Children, and the religious Persuasion of the surviving Mothers; and stating further the Decision of the Commissioners or the Executive Committee upon such Applications, with the date thereof; and the Date at which each Child was placed in or transferred to any such School or Asylum, or placed under any such temporary Guardian, and the religious teaching used in such Institution, such School, or Asylum, or the Religion professed by such Guardian.

The noble Duke said he did not mean to make any charge against the Royal Commissioners, for he thought the ground of complaint was due to the system under which they administered the Fund. He did not then mean to make any statement, his object being to obtain those Returns to enable him to make a complete statement with regard to the subject.

LORD COLCHESTER was understood to say that their Lordships would recollect that the Royal Commissioners in their Second Report had given a full statement of the acts of that body, and among other subjects, a reply to certain charges which had been made against them by the right rev. Prelate, Dr. Cullen, on two particular occasions. He had no doubt that reply would be familiar to their Lordships, and he left them to be the judges between the parties. The Royal Commissioners thought they had some reason to complain of the line taken by the noble Duke in making this Motion. Towards the end of December last, the noble Duke applied to the Royal Commissioners for a return on the subject of the children admitted into the different schools; to which they replied that they would give an answer to his Grace when he stated to them the public grounds on which he asked the question. The communication which the noble Duke addressed to the secretary of the Commissioners on that occasion was as follows:—

"Arundel Castle, Tuesday, Dec. 22.

"Sir,—I hope you will not consider me as taking too great a liberty in applying to you for the following information:—

"1. The names and ages of children placed in orphanages by the Patriotic Fund, specifying also the date of their being so placed.

"2. The names of their fathers, with their regiments and rank in the service.

"3. The present address of their mothers.

"I shall be very happy to remunerate any person whom you may employ to make these extracts, so as not to give additional trouble in your office.

"I am very sorry to be so troublesome, and am only induced to make this request by a sense of public duty.

"I have the honour to be, faithfully yours,

"NORFOLK.

"To Captain Fishbourne, R.N., Patriotic Fund, New Street, Spring Gardens."

The Secretary replied that he could not give such a general return without the sanction of the Commissioners, but, in the mean time, until the Commissioners should next assemble, he would be ready to furnish any information the noble Duke might wish as to any particular case. The noble Duke did not ask for information as to any such case; and when the Royal Commissioners met on the 9th of February they came to a resolution to the effect that his Grace be requested to state what public object he had in view in desiring the returns in question. That resolution was communicated to the noble Duke; but the Commissioners had received no answer from his Grace. With respect to the first return asked for, he (Lord Colchester) had no objection to furnish that, although the circumstances of the case were already in print. As to the second return, he had made inquiries, and found there was no minute on the subject; and with regard to the third question he had to make a similar reply. In point of fact, it had been shown in the Commissioners' Report that there had been every desire on their part to place the children at whatever school the mothers or guardians of them might wish them to attend. With respect to the fourth return asked he must decidedly object to its production, on account of the great trouble and expense which it would involve, without, as he thought, any public advantage. If the noble Duke had any particular grievance to complain of, and wished for information on the subject, the Commissioners would be quite ready and willing to afford him such information at the office of the Commissioners, and every facility for prosecuting any inquiries he might wish to institute; but the Commissioners objected to the waste of the funds placed at their disposal in the production of a return so bulky as that would be, and so little likely to be of public advantage.

THE EARL OF WICKLOW said, he thought the returns the noble Lord was willing to give would be not at all less troublesome to make out than that which he had refused.

THE EARL OF DERBY said, there was not the slightest desire on the part of the Royal Commissioners to conceal anything in connection with the administration of the funds with which they had been intrusted. He recommended the noble Duke to go to the office of the Commission and examine into every case for himself. What his noble Friend (Lord Colchester) objected to was to lay upon their Lordships' table some five or six volumes containing a large number of names and recommendations, which no one would read, and which would be productive of no useful result. If the costs of such voluminous Returns were to be paid by the Commission, he thought it would be a most improper use of the charity funds. If the noble Duke had any particular case to bring forward in which he thought there had been any abuse practised by the trustees, he was sure that the fullest information would be given him regarding it; but to ask for an enormous list of names with the view of fishing out some charge against the Commissioners was a request which was hardly reasonable, and which he hoped their Lordships would not agree to. As stated by his noble Friend (Lord Colchester), there was no objection to the first three returns, but for the reasons which he had stated the fourth could not be agreed to.

EARL GRANVILLE hoped that the noble Duke, after this explanation, would be satisfied with the returns which had been agreed to by the Government.

After a few words from the Earl of WICKLOW and the Duke of NORFOLK,

THE DUKE OF NEWCASTLE said, that as the noble Duke had given notice that on some future day he would bring forward certain charges, he would suggest that in the interval his noble Friend should repair to the office of the Commissioners, and investigate every cause of complaint which he believed existed against the Commission; and he (the Duke of Newcastle) was perfectly satisfied that the noble Duke's candid mind would come to a more satisfactory conclusion than would be arrived at by any such returns as those for which he had asked. As to the last of those returns, it would be so bulky in its nature, independent of such objections as would natu-

rally arise on the score of laying before Parliament the religion of every woman, of every case in which there had been mixed marriages (especially considering the objections to mixed marriages on the part of the Roman Catholic clergy), that it would obviously not be advisable to grant it. But, on the other points involved in the question, he thought the noble Duke's mind was prejudiced, that he was labouring under some suspicion that there had not been perfect *bona fides* on the part of the Commissioners, from the allusion to the "pecuniary provision" which the required returns contained. He (the Duke of Newcastle) was nearly certain it would be found that that provision was part of the original arrangement proposed by the Finance Committee, and approved by them some years ago. He was satisfied that if the noble Duke went to the office of the Commission he would be able to satisfy himself that there had been throughout on the part of the Commissioners the most anxious endeavour to carry out in their entirety the objects for which that great national charity had been founded. He was quite sure that his noble and learned Friend (Lord St. Leonards) who personally had exerted himself with great energy in the management of the affairs of the Commission, would bear him out in this assertion.

LORD ST. LEONARDS said, that he must beg to trouble their Lordships with a few observations, for he had heard with much regret one or two statements which had been made by the noble Duke (the Duke of Norfolk). He could assure the noble Duke that there was not a single Roman Catholic child which, to the knowledge of the Royal Commissioners or the Executive Committee, had been placed in any school, which was not in accordance with the religion of its parents. He would go further, and tell the noble Duke that there were Protestant children who were in Roman Catholic schools, and who, in his (Lord St. Leonards) opinion, ought not to be there. Their Lordships would remember a recent decision in the Court of Queen's Bench affecting this subject. That decision proceeded upon the ground that the widow of a soldier who had fallen in battle, being the mother of his children, as the guardian by nurture of those children, had a right to place them where she thought proper. In several cases Roman Catholic mothers, after the death of a Protestant father, had exercised this right, and the children had been placed in Roman Catholic Schools. There ought to be no mistake as to this matter in point of law, and he (Lord St. Leonards), of course, took the law from the decision of the Queen's Bench, in the case of Alice Race. Archbishop Cullen had asked with reference to this question what were the feelings of a Roman Catholic soldier perishing on a field of battle; but Protestant fathers had just as much feeling on this subject as Roman Catholic fathers, and a Protestant soldier, dying in his country's service, would have his last moments embittered, if he knew that after his death his children, whom he had educated as Protestants, would be considered as Roman Catholics, if their surviving mother was of that faith. He (Lord St. Leonards) as Chairman of the Executive Committee, had had a great deal to do with the management of this fund, and had had the closest and most intimate relations at every hour with the Staff of the Office. Almost every act had come under his notice—and he could assert that not only had there been no proselytism, but that every Royal Commissioner and every member of the committee would have spurned to countenance such a practice. No person connected with the charity knew anything of religious difference in the discharge of their duties. In fact, it was not until after the child's claims had been recognized by the committee that any inquiry was made as to its religion, and that did not in any way affect the extent of relief afforded. Great numbers of children were left with their mothers, who received the allowances granted by the Committee, and the mothers sent them to school at their pleasure, just as any other parent would. The cases in which questions had arisen respecting the proper schools for children had not exceeded three or four in England—not one in a thousand—and about the same number in Ireland. He very much regretted to observe a disposition in some quarters to bring unfounded charges against the Commissioners of the fund. The noble Duke's Motion seemed to be founded upon the charges of Archbishop Cullen; but the Archbishop's complaints, and he might add, those of the noble Duke, had been every one of them denied and disproved, to the satisfaction of all men, in the Report of the Commissioners and the Appendix to that Report. It was because this Motion, if agreed to, would appear to give some kind of sanction to

the charges made by Archbishop Cullen, the ungrounded nature of which had been distinctly proved, that he objected to it. The noble Duke asked for explanation of a case which was not to be found in the appendix. The noble Duke had only to ask at the office, and he would obtain every information respecting it which he wished. With respect to the case decided by the Court of Queen's Bench, that question had never been agitated except in the case of a Roman Catholic mother; and he (Lord St. Leonards) could not help remarking upon the injurious effect which this feeling had upon the dying soldier, if his children were to be brought up in a different faith from his own by means of this fund. This money was raised not only as a tribute of honour, but as a recompense to the soldier who had lost his life in battle, and solely on account of his merit. The rule of law ought not to have governed the application of this fund: although, therefore, the surviving mother might have full authority over her child, yet this fund ought not, in his opinion, to have been applied to the bringing up of a child in a religion opposed to the religious belief of the dead father. The mother had no merit which entitled her to relief from this fund, except as being the mother of the child of the dead soldier. The provision was naturally made for those who were nearest and dearest to her, not on account of their merits but by reason of his services. His religious faith, therefore, as far as this fund was to be applied, ought to have governed its application in the training of his children, and the surviving mother ought not to have been allowed, through the application of this fund, to inflict the grievous injury on her dead husband's child of bringing him up in a religious belief contrary to that in which his father had trained him, and in full reliance upon which he had died on the battle field. This was the view he (Lord St. Leonard's) had always taken, but, nevertheless, the law as laid down in Race's case was followed. There were two Roman Catholic gentlemen upon the Commission—Sir Robert Throckmorton and Mr. Ball. The former of these Royal Commissioners entered into the cases with the greatest anxiety, and concurred in and signed the Report of the Commissioners to the Queen, in which the erroneous statements of Archbishop Cullen are corrected, and the acts of the Commissioners and of the Committee are vindicated; by which, in short, it was shown that there was not the slightest ground for the attack that had been made. The other gentleman, Mr. Ball, declined to sign the Report, and he was the only Commissioner who did so decline. He distinctly stated, however, that he had satisfied himself of the erroneous nature of the Archbishop's impressions and his satisfaction at the proceeding of the Commissioners generally; but he declined to sign the Report on the ground of an alleged practice, which in point of fact never existed. The Prince Consort, who had assisted in the foundation and working of this fund, and who had thoroughly understood the whole matter from beginning to end, was fully satisfied with all the proceedings of the Commissioners of whom he was the head. In conclusion he (Lord St. Leonards) defied the noble Duke or any other person to bring forward any just charge against the Commissioners.

Lord CAMOYS said, that he thought it very possible that in the multitude of cases some mistakes might have occurred in sending Roman Catholic children to Protestant schools; but he had never thought it had been done with a view to proselytism. Indeed he felt bound to say that with respect to the charge of proselytism made by the noble Duke and by Archbishop Cullen, he must say—indeed he was bound to say—that to his mind every one of those accusations had been completely and satisfactorily answered. In the case that had been mentioned, the charge of proselytism might rather have come from the other side. In another case, the Commissioners pointed out to a Roman Catholic mother that her child would be brought up a Protestant in the school to which she wished it to be sent; and she had, notwithstanding, persisted in her desire.

Lord CAMPBELL said, that as the decision of the Court of Queen's Bench had been referred to, he would just explain why that decision had been come to. It was a general proposition of the law that upon the death of the father, without any testamentary guardian being appointed, the surviving mother was the guardian for nurture, and that she had a right to send her child where she pleased, and to have her child educated in any religion that she pleased. It so happened in the case referred to that the mother was a Roman Catholic; the child was at a most excellent Protestant school; but because the mother wished it, a writ of *habeas corpus* was

granted, and it was ordered that the child should be given up to the mother, she wishing the child to be educated in the Roman Catholic faith. Had the mother been a Protestant, and the child in a Roman Catholic seminary, the same course would have been followed; but he (Lord Campbell) was afraid, had that been the case, that some suspicion of partiality would have been entertained. He understood Lord St. Leonards to mean that some inquiry should be made into the belief of the father—at least that would be the result, as a necessary consequence, if the principle he enunciated were followed. But how could such a course as that be pursued? How could the religion of a soldier who had died on the field of battle be ascertained? Evidence of the most voluminous description would be required to be gone into, and altogether the thing would be found to be impracticable. It would, besides, lead to a suspicion of partiality. He (Lord Campbell) hoped the noble Duke (the Duke of Norfolk) would believe that he had not the least ground for suspicion as to the proceedings of the Commission.

THE DUKE OF NORFOLK said, that if he could convince himself that everything had been right, he should regret if he had impugned the proceedings of the Commissioners. He was sorry that the noble and learned Lord (Lord St. Leonards) had thought it right to introduce an illustrious name into the debate. [Lord St. LEONARDS: The Prince Consort is at the head of the Royal Commission, and signed the Report.] He thought that the noble and learned Lord would have shown better taste if he had omitted to mention the name of that illustrious individual. He wished their Lordships to remark that his letters to Mr. Herbert were private, and that he had not the least notion they would be shown to the Commissioners. He should probably have another opportunity of adverting to the subject, and if he found that the proceedings of the Commissioners had been impartial he should feel bound to apologize for having raised the question.

Motion as to Returns numbered 1, 2, 3, *agreed to:* as to No. 4, *Resolved* in the *negative.*

House adjourned at half-past Six o'clock till To-morrow, a quarter-before Eleven o'clock.

Lord Campbell

HOUSE OF COMMONS,

Monday, April 19, 1858.

MINUTES.] NEW MEMBER SWORN—for Dublin University, Anthony Lefroy, esq.
3° Loan Societies.

REAL PROPERTY COMMISSIONERS. QUESTION.

MR. HEADLAM said, he would beg to ask the Secretary for the Home Department whether it is the intention of the Government during this Session to introduce a Bill to carry into effect the recommendations of the Real Property Commissioners?

MR. WALPOLE said, the Report of the Commissioners was now actually under the consideration of the Ministry. As a Bill was coming down from the House of Lords which was certainly not so satisfactory as the plan of the Commissioners, he proposed, when that Bill came before the House, to state upon the second reading the views of Her Majesty's Government upon the subject.

ARMY COMMISSIONS.—QUESTION.

MR. LAURIE said, he would beg to ask the Secretary for War whether the Officers of the Army ought to be subjected to payment of a tax upon their commissions granted by Her Majesty?

GENERAL PEEL said, he must inform the hon. Member that there was no tax upon an officer's commission, and that all such taxes and fees had been taken off for some time. There was a stamp upon a commission, just as upon all others, but the remission of that stamp was of course a matter for the consideration of the Chancellor of the Exchequer.

GALWAY ELECTION.—QUESTION.

MR. KINNAIRD said, he wished to ask the Attorney General for Ireland whether he has had any communication with the Chairman of the late Commission of Inquiry into Corrupt Practices at Elections for Galway concerning the Bill before the House, and any proposed amendment thereof; and, if so, whether he will lay the correspondence upon the table, or state the purport of it to the House?

MR. WHITESIDE said, he had had no correspondence with the learned gentleman who was the Chairman of the late Commission, but had seen him on the first day of

term, and the learned gentleman was good enough to give him a copy of the Report laid before that House, and to draw his attention to certain portions of the evidence which would assist him in separating the guilty from the innocent voters, with a view to perform the pledge already given to the House by his hon. and learned Friend on this subject.

REGISTRATION OF COUNTY VOTERS (SCOTLAND).—QUESTION.

SIR EDWARD COLEBROOKE said, he wished to ask the Lord Advocate whether he intends to bring in a Bill this Session for the amendment of the Law regarding the Registration of Voters in Counties in Scotland?

THE LORD ADVOCATE said, it was not at present the intention of the Government to introduce any such Bill.

DISEMBODIED MILITIA.—QUESTION.

COLONEL FORDE said, he would beg to ask the Secretary for War what the intentions of the Government are relative to any allowance to be given to the men of the Regiments of Militia which they intend to disembody?

GENERAL PEEL said, the volunteers, on being disembodied, would of course receive the unissued portion of their annual bounty. They would also receive fourteen days' pay, without beer money. This would be paid to them at once, and not by instalments as usual. They would also be allowed to take away their tunics, trousers, and boots, issued during 1857 and 1858, and their fatigue clothing, together with their shirts and socks.

RELATIONS WITH CHINA.—QUESTION.

MR. WHITE said, he wished to ask the Under Secretary for Foreign Affairs if any and what instructions have been transmitted to Her Majesty's Plenipotentiary in China, with the view to obtain indemnification for the losses of British merchants arising out of recent events at Canton, and also to secure our future mercantile relations with China on a more satisfactory basis?

MR. SEYMOUR FITZGERALD (who spoke in a low tone of voice) was understood to say, in reference to the latter portion of the hon. Gentleman's question, that Lord Elgin's instructions were to endeavour to gain access to ports in other parts of China as well as to those which our ships were now allowed to enter. Whatever advantages were obtained, however, would be for the benefit not only of British commerce, but of that of the world at large.

THE MARBLE ARCH.—QUESTION.

LORD ELCHO said, he wished to put a question to the First Commissioner of Works, on a subject to which his attention had been called since the last meeting of the House. It had reference to the erection of a clock on the Marble Arch at Cumberland Gate. He had ascertained, by actual inspection, yesterday, that there was on the side of the Arch a paper dial of a clock, with figures duly painted thereon. He wished, therefore, to ask his noble Friend (Lord J. Manners) whether it is his intention to erect a clock on that Arch; whether this is an original idea of his own, or a legacy bequeathed to him by his right hon. Friend opposite (Sir B. Hall); whether his noble Friend knew of any similar instance of a nation thus combining the useful and the beautiful, by putting a clock upon a triumphal arch; and whether the Government considers that it will be desirable to erect a similar clock in the cocked hat of the Duke of Wellington's statue?

LORD J. MANNERS was understood to say that his noble Friend had asked such a multiplicity of questions, that it was to be regretted he had not placed them on the paper. The right hon. Gentleman by whom he had been preceded in his office had left him no such legacy as that to which his noble Friend had referred. But certain persons, residing in the neighbourhood of Cumberland Gate, had been afraid that an unfavourable effect would be produced by raising a superstructure for a clock on one of the ledges at the side of the Marble Arch. His attention had been directed to that subject; and, in order to ascertain whether the objection which had thus been raised could be met, he had ordered that a paper dial should be put up on that building, leaving the public at large to decide upon its effect. Of course, in all matters connected with the arts, a great diversity of tastes must prevail; but he could assure his noble Friend that he was not so wedded to his plan that he would not be prepared to accept a better one, if it should be proposed. With respect to any addition to the statue erected in honour of the Duke of Wellington, he could only state that he would never consent to the adoption of any step which would alter

the appearance of a monument intended to commemorate the services of that great man.

WAYS AND MEANS.—THE BUDGET.

Order for Committee read.

House in Committee of Ways and Means, Mr. FITZROY in the Chair.

THE CHANCELLOR OF THE EXCHEQUER: Sir, since the right hon. Gentleman, the Member for Radnor (Sir George Lewis), explained in Committee the Ways and Means he intended to provide for the service of the year just terminated, a very great change has taken place in the condition of this country, and I am sorry to say also in the well-being of the people. At the commencement of the year 1857, and indeed during all the preceding year, our exports had continually and considerably increased; the returns of our imports were favourable—I might say highly favourable—and, although a high rate of discount prevailed generally throughout that period, it did not appear to offer any obstacle to the commercial enterprise of the country. But towards the end of the year 1857 this prospect of continued prosperity was clouded and disturbed. The American panic acted very distressingly upon the commercial condition of our owncountry, and at that time there arose a monetary crisis, which, whether we look at the number of the houses which failed or the amount for which they failed, has not in severity been exceeded even in our mercantile history. The *minimum* rate of discount in the month of November was 10 per cent. That rate prevailed almost throughout December. At the very close of the year the rate was 8 per cent; at the end of January, 4 per cent. When I acceded to office the rate was that which now prevails—3 per cent. The effect of this commercial disturbance and distress was very great upon the revenue. It is a very significant circumstance, that at the end of the first three-quarters of the financial year—namely, the 31st of December last—the judicious and temperate estimate of my right hon. Predecessor was not even fulfilled; but, strange to say, during the last quarter of the financial year—from the 31st of December to the end of March—in the great items of Customs, Excise, and Stamps, it was not only fulfilled, but exceeded by (speaking in round numbers) £1,500,000. I am extremely unwilling, on occasions of this kind, to trouble the Committee unnecessarily with statistical details; but I have here a slight memorandum of the effect of the monetary crisis upon the income of the country, which they will perhaps permit me to read. The quarter, ending the 31st of December, 1857, compared with the similar quarter of the preceding year, shows a total decrease in Customs, Excise, and Stamps of £766,000; but the quarter ending the 31st of March, 1858, shows a very different result, compared with the corresponding quarter of the preceding year,—namely, an increase of £1,400,000 in those items.

As I am upon this topic, of the condition of our trade and of the effects of the monetary crisis generally upon our commerce, the Committee will, perhaps, think this the best opportunity for me to lay before them the effect of that state of things upon our export trade. The Exports in almost all articles, fell off, in the last quarter of 1857, the quarter of extreme trial, to the following extent. In the nine months, ending the 30th of September, 1857, the increase in the declared value of our Exports, compared with the corresponding period of the preceding year, was 12½ per cent; in the 10 months ending the 31st of October that increase was only 11½ per cent. In the eleven months ending the 30th of November, when the crisis was at its height, our Exports had increased only 8 per cent; and in the twelve months ending the 31st of December, this increase, compared with the preceding year, had sunk to 5½ per cent—that is to say, that was the amount of the increase as compared with the same period of the preceding year.

Sir, although, as I have already observed, upon these occasions it is not advisable to load financial statements with too much statistical details, the Committee will, I think, expect and deem it convenient that I should place before them the general result of our Exports and Imports on Trade and Navigation. I will, in doing so, avail myself of a brief, but important statement, which has been drawn up, and which will clearly show the result. It is, I believe, the only document of the kind with which I shall have occasion to trouble the Committee. It is a statement of the Exports and Imports of the United Kingdom, and of the tonnage of British and foreign vessels in different years. I will take the year 1853—the year before the war—and the years 1855, 1856, and 1857. The total declared value of the Exports and ma-

nufactures of the United Kingdom in the year 1853 was, in round numbers, £99,000,000. In 1855 the declared value had sunk to £95,500,000; in 1856 it had risen to £116,000,000; and in 1857 it had still further risen to £122,000,000. In 1853 the exports of textile fabrics amounted to £52,000,000; in 1855 to £51,000,000; in 1856 to £59,000,000; and in 1857 to £61,000,000. The exportation of metal fabrics in 1853, the year before the war, amounted in value to £19,500,000; in 1855 it sank to about £18,000,000; in 1856 it rose to £23,500,000; and in 1857 it reached £26,000,000. The real value of the total imports into the United Kingdom in 1855 was £143,000,000; in 1856 £172,000,000; and in 1857 £187,000,000. The imports of raw cotton for consumption amounted in the year before the war, 1853, to 746,000,000 lbs.; in 1855, to 767,000,000 lbs.; in 1856, to 877,000,000 lbs.; and in 1857, to 837,000,000 lbs. In 1853 British tonnage amounted to 9,000,000 tons; and foreign to 6,000,000 tons. In 1855 British tonnage was still 9,000,000 tons, and foreign remained about 6,000,000. In 1856 British tonnage reached 11,000,000 tons, and foreign about 7,000,000. In 1857 British tonnage had risen to 11,600,000 tons, and foreign to 7,400,000. The total amount of tonnage before the war was 15,380,000 tons, and in the last year 19,072,000 tons.

Sir, having placed before the Committee this general view of the condition of the Trade and Navigation of the country, I will, with their permission, proceed to what is the real business before us to-night—namely, to consider our financial position, and to ascertain clearly the charges upon the revenue of the country, and the means at our command to meet them. Since the commercial crisis raged with a fury which alarmed the whole kingdom, I need scarcely remind the Committee that there has been a considerable restoration of confidence; and there are at this moment many circumstances which must conduce to the increased prosperity of the country. The rate of interest is very low; capital is abundant, money is cheap; and the price of the principal necessaries of life and of the chief articles of consumption is much lower than it was during last year or the preceding year. I should not, however, be doing my duty to the Committee if I concealed from them my own conviction, founded upon information which has been at my command, that although the general condition of the country is at this moment sound, and although there has been a restoration of confidence and there are numerous indications of improvement, that we are not justified in indulging the belief that there will be a rapid recurrence of that spirit of speculative enterprise which has prevailed of late years, and which has undoubtedly furnished very beneficial contributions to the Exchequer.

I will now proceed to state the estimated expenditure for the year 1858-9. The charge, for the Funded and Unfunded Debts, I place at £28,400,000. The Committee will observe that there is an decrease upon that charge to the extent of £150,000. This has been occasioned by the liquidation of the £2,000,000 of Exchequer bonds last year, by some diminution of the rate of interest upon Exchequer bills, and by some operation of the Sinking Fund upon the public debt. The next item of expenditure is that for the permanent charge on the Consolidated Fund. That is an item which, I am sorry to say, I have felt it my duty to increase. Last year the charge was, I think, £1,770,000; but I have not felt justified this year in placing the amount at less than £1,900,000. I have felt it my duty to make an increase in this item in consequence of the compensation which the House awarded, I think, in a moment of almost reckless liberality, to proctors and other officials who deemed themselves injured by the passing of a measure of reform of the Ecclesiastical Courts. The charge for the Army, including the disembodied militia, and reduced by the amount stated the other night by my right hon. Friend the Secretary for War, will be £11,750,000. The charge for the Navy, including the packet service, which has been reduced by my right hon. Friend the First Lord of the Admiralty by some £300,000, will be £9,860,000. The Civil Service Estimates, which last year amounted to £7,400,000, are not at this moment entirely settled. There has been considerable difficulty in getting in these Estimates, and in examining and revising them; but I have no hesitation in saying that I do not estimate this item at more than £7,000,000 for the present year; and there will therefore be a reduction under this head, as compared with the charge last year, of £400,000. The Committee will allow me to make a few remarks upon these Estimates. There is at all times a very great desire to

reduce the amount of the Civil Service Estimates—what used to be called in old days the Miscellaneous Estimates. We very often find that hon. Gentlemen, who are perfectly ready to support a considerable expenditure for what are called the great services, loudly demand that economy should be practised in the Miscellaneous Estimates. If, in the vindication of their Estimates, the Government appeal to the State necessity, which requires the maintenance of a large establishment, they are always told, "There are the Miscellaneous Estimates; that is the item upon which you ought to economize. If an army must be maintained upon a great scale, and if the navy—the national and favourite service—must be kept up, at all events, the Miscellaneous Estimates contain some extravagant items, which require excision by the financial knife, and that is the means by which economy must be practised." Now, although the Civil Service Estimates are not yet upon the table, I wish the House to consider the nature of those Estimates. No. 3 is the Estimate for Law and Justice, and the amount has increased considerably every year. No. 4 relates to the subject of Education, a question which always excites the deepest interest in this House. That item has advanced in amount, year by year, with a giant's pace. I do not mean, on an occasion like the present, to express an opinion, one way or the other, as to the policy of this expenditure—my business to-night is to give the Committee clear and complete information as to the financial position of the country; but it is necessary for me, in illustrating the system of our expenditure, to call attention to the nature of these Civil Service Estimates. I will take this item for Education. I believe that, when the first Vote for that object was passed by the House, about twenty years ago, its amount was not more than £30,000. In ten years the Vote had reached the sum of £248,000. Ten years more have passed; and the expenditure under this head, for England and Ireland, including the schools of art, will, for the present year, be not less than £1,000,000 sterling. Now, I do not say we have not been perfectly right in pursuing the course which the House has hitherto taken in this respect; all I wish is, that the Committee should clearly understand what they are doing. And do not let it be supposed that the Civil Service Estimates, which have been thus constantly increasing, can be reduced in an off-hand manner. Under this particular head, for instance, there has been a vast system gradually developing itself, which, in a very short time, will amount to the outlay of a great department. When I saw the amount which this year would be incurred under the head of Education—when I remembered that regularly, every year, there had been a large augmentation in the Votes for that object—I felt it my duty to form some opinion of what would be the future of this growing branch of our outgoings, and of what means we have of controlling this expenditure, or of ascertaining generally the relation in which that department was placed to the Exchequer of this country. Now, Sir, after having examined the subject — and giving no opinion, I beg the Committee to observe, upon the policy or the impolicy of this establishment, but only anxious that hon. Gentlemen should clearly understand the responsible position they occupy in reference to this matter—it is my deliberate conviction that a system is now rapidly developing itself in this department of our expenditure, which, in a very few years, will arrive at an amount of at least £3,000,000 or £4,000,000 sterling. And I think the time has come when the House should calmly review the course they are pursuing in this respect, and, at all events, comprehend the liability they are incurring. Sir, the item for the Revenue collection is £4,700,000. The total expenditure for the various departments is £63,610,000. There is a liability for the War Sinking Fund of £1,500,000, besides £2,000,000 of Exchequer bonds, which must be liquidated in the early part of next month. Thus the total charge for the year 1858-9 is £67,110,000.

I now proceed, Sir, to estimate the resources from which we are to meet those liabilities. I will, therefore, give our estimate of the revenue for the year 1858-59. The Estimate of my right hon. Predecessor for the Customs was £22,350,000, and the actual sum paid into the Exchequer was £23,109,000. Now, in forming an estimate of the probable amount to be received from the Customs for this year, we must, in the first place, observe that, although the amount paid under this head into the Exchequer was £23,109,000, the net receipt of this department for the year was £23,289,000, or, not to perplex the Committee with odd numbers, £23,300,000.

That difference between the net receipt of the Customs and the sum paid into the Exchequer was occasioned by certain advances made to the departments of the Customs, which were mainly owing to the changes rendered necessary in consequence of the great revolution decided upon by this House of paying the gross revenue into the Exchequer. Therefore, in calculating what the Customs may produce this year, we must really take as our basis the actual net receipts, not the amount paid into the Exchequer, which was lessened in its passage thither by the sum of £200,000, to which that department will not be liable in another year. In considering the probable result of the Customs duties this year, we must also remember that, since the late commercial panic and disaster, they have exhibited great buoyancy. We must remember that all the circumstances of the country are now favourable to consumption. Capital is abundant, money cheap, bread between 40 and 50 per cent lower in price than it was last year, and of sugar, which was very high and scarce last year, we have the prospect of ample supplies, while its cost has fallen considerably—so much, indeed, as 10*s.* per cwt., and thereby has become much more accessible to the working classes. In fact, there is a combination of causes at work which, under ordinary circumstances, would all stimulate consumption. We must further remember that there is one great influence calculated to be most advantageous to the Exchequer—namely, that the country is now beginning to feel the benefit of that great remission of taxation which the House determined upon last year. No doubt, when the revenue rallied at the end of the last quarter of the past year, that result was to be attributed in some degree to the restoration of confidence which had taken place, and to the gradual, even rapid, decline in the value of money. But it is impossible to shut our eyes to the conclusion that what has mainly sustained our revenue — what has supported and even stimulated consumption, at a time when there were great commercial disturbance and depression — has been the action of that £9,000,000 of remitted taxation which was brought into the pockets of the people, but which was brought into their pockets only towards the end of the year. Because the Committee will recollect that, although the Government, influenced by the feelings of the country and the determination of that House, remitted the £9,000,000 produced by the war income tax at the commencement of the year, six months elapsed before the relief could be felt by the public, owing to the manner in which the income tax is collected. For the first six months the country paid the war 9*d.*; and it was only at the latter end of the year, at the period when all this distress existed, and when so much commercial disturbance and depression were experienced, that suddenly the consuming power of the nation was supported by the public having at their command this great remission of taxation. And I think I may say, in passing, that this fact is a sufficient vindication of those who counselled at that time the expediency of reducing the burdens of the country to that amount. Now, we shall reap the great benefit of that measure in our Customs' duties this year. I should not be acting fairly to the Committee if I did not state that, though the Customs last year produced £23,289,000, that amount was swollen by a large sum paid for tea duties in April, 1857, which properly belonged to the preceding year, in consequence of the alteration of those duties. It would not be right to omit from our calculation that £400,000 paid for tea duties ought really to have been included in the returns for 1856-7. But, taking all these circumstances into consideration —taking the amount last year realized upon Customs, notwithstanding the commercial crisis, at £23,300,000 in round numbers—allowing in my estimate for the present year a loss, or rather a diminution in the tea duties of about £200,000 for the present year—calculating the produce of those duties upon the amount which probably will be consumed by the public in the present year—deducting from that amount 3,500,000 lb. to meet the extraordinary accession to the Exchequer to which I have referred—and remembering also that, so far as this article is concerned, the prospects of the tea trade are extremely favourable, there having scarcely been any period at which the supplies were more promising — I think I am justified in placing the amount of the Customs at £23,400,000, or £100,000 more than they yielded last year.

I now come, Sir, to the next great source of supply to our revenue—the Excise. The right hon. Gentleman the Member for Radnor, estimated the amount to be realised from that source at £17,000,000, and, notwithstanding all the distress of last

year, it actually produced £17,825,000. This item I have ventured, after the greatest consideration, and guided by what I believe to be the best information, to put at £18,100,000; the Excise being subject to all those beneficial influences which act upon the Customs, and which, like the Customs, have, since the great remission of taxation and the reduction of the price of money and all other commodities, exhibited the same elastic and buoyant character. The next article is Stamps, which were estimated last year at £7,450,000, and realised £7,416,000. The Stamps are a branch of our revenue, which is acted upon by all the circumstances which also influence those departments which depend upon the consumption of the country. The state of the mercantile world acts very quickly upon the revenue arising from Stamps. The Stamps suffered much during the commercial crisis, and the period immediately subsequent to it, and they have since shown the same elasticity as the Customs and the Excise. It is also to be remembered that the succession duty will, in the year which has now commenced, contribute much more to the revenue than it has hitherto done, and therefore I have taken the Stamps at £7,550,000, which is exactly the amount fixed by my predecessor in his statement of last year, when he favoured the House with a prospective Estimate of the year in which we now are. The next item is Land and Assessed Taxes. The estimated revenue from this source was £3,150,000—the actual produce is £3,152,000; and considering the great number of new houses which have been built, and are now building, I have put it for the year 1858-9 at £3,200,000. We now come to the Property and Income Tax, which falls this year to 5*d.* in the pound. For the first half of the year it is at 7*d.*, and the second half at 5*d.*; and the produce of the tax I have, therefore, put at £6,100,000, which is the rate at which it has always been put. The next item is the Post Office. The Estimate for the Post Office was £3,000,000, but it has only paid into the Exchequer £2,920,000, That reduced production of the Post Office, however, was occasioned by similar circumstances to those which I have mentioned as having an influence upon the Customs' revenue. The Post Office had to advance considerable sums to its departments, which advances it will not have to make again—they are permanent though fluctuating balances. The revenue of the Post Office, therefore, is not to be measured by its present produce, £2,920,000; but I am assured by the highest authority that I safely place it for the present year at £3,200,000. The next item, the Crown Lands, were estimated last year at £265,000; they produced £277,000; I place them for 1858-9 at £270,000. The last article of estimated revenue is the Miscellaneous. This was estimated last year at £1,200,000; the produce obtained was £1,600,000, and I have placed it at £1,300,000. I know this is an item which is often viewed with suspicion when the financial statement is made. It would be in my power to explain in detail all the items of which this head of revenue is made up; I only refrain from doing so lest I should weary the Committee. There are twelve sources of supply from whence this item is drawn; and having gone through them all carefully, I think I may, without the slightest apprehension, place them at that sum.

Sir, I have now shown that the expenditure and liabilities of the year amount to £67,110,000, and I have estimated our revenue at £63,120,000; there awaits us, therefore, a deficiency to be made up to the amount of £3,990,000. I have no information as to what may have been the expectation of the Committee on this point, though I know from many quarters and by many means what is the expectation of the country; but whether the Committee thinks this an overwhelming or only a vast deficit—it is, at all events, a deficit which should make us pause and steadily consider the mode in which to encounter it. But I may, perhaps, be permitted, before entering on this consideration, to make a single observation upon the deficit; and it is one which ought to be consolatory to the country. This deficit, however vast it may be, has not been occasioned by any falling off in our resources. I do not know how I could place that more clearly before the Committee than by assuming for a moment that there was not that reduction from our revenue which has been occasioned by the income tax falling from 7*d.* to 5*d.* The consequence would be that our revenue would be £1,000,000 more in amount. The deficit, then, would be about £3,000,000; and if we deduct from that the amount of our engagements to pay off debt, namely, £3,500,000, it follows that, if we had no engagements to meet, and if we had no cessation of taxation, instead of a deficit we should have a surplus of £500,000. Therefore, in dealing with this very grave and

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serious subject, it is a source of consolation to us that this is a deficit which, notwithstanding the sharp fortunes experienced by the country during the year, has not been occasioned by any diminution in our resources.

I propose to consider this deficit under two heads. I will consider first, the amount of deficit which has been occasioned by our undertaking to pay off debt; and, in the second place, the amount which has been caused by a cessation of taxation. It appears to me that this will be the simplest and the most intelligible manner of treating the subject. First, then, with regard to that amount of the deficit, £3,500,000, which is occasioned by our engagement to pay off debt. The first item to which I wish to call the attention of the Committee is the War Sinking Fund, the amount of which is £1,500,000. The Committee is perfectly aware that, irrespective of the War Sinking Fund, there is a General Sinking Fund, which is in operation. Thirty years ago, the system of a sinking fund that prevailed in this country was, to allot a certain fixed sum, without any reference to the state of the revenue, to the payment of debt. In the heat of the great war, the House of Commons passed a Resolution, that every year £5,000,000, "without fail"—those were the words, I believe—should be apportioned to the redemption of debt; and that system, the amount reserved being more or less in amount, but the principle being the same, prevailed until the year 1829. That system utterly broke down over and over again. It was false in principle and most injurious in practice. In 1829 a Committee was appointed to consider the whole question. The Committee investigated the subject with acumen and depth, and it recommended the adoption of the only sound principle on which a sinking fund ought to be based—namely, the application of the surplus revenue of the country to the liquidation of its debt. That surplus was to be ascertained by, every quarter, taking the surplus of the year, and—popularly describing the principle of the Act—devoting the natural surplus of the revenue to the liquidation of the debt. Well, in the course of the last year, when loans were incurred, the House thought fit to recur to the old system upon which sinking funds were established—namely, allotting a fixed sum, without any reference to the state of the revenue, to the liquidation of debt; and, while they thus recurred to the old system, with strange inconsistency, I think, they did not supersede the new one which, in 1829, had been established in its stead, and which was founded on a totally different principle. When that proposition was made, it did not pass without discussion in this House. Objections were raised to it by persons of great authority. There was a debate of some length, and there was a division. At the moment it appeared to me that the Government were not very much enamoured of their own plan, or confident in the policy which they were recommending; but the House thought fit—mainly influenced, I think, by one who upon such subjects, if indeed not upon all subjects, addresses the House with authority—my hon. Friend the Member for Huntingdon (Mr. T. Baring)—to agree to this revival of the old principle of the sinking fund. But my hon. Friend the Member for Huntingdon, when he recommended that course, recommended it for special reasons. He said:—

> "We are now, or soon shall be, in a time of perfect peace; and it is not until we are at perfect peace that this sinking fund is to come into operation. Therefore, on the whole, I think it wisest to secure the liquidation of debt, incurred in war, during a time of profound peace."

I shall not go into the question whether we are now in a time of profound peace, lest I should introduce into this discussion, which should of all discussions be calm and temperate, elements of angry controversy. It is very likely that my noble Friend the Secretary of State for Foreign Affairs might, if I applied to him, express himself to be of the same opinion as the noble Lord the Member for Tiverton, and diplomatically assure me that we are not at war with China. I am not a diplomatist; I have only the charge of the finances of the country; but when I want to reduce the Estimates, and look to those of the Navy, for instance, I cannot help feeling that, although we are at peace with China, that peace has a most warlike influence upon our expenditure. Therefore, the ground on which my hon. Friend the Member for Huntingdon supported the establishment of that Sinking Fund—namely, that we were entirely at peace, or should be so when it came into operation, has not arisen; and knowing that on these subjects my hon. Friend very much agrees with me, taking the plain view of these affairs in China, I am convinced that, even with his view of the case, he never contemplated that the Sinking Fund should be brought into action at a

time when—whether we are at peace or war—we are fitting out armaments and have a great naval force in the Chinese waters. But, Sir, besides the Sinking Fund of 1829, that is the General Sinking Fund, and the War Sinking Fund, which this year comes into complete operation, we have also—to which I shall afterwards refer—the engagement to pay off £2,000,000, of Exchequer bonds. Now, I ask the Committee calmly to consider in what position we are placing the finances of the country and its commerce—which is now in a state of some depression, and not able or inclined to bear an increase of taxation—I ask the House to consider in what position we are placing the finances of the country by the principle of paying off the debt which we have sanctioned. Last year you had the General Sinking Fund, you had the Special Sinking Fund, you had engagements in the shape of Exchequer bonds, all acting upon your finances. There absolutely was a sum of the national debt redeemed by the operation of the General Sinking Fund. That you will find in the accounts upon the table. It was not a very large amount; but positively there was a sum of the national debt redeemed by the action of the General Sinking Fund. Then you had the Special Sinking Fund coming partially into operation to the extent of £250,000; then you had £2,000,000, of Exchequer Bonds. Now, let me show what is the practical result of these artificial attempts to pay debt, when you have not a revenue which affords you a natural surplus of the income of the year for the operation. Here is the account of the public income and expenditure of the year just concluded, from which I will read only one item. Our expenditure amounted to £70,000,000 and our income also to a very great amount; but although we are dealing with these immense sums, you will find that there is an excess of expenditure over income. Our income amounted last year to £68,000,000, and yet our expenditure exceeded that amount by, in round numbers, £2,500,000; but when I go to the other side of the balance-sheet and look at the expenditure, I find there a sum absorbed by the Sinking Fund, by the redemption of Exchequer bonds, and by the liquidation of public debt, amounting to £2,250,000, or only £250,000 less than the excess of expenditure. Well, what follows? It follows that you certainly have paid off debt, but you have not paid off debt out of your revenue. You must have paid it out of the balances of the Exchequer. The Committee must feel that that is a system which, though upon one occasion it might answer, cannot be continued. The Committee, therefore, must now consider this—what is the consequence of bringing past and present burdens to act simultaneously upon the revenue of the year? The only consequence can be war-taxation in time of peace; and can you have this war-taxation in time of peace consistently with that commercial prosperity on which you depend, and of which you so often talk? I must, therefore, ask the Committee to consider whether the time has not come at which, not merely with reference to this year, but with reference to future years, and with regard to those results as to taxation which we wish and are almost pledged to accomplish, we must consider the policy of maintaining this system of artificial sinking funds. In principle I think it highly fallacious and erroneous; and in its applicatiun there has been a greater mistake, because, independently of the circumstance that you are maintaining two sinking funds at the present moment on contrary principles—independently of the consideration that the old Sinking Fund is in my mind built upon a sure foundation and upon sound principles—admitting for a moment that the War Sinking Fund is right in principle, still I think it wrong in its application, because it never ought to have been brought into operation until you had paid off your Exchequer Bonds. This triple action upon your revenue to pay off debt can only end either in increased taxation or in loans, which for such an object would be absurd, or in financial embarrassment, which all of us would desire to avoid.

Now, Sir, I ask the Committee calmly to consider this question. You have a deficit, of which £3,500,000 are occasioned by engagements to pay off debt. You have no surplus; you have no means of meeting these debts in the present year. How, then, will you meet them? Will you raise a loan? Will you raise a loan to fulfil engagements to pay debt—part of which consists of an artificial sinking fund? Could there be a more blundering means of setting your House in order and squaring your accounts than negotiating a loan to meet engagements of this kind? Is it not the last resource of individuals in distress, to raise money in order to pay debts, and to get deeper in debt in conse-

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quence? I cannot suppose that any one in this House would seriously sanction the idea that we ought to raise a loan to fulfil engagements to pay off debts. Well, then, is the Committee prepared to meet these engagements by taxation? It is very difficult to say how you could raise a sum of £3,500,000 by taxes. It is rather a perplexing question. But suppose you were resolved to do it, that would not get you out of the difficulty. If you were to raise by taxes a sum of £3,500,000 to pay these debts, you would still have a deficit of £500,000. You would have to make provision for that, and also to provide some surplus. Therefore, if you come to taxes, it is a question of raising a sum exceeding £4,000,000. Well, Sir, under these circumstances, and analyzing these claims upon us, I think that the time has arrived, not merely with reference to the convenience of the moment, but in order to put our finances for future years in a secure position, when we ought to come to some determination respecting this War Sinking Fund. I would humbly recommend the Committee to terminate that arrangement, either by repealing the Act, which is, I think, false in principle and injurious in practice, or, at least, by suspending its operation until the other engagements into which we have entered—namely, these Exchequer bonds, are provided for. I feel certain that it will be utterly impossible, with public advantage, to maintain the system which now exists by law, to which the wisest men of all times have expressed an adverse opinion; which the labours of a learned and distinguished Committee of this House, in devising a general sinking fund, have really superseded; and which is not needed to maintain the credit, while, if preserved, it will impair the finances of the country. Therefore, I shall recommend to the Committee, so far as that £1,500,000 a year is concerned, a course which for the present certainly shall prevent its embarrassing the finances of the country.

We have now to deal with £2,500,000 of deficit if the Committee sanction the course which I have just proposed, and I must say that I view the engagement which we have entered into with regard to the Exchequer bonds in a very different light and spirit from that in which I view the War Sinking Fund. I have been told that there is the easiest possible way of meeting that portion of the deficit, and that is, to fund it; but if I were to take that course, it would be one which, in my mind, would be quite unjustifiable; unless, indeed, the country were in an emergency in which all the principles of finance must give way to political considerations. But in times like these in which we find ourselves, I think that it would be highly undesirable and improper to contemplate such a course, seeing that it would be totally contrary to the conditions into which the Parliament and the Government of the country entered, when they agreed to issue these terminable securities. It would be to me, I confess, a source of the greatest satisfaction to meet, and to meet to the hour, those engagements; but there is a great deal to be considered before we arrive at that conclusion. With regard to a loan, I imagine there is but one feeling on both sides of the House—namely, that whatever may be the deficit, that is the last expedient to which we must have recourse. To these Exchequer bonds, however, applies the same difficulty which applies to the War Sinking Fund. If they are to be met by a new tax, it must be an excessive tax to produce upwards of £2,000,000; and when it has produced that amount, where are you? Still in deficit. But if we cannot meet them immediately, I think, at all events, that the Committee will agree that the spirit of the engagements should be fulfilled—that they should be engagements which we are resolved to meet out of the revenue of the country, and that we should guard as much as possible against their ever becoming a permanent addition to the public debt. Still, seeing the deficiency that awaits me even if those engagements are provided for, and anxious as I should be at once to provide for them, I feel it my duty, in order to place the finances of the country, not merely for this year, but for future years, in a position which I think will be advantageous to the country, to recommend to the Committee to postpone for some period the payment of those Exchequer bonds; but to consent to arrangements which, so far as I can form an opinion, will secure their being paid out of the revenue of the country, and which will place our general finances in such a position that they will form no obstacle to those arrangements which I think it would be for the interest of the country to adopt. I will postpone describing, however, to a future portion of my remarks—when the time will naturally arrive that I should touch upon this portion of the subject more particularly—the mode in which I propose

that the arrangements should be accomplished.

Now, Sir, I have considered that part of the deficit which is occasioned by engagements to pay debts, and which is no doubt much the most considerable portion of it. There is next a part of the deficit to be considered which, though not so large in proportion, is of a character which must be regarded in a severer light than the other; because we cannot reconcile ourselves to arrangements which in the other case may be justifiable or necessary, when the deficit is occasioned—no matter what may have been the original cause—by an absolute falling off in the revenue. An absolute falling off in the revenue must be met by means which will not only supply the deficiency, but will also place the general condition of the revenue in a sound and satisfactory state. This portion of the deficit has been occasioned by the cessation of a tax—and that tax one of a memorable character—one to which we cannot bring our minds free from considerations beyond those of a merely fiscal and financial character; and it certainly appears to me that upon the decision of the Committee, with respect to that source of deficit, the future satisfactory management of the finances of the country will very much depend. Sir, the Property and Income Tax has long and frequently occupied the consideration of this House. I think I may say that it has never ceased to occupy the thoughts and to interest the feelings of the country. It is a tax the importance of which is not to be measured simply by its financial results. Those who pay it do not consider merely the sums which they yield to the Exchequer, but the mode in which it is assessed, and the manner in which it is levied; so that, from the earliest time that it has occupied the consideration of Parliament to the present, social and political principles have been involved in its character and consideration. It is not necessary for me to remind the Committee of the manner in which this tax has habitually and traditionally been described in Parliament. The epithets which were applied to it, and in which the greatest men have been used to characterize it, are in the memory, as they have often been upon the lips, of Gentlemen on both sides of this House; that it is "unjust, unequal, and inquisitorial" all of us have felt, and most of us have acknowledged. There are, I think, two great classes of reasons why the Income Tax should not form a permanent feature of our finance. The first class I may call domestic; the second springs rather from considerations of an external character. The feeling of the community generally of the inequality, of the injustice, and of the odious nature of this tax, has unfortunately been sanctioned and concurred in by all those statesmen who have felt the necessity of levying it; and it has been impossible to maintain it for any considerable time, or to adopt it as a permanent feature of our financial system, without great acerbity of feeling and much violent controversy being excited as to its character and its incidence. If you wish to establish it, you have an endless crowd of controversies of the most angry character upon these among other points:—Whether there shall be recognized a difference between property and income in its assessment; whether, if that difference be not acknowledged, a difference shall be admitted between precarious and permanent incomes; whether there shall be a difference between incomes derived from trade and incomes derived from professions; whether the poor man shall be exempted, and what a poor man really is; what is income and what are wages; who shall be exempted, where ought the line of exemption to be drawn, and the convenience of an exemption which shall exclude all but those who are called rich. These are some of the subjects of controversy which have always been raised in this country when an attempt has been made to establish the income tax for any lengthened period. These agitations have not of late prevailed. But why, let me ask, has that been the case? It is because in 1853, after a great deal of agitation throughout the country upon this subject had taken place, after a Committee had sat for two years to investigate it, and after all sorts of plans and expedients devised by every manner of man had been considered in reference to it, an eminent Member of this House (Mr. Gladstone) brought forward a great financial scheme in which, acknowledging the impossibility of reconstructing this tax upon principles of justice—upon principles which could satisfy the fair demands and expectations of society, he submitted to the notice of the House a proposition, the effect of which would be to secure its diminution and final extinction at the end of a certain term of years. That scheme was brought forward with consummate ability; and, having been supported in the House of Commons by an overwhelming majority, created the conviction

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in the public mind that in its spirit the arrangement would be carried into effect, and that the financial policy which was in 1853 propounded, was one which both Parliament and the country had cordially embraced and sanctioned. I do not wish to overstate the case. To do so would not be my interest, as it certainly is not my inclination. I shall not say that a solemn compact was entered into at the time to which I allude between Parliament and the country upon this subject, which should be regarded as independent of all circumstances and events. That is a position which it would be wild and idle to assume, and absurd to attempt to uphold. There were, however, arrangements cordially entered into, and in the same spirit understood, and which the country expected would be religiously fulfilled if the interposition of extraordinary circumstances did not render their fulfilment impossible. Well, circumstances of that character did take place. A great national emergency occurred. And what, let me ask, in that hour did that people do who had previously murmured at the injustice of the principle upon which the income tax was established? When the safety of the country was endangered—when her honour and her best interests were at stake—what did they do who, before the arrangement of the right hon. Gentleman the Member for the University of Oxford was brought forward—an arrangement which they had cordially accepted—had complained of the unequal mode in which this tax was levied upon the various classes of the community—what, I repeat, did they do when the scheme which that right hon. Gentleman devised was not only arrested in its progress, but the tax itself made the increased source from which the power of England flowed forth to support the honour and interests of the country? Did they murmur? Not for an instant. On the contrary, everybody did his utmost to prove to England and to the world that there was no burden to which our people would hesitate to contribute at a moment of national emergency; the income tax was raised to a very large amount, and during the period to which I refer, when the country clearly understood that it was absolutely necessary this increased income tax should continue to be levied, not a voice was raised against its imposition. It was not until peace had been secured that the nation called for a remission of the war taxation in this particular. When that great object was happily attained, we heard again the expression of its expectation that the arrangement of 1853 would be carried into effect. There can be no doubt that the breaking out of the war caused a considerable difference in our position as compared with that in which we stood at the period at which the arrangement was originally introduced. The permanent charge on our debt had become in consequence largely increased. We became liable to encumbrances, such, for instance, as these Exchequer bonds, which must be met, and which constitute impediments in the way of adhering to the arrangement of 1853, which could not well be foreseen. These, however, are circumstances which a sensible people would not fail to accept as furnishing good grounds for delay in the diminution or extinction of the income tax. They do not, however, constitute sufficiently strong reasons why the country should be prepared to regard the arrangement of 1853, as visionary and fantastic. I cannot help feeling then, that if on these grounds the arrangement was to be wholly abandoned, there would be a very natural sentiment of disappointment among the people. Such a disappointment would be calculated to irritate them, and, therefore, looking to those domestic considerations which undoubtedly prevail — namely, that the very principle of the tax is one which creates public discontent, and is calculated to irritate the public mind—it is highly inexpedient that it should form a permament feature of our financial system. I may now be permitted to advert to other grounds which, although they may not so generally influence public opinion as those which I have just mentioned, yet are, I think, well deserving of our consideration in dealing with this important question. They embrace considerations arising out of the occurrence of some extraordinary emergency, and are of a political nature. Is it not of the highest importance, I would ask, that the Sovereign of this country should, notwithstanding the immense revenue which is annually raised to support the vast establishments of this country, be able with the concurrence of Her Parliament, to touch at any moment, as it were by a spring, a source of revenue which in an hour of great emergency would yield £20,000,000 or £25,000,000 sterling — a sum equal to those large loans which foreign potentates raise at a ruinous rate of interest, and one of which almost exhausts the resources of

their subjects—that year after year, notwithstanding the large sums raised for the purposes of general revenue, the Sovereign of this country should be able to raise during a war an enormous sum, without a murmur on the lips of a single person in her dominions? That is a reason drawn from political considerations—and I know that the right hon. Gentleman the Member for the University of Oxford has advocated the proposition in language more unequivocal than any other statesman in this House—that the income tax should not be allowed to constitute a permanent feature of our financial system. But, Sir, although that may be my opinion, and although I cannot but think it is the opinion of the great majority of the House of Commons,—although there are grounds of the highest political expediency which render it desirable that the arrangement of 1853 should be carried out in spirit, if not in the letter, it is still undoubtedly possible that the country, anxious as it may be to witness the realization of its expectations in that respect, and having the utmost confidence that Parliament is really and in all sincerity disposed to meet its wishes upon the point, still may not be unprepared, knowing that a deficiency in the revenue exists, to submit to the burden of the income tax which it bore last year. The people of England may say—"A very great deficit lies before us. It is not, after all, so great as we thought it would be some time ago. If we submit to an income tax at the same rate as that of last year, we shall get rid of this deficit, and we must trust to the future." Now, that is a view of the case which it it is my duty to place before the House. We have a deficit in our revenue, not occasioned by our engagements to pay a debt, but by a cessation of taxes, which deficit must be made good by taxation, and which would be converted into a surplus, if the Committee should think proper to continue the income tax for another year at the same rate as last year. The Committee may take that course, and take it, too, with the sincere intention of carrying the scheme of the right hon. Gentleman the Member for the University of Oxford into effect. But there are other considerations which ought to influence our decisions with respect to this question. The country has behaved extremely well during the last five years in matters of taxation. At no period of English history has so much public spirit been exhibited upon the part of the community in that particular, and I think that that spirit is worthy of all respect. There is no doubt that this country generally has this question of the income tax greatly at heart. It has for a long time clung to the belief that, notwithstanding the adverse circumstances which have interposed, there has existed upon the part of Parliament a sincere intention to diminish and eventually to extinguish this tax; and I cannot but feel that if I were to ask you to take a course which would look like breaking your promise with the nation in that respect, and to seek to get out of our difficulty, by again passing a law which would prevent the remission I should be calling upon you to adopt a policy which would be but too well calculated to sour the public mind. The result of such a policy would be that, when a great emergency again rose, you would not then be in a position to appeal to the country with the same success, or to expect to have your appeal met with the same cordial response which upon a recent occasion awaited the Minister who had the direction of the national finances. I feel, therefore, bound to announce it as the deliberate opinion of Her Majesty's Ministers, that the deficit in the revenue which I have brought under your notice, ought not to be supplied by proposing an increase in the income tax.

But, Sir, if the income tax is not to be disturbed;—if the income tax for this year is only to give us the reduced rate of *5d.*—and we propose that course—the House must feel that it is absolutely necessary to support the revenue of the country by the imposition of new taxes. I know that I may be told by some gentlemen that you can obtain the relief you want by a reduction of expenditure. Allow me to say that reduction of expenditure is not a task that can be undertaken in haste and heat. It requires time — deep, protracted, and minute investigation — and although it might be very easy to effect certain reductions, which might be very popular in the House for the moment, yet unless they are well considered and founded on mature investigation and ample knowledge, they would only lead to a swift and fatal reaction and to increased expenditure. Now, we have made some reductions in expenditure. We have made reductions which could be made with safety, and in amount not contemptible. Allow me to say that in meeting the difficult financial position we have had to encounter, a reduction in expenditure of £800,000, which we have

made this year, is an item not to be despised. But let me impress on the Committee that, which I have presumed to say on previous occasions—Reduction depends on Policy. It is quite a wild idea to suppose that a body of men, though they may be Ministers, can meet in a room and suddenly alter the establishments of the country. The establishments of the country are adapted to the policy which the country pursues; and if you sanction a policy, which leads to invasion, to armaments, and consequently to expenditure, you cannot expect because there is a change of Ministers that you can deal with that expenditure, unless you deal with that policy. Really sound reduction is the effect of time and thoughtful management, and is not in a few hasty weeks to be concocted in order to obtain popular applause. I say, therefore, that it was utterly impossible for us to deal with the expenditure of the country during the period in which we have held the responsible position of Ministers. We have succeeded to arrangements—difficult arrangements—which we must manage as best we can; and, therefore, now that there is a deficit in the revenue, you must not unmindful of the not inconsiderable retrenchment, safely and honourably effected by us—say that we ought to meet it by reductions. What we have to deal with is, the difficulty which is immediately before us. When we have opportunity and time, we can submit the establishments of this country to such severe revision as they may require, and, with favourable circumstances, effect considerable retrenchments in those establishments; but it would be worse than mockery to pretend that we are able to do so all of a moment.

In the ungracious office of selecting a new tax, I am at least somewhat upheld by the consolatory conviction that every person who may be called on to pay it, will either directly or indirectly feel the benefit of the considerable remission of taxation which occurs this year by the fall in the rate of the income-tax. When we remember what the country expected, I hope the Committee will not forget, in the consideration which they may give to my proposition, that we start with the fact that, by the operation of the law, the community are already entitled to, and soon will enjoy a considerable diminution of that tax so peculiarly odious to the people; and that benefit the country will not measure simply by the amount of the remission, but will also accept as an earnest that the policy of 1853 will be carried out. The mode in which I would attempt mainly to supply the deficiency is, by asking the House to agree to a proposition, which appears to me as reasonable and wise. I would ask them to agree to equalize the duties on spirits. The Committee will recollect that we have been legislating on this subject now for several years. We have, consequently, great experience to guide us as to the course we should adopt, and the results we may obtain. I think it was in 1853 that the duties on English, Scotch, and Irish spirits, were raised. They were raised considerably, with great benefit to the Exchequer, with increased consumption, and without the slightest appearance of illicit distillation. They were, I believe, in the following years increased with the same result. In 1855, the right hon. Gentleman the Member for Radnor (Sir George Lewis) equalized the duties on English and Scotch spirits. Well, that was a step taken with some apprehension; but what was the consequence? Great advantage to the revenue, increased consumption, no appearance of illicit distillation; and, stranger than all, the greatest benefit was experienced by the Scotch, whose duties were raised. That may appear a paradox; but it is a dry fact, and is accounted for in a moment, because, by the raising of the duty, they were freed from embarrassing and ruinous restrictions, and had the full enjoyment of the markets of England. We have much experience, I say again, to guide us. Since 1855, the duties on spirits have been raised, having been equalized between England and Scotland, while a differential duty still remains in favour of Ireland. The duties have again been raised, and the results have been equally satisfactory. I have taken some pains to obtain the best information on the subject, and from what I hear, there is not the slightest appearance of illicit distillation. Look at the position of Ireland. At this moment, the only differential duty that remains between Ireland and Great Britain, is the differential duty on spirits. I am sure that my Irish friends, who are always demanding justice for Ireland, and who define that justice to consist in an identity of institutions, of rights, and of duties, cannot on reflection consider the position in which they are placed by this differential duty on spirits with any other but feelings of indignant humiliation. I remember once,

when I was at Bristol, a ship came in from Ireland, and, to my great surprise, I saw it boarded instantly by Custom House officers, and the crew treated just the same as a parcel of foreigners. All this was to see if there were any Irish spirits in the hold, which, if they had come in undetected, would have paid a duty of 6*s.* 2*d.* instead of 8*s.* Was that a position for high-spirited Irishmen to be placed in? How much better will it be for the Irish to have the command of the English market, and not only of the English, but of the British market:—how much better for them to enter into active competition with English and with Scotch spirits, and, instead of confining themselves to the supply of a mere provincial demand, to be entitled to pour in their admirable products—which I am told the French now prefer even to their own brandy—how much better for them to pour their spirits into this country, and through this country into the Continent, and thus give a great stimulus to trade. Sir, I cannot help feeling that, this is a tax of which the Committee generally will approve; and I trust that I shall experience no opposition on the part of my Irish friends, and that not a single murmur will be called forth by my proposal. If, however, there is a murmur among any of them, I would ask them to consider, first, the position of the Chancellor of the Exchequer; and, next, to bear in mind with what pride and satisfaction they will return to their native country, when they are able to tell their constituents that that income tax with which they were visited—not by me, I may observe (they will remember that) but which, somehow or other, by means I never could penetrate, was unexpectedly fastened upon their necks—has been shaken to its centre; that that real badge of their yoke has been nearly got rid of; that they have given a fatal blow to it. In the recollection of that cheerful circumstance, they will, I hope, find ample compensation for any annoyance which they might otherwise experience from this change in the spirit duties. The Committee will, therefore, I trust, sanction my proposition for the equalization of the spirit duties throughout the three kingdoms. That measure will give to the Exchequer the sum of at least £500,000, which is the amount of the deficit.

I am much obliged to the Committee for bearing with me, while I have submitted to them this somewhat lengthened statement; but I am sure they will remember that my position is not one of ordinary difficulty, because I have been obliged by process of analysis to operate upon a large deficit, and, of course, to touch upon many circumstances. The Committee will now consider that if the course which I humbly recommend be adopted, the deficit has disappeared. We have put an end to the War Sinking Fund, or postponed its operation to the happy day when the Exchequer bonds shall be paid out of our revenue; we have agreed to an arrangement, to which I shall hereafter revert, with reference to our Exchequer bonds, and prevented them from forming any obstacle in the way of placing our financial system fairly in order; and, lastly, by the proposal to equalise the duties on spirits, we have entirely got rid of the deficit. But I deem it advisable besides that, we should add something to the revenue in the shape of a surplus. I shall not press much upon the resources of the country or the patience, of the Committee in this respect, because the state of our balance is very satisfactory, and because a very large and unusual amount will be added to them in the course of this year. Nay, if I had chosen to avail myself of it, a sum of £400,000 might fairly be brought into the revenue of the year. I have thought it best, however, not to bolster up the finances, and I have felt that on the whole, the Committee would rather see the case under, than over stated. But the East India Company, who owed to the State £1,500,000, have already paid £1,100,000 of that sum towards the reduction of the war expenditure of this year. This amount was lent out of revenue, and it was agreed that it should be paid in to revenue. There is yet £400,000, therefore, which strictly speaking I might fairly take credit for in the Budget; but I thought it best on the whole, to make an unvarnished statement to the Committee. Nevertheless, that £400,000 will at all events be paid into the Exchequer. Then there is a balance upon repayments over advances this year of probably not less than £600,000. There are also monies to be paid, both on account of the interest and the sinking fund of the Sardinian loan. There are, too, other items:—so that a very large sum will be paid in the course of the year to the account of our balances, which, as the Committee will have observed from the balance-sheet, were themselves at the end of the year in a satisfactory position. This, therefore, being the state of the

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balances of the Exchequer; remembering (which is really the fact) that in the estimate of revenue which I have placed before the Committee, I have most scrupulously refrained from indulging in any but moderate expectations; feeling, indeed, that if I had adopted the sanguine views which many persons in authority would have sanctioned, I might have ventured on much more cheerful figures; looking, moreover, at the great efforts which the country has made—I should not have thought it necessary under all these circumstances to trouble the Committee much on the subject of a surplus. But a surplus of some kind ought I believe to be provided, even though it be a small one; and, confident in the resources of the revenue, I think a small one should under the circumstances suffice. Now, so far as I can form an opinion on the subject from conversation with men of business, there is no mode of taxation more popular than the application of stamps to various operations of commerce. No one feels the burden; it is a mode of taxation which, on the whole, occasions less annoyance than any other, and I think in fact it is rather popular. The penny postage system first brought taxation by means of these slight stamps, into fashion. People like to see vast results accomplished by slight means. I therefore propose that whenever we draw a cheque, we should place a penny stamp upon it. I am assured by one who, upon such a subject must be considered of the highest authority, and who has very completely mastered this question, that I may count on a sum of not less than £300,000 from this source. Of course, there may be objections to the tax, but every man who draws a cheque must remember that he has now to pay an income tax of only *5d.* instead of *7d.*, and, obtaining as he does a remission of the income tax, and seeing the foundation of its future extinction laid, he must feel that under the circumstances, some sacrifice must be made. I hope, therefore, the Committee will agree with me that this is a mode of taxation, if it can be called such, which they will not refuse to sanction.

Considering the position of the exchequer at this moment, I am not prepared to ask the Committee to impose any other taxes. I would ask them, however, to permit me for a moment to remind them of what may be the position of this country in the year following the present, for, although we hear many taunts about "prospective finance," I think that any person in the office which I now have the honour to occupy, would be greatly wanting in his duty if he brought forward any proposition without having exercised some foresight in regard to it, and weighed in some manner its influence upon our future prospects. Now let us see, if the arrangements which I have proposed are agreed to by the Committee, what will be our prospects in the year following this. You will have again a loss on the income tax, as compared with your present revenue, of £1,000,000; and assuming that all things remain the same, and that your revenue and expenditure are exactly what they are now, you will have a loss in 1859–60 of £1,000,000 in your income tax, while £2,000,000 of Exchequer bonds will become due. You will have this £3,000,000 reduced by the amount of surplus which I may obtain this year; but say that you have to meet £3,000,000 of deficit. Now, I put it to the Committee—is that a prospect which ought to alarm us? Can we entertain a doubt but that with a fair amount of commercial prosperity, with a fair revival of trade in this country, the resources of our revenue, aided by well-considered and wise retrenchments, will be sufficient under these circumstances to meet our engagement to pay these bonds, and to encounter that diminution of income? Well, if you do that—and I feel confident that you will be able, should no disaster against which human provision is unavailing overtake the country—in what position shall we stand in that famous 1860 which has been the pivot of modern finance? There are certainly £1,000,000 of bonds due in that year; but you will have annuities to the amount of something like £2,150,000 per annum expiring at a time, when I hope and believe you will possess a large, abounding surplus of revenue; and you will be able, if not to the letter, at least in spirit, to accomplish the plan of the right hon. Gentleman, the Member for the University of Oxford. It is for that reason—in order that we may act fairly, candidly, and sincerely towards the country on this question, in order that the wise arrangements of the right hon. Gentleman may be carried out, and that that great policy—for a great policy with regard to the income tax I believe it to be—should be accomplished, that I shall propose not to encumber 1860 or 1861 with the whole of the bonds which at present we cannot meet, but I shall pro-

pose that in 1862 and 1863 £1,000,000 should be apportioned to each year. When that is done, I have little doubt the policy of 1853 will be carried into effect.

Sir, I now submit these propositions to the consideration of the Committee. When they recollect the expectations of the country as to the revenue, and the fact that at the end of last year—and indeed so lately as the period at which I assumed office—the estimated deficiency we should have to encounter was not less than £6,500,000, I hope they will not be dissatisfied that by the rallying of the revenue during the last quarter, by judicious retrenchments; by measures sound in principle and judicious in application, the immense deficit that so long brooded over the spirit and depressed the energy of the country, has been dissipated, and that too with a remission of taxation in respect to the particular impost, most odious to the people, in a manner which guarantees an accomplishment of the policy of the right hon. Gentleman the Member for the University of Oxford. This result will, I think, be satisfactory to the country, as well as to the Committee; and I trust that the propositions I have made will not only receive the candid consideration of the Committee, but obtain, after due thought and discussion, the cordial acceptance of the country.

THE CHAIRMAN having put the first Resolution,

MR. GROGAN said, he thought the Committee could not but admire the ability and clearness of the Chancellor of the Exchequer's statement. His statement as to the deficit, no doubt, was somewhat alarming; but they must feel he had conferred a substantial benefit on the country by his adherence to the arrangement made in 1853, and thus insuring the extinction of the income tax in 1860. The Committee, however, would not feel surprised at an Irish Member's objection to one of the right hon. Gentleman's propositions—that in which he proposed to place an additional impost on one of the chief productions of Ireland—namely, his proposed equalization of the duty on whisky. He felt the more bound to take the earliest opportunity of expressing his objection to this portion of the scheme, inasmuch as he had that very day presented a petition, signed by upwards of 4,000 of the inhabitants of Dublin, complaining of the ruinous effects of the existing war impost on Irish whisky, and praying for its reduction. What must be the feeling of the petitioners when they learnt that, not only was that impost not to be reduced to its amount before the late war, but further increased? It was all very well for gentlemen in England, and even in Scotland, to approve of propositions for equalizing the duty on spirits; but he thought the people of Ireland could complain, with justice, of the exceptionable manner in which they had been dealt with. He thought that the proposed duty upon cheques would be more than sufficient to compensate for the balance required by the Chancellor of the Exchequer, and it was far more just to impose a tax which would affect the general commerce of the country than to inflict on the Irish alone a fresh impost. The right hon. Gentleman had congratulated the House on the fact that illicit distillation in Ireland had not been increased by that increase of the duty—and, no doubt, it was true; but that was owing to more than usually favourable circumstances, and they might depend upon it, that if any distress became prevalent in Ireland, illicit distillation would revive; and it was a question whether the increase of duty on Irish whisky would not tend to depreciate the revenue, by increasing the incentive to illicit distillation, to say nothing of its injurious effect upon the morals of the country.

SIR HENRY WILLOUGHBY doubted whether his right hon. Friend had formed a correct estimate of the expenditure of the country. Excluding the Sinking Fund and Bonds, his right hon. Friend had estimated it at £63,600,000; but he did not understand that any allowance had been made for the charge for the Chinese war. At the beginning of the last year, the late Chancellor of the Exchequer estimated the expenditure at £65,474,000, but the actual expenditure turned out to be more than £70,300,000. In the army and navy alone there was an excess of nearly £3,000,000. Taking these facts into consideration, he doubted whether his right hon. Friend had taken a sufficient margin for the expenditure of the country. No doubt, a debt of some kind was running up with the East India Government. He should like to know whether his right hon. Friend could satisfy the Committee that there would be no charge from that quarter, and whether it was not probable that the charge for the army and naval services might run up three or four millions, as it

had done before. No doubt, it was not possible for any Chancellor of the Exchequer to estimate accurately for contingencies; but that very circumstance made it more necessary that the Committee should not rely too implicitly on the right hon. Gentleman's estimate of the expenditure for the year. He cordially approved of the course he proposed, with regard to the income tax; but, with reference to the fact of certain annuities ceasing in 1860, he wished to call the attention of the Government to the injustice with which that class of the public creditors had been treated up to this moment, for the holder of those annuities was paying seventeen times more taxes than the holder of a perpetual annuity. Whilst one annuity cost £33, a long annuity could be purchased for less than £2, and yet the same amount of duty was actually imposed in both cases. He wished, also, to know whether there were no outstanding debts which would have to be included in the expenditure of the present year.

Mr. DEASY said, that it seemed the House was called upon now to decide that a certain branch of Irish trade should be subjected to a considerable increase of taxation. He was under the apprehension that the estimate of the right hon. Gentleman, with respect to the revenue to be derived from such increase, would not be borne out by the result; and, moreover, he very much feared that the proposition in question would lead to increased illicit distillation in that country. He, therefore, hoped the right hon. Gentleman would allow some little time to elapse, that the subject might be fully considered before the Committee came to a decision upon it.

Sir GEORGE LEWIS:—In the lucid statement which the right hon. Gentleman has made to the Committee he has adverted principally to the finances of the current year, commencing in April last, but he also made some partial allusion to the finance of the preceding year. His statements, so far as they related to numerical facts, appeared to me to be strictly correct, and not requiring any remark on my part; but some observations which he made in the nature of comment upon the character of last year's expenditure I cannot allow to pass without observation. In arguing upon the question of a War Sinking Fund the right hon. Gentleman adverted to the expenditure of the last year, as proving that the operation of such a sinking fund was fallacious,—that there was a deficit of £2,000,000 upon the expenditure of last year, and that the payments for the liquidation of Exchequer bonds to the extent of £2,000,000 having been taken out of the balances of the preceding year could not be considered as a redemption of debt out of the revenues of the last year. Now, I wish to call the attention of the Committee to the payments which were made out of the revenue of the last year in the nature of the redemption of debt, beyond the £2,000,000 of Exchequer bonds. Out of the revenue of last year there were redeemed in the nature of debt £2,000,000 of Exchequer bonds; and there were also Exchequer bills paid off in money to the amount of £288,600. I am not able to state whether those bills have been reissued, but, so far as my knowledge extends, they have not; and therefore their payment would be a redemption of debt. There was also the war sinking fund of last year to the amount of £250,000; there was a sinking fund, under the operation of the Act of Parliament, of £77,862; and there was a payment of £1,125,206 for the redemption of Sound Dues, which was in the nature of the payment of debt, inasmuch as if it had not been defrayed from the revenues of the year the amount must have been borrowed. That amount, it must be remembered, was not included in the Estimates laid before the House at an early period of the Session. The total of these sums is £3,741,668, which was paid last year in the nature of the redemption of debt. The Committee will bear these facts in mind before they come to the conclusion that there was anything fallacious or deceptive in the redemption of debt last year. The amounts I have mentioned, however, were not the only sums paid last year out of the revenue, in addition to the estimate which I submitted to the House at the beginning of the Session. We paid, besides, £635,000 for the Persian expedition, £40,000 for the dowry of the Princess Royal; and there was a supplementary Vote of £500,000 for the militia. Now, all these charges, in addition to the Estimates I laid on the table at the commencement of the Session, were discharged from the revenue of the year, with the exception of £2,000,000 taken out of the balance of the preceding year. And I will state why I thought it a perfectly legitimate operation to diminish the balances to that extent. On the 31st of March, 1857, the balances in the Exchequer amounted to £8,668,000, sum which was unnecessarily

large. On the 31st of March this year the balances in the Exchequer amounted to £6,657,000, which, as the right hon. Gentleman has said with great truth and candour, must be considered a large sum to be retained in the Exchequer. But out of the revenue of last year many payments were made which were unexpected when the Estimate of Expenditure was submitted by me to the House, and which were rendered necessary by the Indian mutiny, and by the consequent increase of expenditure for the army and navy. When these facts are taken into consideration the Committee will, I think, come to the conclusion that there was nothing fallacious or deceptive in the operations for the redemption of debt last year. I shall not trouble the Committee at any length with regard to the plan of financial arrangements for the current year which has been submitted to them by the Chancellor of the Exchequer. I will merely state that I certainly concur with the right hon. Gentleman in thinking that there is a fundamental distinction between a deficiency of revenue caused by current expenditure, and such a deficiency caused by obligations created in former years for redemption of debt. I reserve my observations with regard to the War Sinking Fund of £1,500,000 until the right hon. Gentleman brings in his measure. I retain the opinion I formerly expressed that some arrangement of this nature is expedient to provide for the regular redemption of debt; for if we trust merely to the operation of the existing Sinking Fund Act where there is no obligation to create a surplus, there is no security for the regular reduction of debt; and if we are to redeem any considerable amount it is necessary to impose a distinct obligation for the redemption of a certain sum. When the Loan Act was passed it was impossible to foresee how long the war would continue, and therefore it was impossible to foresee when the Exchequer bonds would fall due to be paid. I fully admit that when we are called upon by law to redeem £2,000,000 of Exchequer bonds, and there is, at the same time, a heavy expenditure for military and naval purposes, it can scarcely be expected that we should impose fresh taxes to meet the war sinking fund of £1,500,000. The right hon. Gentleman has said, with regard to the Exchequer bonds, that he poposes simply to postpone them; but he must be aware that they do not admit of postponement. They fall due upon a certain day, and there is no provision for the payment of these bonds unless the right hon. Gentleman takes a Vote in Committee of Supply. What the right hon. Gentleman calls postponement is, therefore, in fact the creation of another loan. He can only pay off those Exchequer bonds by borrowing; and therefore, instead of postponement, the proposal of the right hon. Gentleman will lead to the incurring of another unfunded debt to the extent of £2,000,000 for a certain number of years. With respect to the equalization of the spirit duties in Ireland and Great Britain, I can quite confirm the accuracy of what some persons may regard as a paradoxical statement on the part of the Chancellor of the Exchequer,—that great incidental advantages will accrue to the Irish spirit manufacturers from the freedom of intercourse arising from the abolition of all fiscal restrictions between Ireland and Great Britain. Although it may no doubt be inconvenient to the Irish consumers to pay an additional duty upon spirits, the Irish spirit trade will derive great incidental benefit from the equalization of duties. It is a perfectly fair proposition which the right hon. Gentleman has laid before the Committee, and I trust that he will not consent to any application for a postponement of the Resolution, inasmuch as any delay in a matter of this sort would afford an opportunity for taking spirits out of bond, and thereby making a considerable diminution in the revenue which the Exchequer would receive during the present year. Therefore, if the Committee are to come to a conclusion upon the subject, I would strongly advise them to come to that conclusion to-night, without agreeing to defer the question till some future day. I would also take the present opportunity of impressing upon the right hon. Gentleman and the other Members of the Government, particularly those connected with Ireland, the great importance of watching the operation of the increased duty upon spirits, and of observing whether it leads to illicit distillation or not, because illicit distillation not only will defraud them of their revenue and neutralize the object which they have in view, but will be attended with demoralizing effects, creating lawless habits in the population, which I am satisfied Gentlemen acquainted with the state of some counties in the north and west of Ireland in former times will bear witness are far greater evils than could be compensated by a small increase of revenue. However, I am bound to say that, as far as my know-

ledge goes, the late increase of duty on spirits in Ireland has not hitherto been attended with an increase of illicit distillation, and I trust no such result will follow the proposition of the right hon. Gentleman. With respect of the penny duty upon cheques, I am not aware that any serious objection can be made to it, and I trust not only that the right hon. Gentleman will derive £300,000 from it, but that it may not turn out at the end of the year that his estimate of the revenue from Customs and Excise is somewhat higher than present circumstances would justly warrant.

Mr. FAGAN said, he was afraid that the revenue which would be derived from the increase of duty on Irish spirits would be considerably less than the Chancellor of the Exchequer seemed to anticipate. He regretted to state that at the present moment illicit distillation was going on in Ireland to a considerable extent. Unless he was misinformed, there was a decreased revenue last year arising from Irish spirits; and in the south of Ireland, particularly in Cork, spirits were now being sold at 3*d.* per gallon less than the ordinary market price, which was universally attributed to smuggling, on the one hand, and illicit distillation on the other. His opinion was, that instead of an increase of £500,000 arising from the increase of duty proposed by the right hon. Gentleman, the revenue would derive scarcely any advantage whatever. It was not his intention, however, to oppose the passing of the Resolution, although he was afraid that in its present shape it would impose the contemplated increase of duty upon spirits in the hands of dealers. He hoped, therefore, it would be altered so as to allow spirits already taken out of bond to escape. With respect to the penny duty upon cheques, he could not conceive how the Chancellor of the Exchequer, unless in the improbable event of the practice of drawing cheques for small amounts being continued after the imposition of the tax, could hope to derive from it so large a sum as he anticipated.

Mr. WHITESIDE said, he was not aware that illicit distillation was practised to any considerable extent in Ireland; and from the position which he now held in connection with the Government of that country, he would have heard of the facts if it were so. With respect to the propriety of making the change in the duty on Irish spirits proposed by the Chancellor of the Exchequer, he had heard that question discussed over and over again in Belfast, and the dealers there had always wondered that the Chancellor of the Exchequer had never seen the expediency of equalizing the duty on Irish spirits, appealing to the experience of Scotland in proof of the policy of the measure which they recommended. In a circular drawn up by writers who generally advocated the views of the hon. Member for Cork (Mr. Fagan), it was stated:—

"The present duty on spirits in England and Scotland is 8*s.* per gallon, while in Ireland it is 6*s.* 2*d.* per gallon. Taking the consumption at only that of last year, the effect of equalizing the rates would be to augment the revenue by £621,000 yearly; an amount more than sufficient to cover any deficiency likely to arise from reducing the tea duty to 1*s.* 4*d.* per lb. It is admitted on all hands that illicit distillation has not increased in Ireland, while the Exchequer has gained upwards of a million annually since 1852 by the change of duties."

He believed the statements contained in that extract fully justified the proposition of the Chancellor of the Exchequer; and that, so far from being unacceptable, it would be favourably regarded by the trade.

Mr. WILSON said, he quite concurred in the observations of the right hon. and learned Gentleman (Mr. Whiteside), that many of the Irish spirit dealers, so far from being adverse to an equalization of the duty, as was now proposed, were rather in favour of it. No further back than last autumn a deputation of spirit dealers and distillers waited upon him at the Treasury, and urged the equalization of the duty upon the Government for the reason already stated—that it would open to them the English market. But his object in rising was to warn the Chancellor of the Exchequer and the Committee against two disappointments which they might probably experience by the close of the present year. In the first place, the right hon. Gentleman had stated the Excise revenue last year at £17,825,000, being £825,000 more than the Estimate. It was right the Committee should know the causes which led to that large and unexpected increase. For three or four years there was a failure in the vine crops of France, which produced a large demand for spirits in Ireland and Scotland, causing a considerable temporary increase in price. The consequence was, that for two years successively the duty-paid stocks in the hands of dealers were much reduced; and last year, when the demand from abroad

fell off, the dealers began to replenish their stocks, and consequently the duty yielded a very large amount. But that increase of revenue arose, not from an increase of consumption, but from the renewal of duty-paid stocks, which, of course, was not likely to be repeated in the present year. The stocks, being once made up to their usual amount, would only be replenished according to the consumption of the year; and therefore he was afraid that the Chancellor of the Exchequer, in taking credit, not only for a continuance of the large and exceptional increase of last year, but also for an increase of £500,000 on Irish spirits alone, was proceeding upon calculations which might probably prove fallacious. His own opinion was, that unless some unforeseen events took place, the Excise duties in the present year would not yield more than during the past twelve months. Although, however, the revenue arising from Irish spirits might not show an increase over last year, that would not by any means form a conclusive argument against the equalization which the Chancellor of the Exchequer now proposed, inasmuch as from the circumstances he had stated the increase last year was only an apparent increase; or, at all events, did not arise from an increase of consumption. With respect to the penny duty upon cheques, he had opposed that proposition, for a very simple reason. The imposition of the penny stamp on cheques would yield at best but an inconsiderable amount of revenue, while it would have the effect of interfering most materially with that economy of capital which the banking system of this country produced. The practice was almost universal among small farmers and small traders to keep banking accounts and pay trifling sums by means of cheques; and the stock brokers of London and other places, who were remunerated by a small commission, conducted their transactions through the same useful medium. The gain that such a tax would bring to the public finances would be far outweighed by the inconvenience it would occasion to the trading community.

Mr. WARRE was anxious to draw the attention of the Chancellor of the Exchequer to the fact that while he assumed certain augmentations to the revenue from the Succession duty, the Committee had no opportunity of judging for itself upon that point; for since that duty had been imposed, Parliament had had no Return or other information as to what it produced. They had had Returns regarding the Probate duties, and he begged to suggest to the right hon. Gentleman the propriety of laying upon the table similar Returns respecting the Succession duty. He could not help observing that he thought the right hon. Gentleman's anticipations respecting the revenue from the Post Office somewhat over-sanguine.

Mr. M'MAHON said, he could not give a silent acquiescence to a proposition for so large an addition to the spirit duties in Ireland. At present the duty was 6*s.* 2*d.*, and the proposal before the Committee was in effect to raise it to 8*s.* As at present informed, he believed the Irish dealers generally would think the equalization an advantage; but he hoped the Chancellor of the Exchequer would not press the Resolution to-night. In Scotland, even with the greater duty that they paid, they manufactured 3,000,000 gallons of spirits a year more than was manufactured in Ireland; and Scotland imported to Ireland upwards of 1,000,000 gallons. This was a matter of great importance to his constituents. He thought that the increased duty ought not to be retrospective. He remembered that on the last occasion when the duty was raised, some of his constituents complained very much of their stocks being overhauled.

Mr. MALINS thought the House must have heard with great satisfaction the speech of his right hon. Friend the Chancellor of the Exchequer. On coming down to the House that evening, hon. Members were prepared to hear that there was a deficiency; perhaps they had scarcely expected to hear that it was so large as £4,000,000; but it now appeared that deficiency was rather formal than real, and that no less than £3,500,000 of it was due to the obligations for paying off debt. He thought his right hon. Friend had exercised the soundest discretion in postponing the payment of those great public debts to which he had referred, till he was in a situation to pay them out of revenue. He (Mr. Malins) was of opinion that that arrangement would be of great benefit to the nation. He thought that the House and the country would concur with his right hon. Friend in the propriety of not continuing the operations of the War Sinking Fund. But, above all, it was with intense satisfaction that he had heard his right hon. Friend announce his adherence to the pledge given by his right hon. Friend the Member for the University of Oxford

(Mr. Gladstone), when Chancellor of the Exchequer, and which amounted to a Parliamentary pledge, that, if possible, the income tax should cease in 1860. He (Mr. Malins) believed that every Member of that House had come down prepared to hear his right hon. Friend the Chancellor of the Exchequer announce his intention of continuing the income tax at 7*d.* in the pound. He (Mr. Malins) should not have been disappointed if he had heard that announcement; but certainly it would have deferred indefinitely the prospect held out to the country that the income tax should come to an end in 1860. An impost so detestable, both in principle and in practice, might be borne with cheerfulness in times of war and of critical emergency; but in periods of peace it ought not to be maintained as a permanent part of our financial system. As the case now stood, however, there was every prospect of the Parliamentary pledge of his right hon. Friend the Member for the University of Oxford being fulfilled. He (Mr. Malins) should nevertheless observe, that he shared in the apprehensions of the hon. Gentleman the Member for Devonport (Mr. Wilson) with respect to the success of the plan of having a penny stamp put upon cheques. He confessed he was afraid that that tax, small as it was, would have the effect of diminishing the freedom of commercial transactions. The proposal was one that deserved the most serious attention of the Committee. He should be glad to think there were no grounds for his apprehensions on this point, as his right hon. Friend had told them that this tax would bring in £300,000 a year; but, should it turn out inexpedient, he trusted his right hon. Friend would not think it beneath his dignity to yield to the opinions of the mercantile interest. Every other portion of his right hon. Friend's proposals had his cordial concurrence.

MR. P. O'BRIEN said, that as an Irish Member he must say he did not thank the Chancellor of the Exchequer—in that season of extreme difficulty, perhaps for himself—for having selected Ireland as the country to make good the existing deficiency in the Imperial treasury. Ireland could not expect much at the hands of the new Ministry if this was the mode in which they meant to inaugurate their policy towards her. He wished to know whether smuggling had not increased in the exact ratio of the increase in the spirit duty? He only rose to speak upon the Irish question, lest the House should be under the impression that the Irish Members were tacitly assenting to a gross financial wrong. He would make one remark on the right hon. Gentleman's statement, that possibly the increase of receipts from stamps in the last year was influenced by the system of bill discounting which led to the autumn panic.

MR. DODSON said, that the Chancellor of the Exchequer had descanted with considerable eloquence upon the evil of perpetuating a war tax in time of peace, but he begged to remind the hon. Gentleman that the Excise duty on hops had been in existence now ever since the Peninsular war, and was felt to be a heavy and an oppressive burden. The duty was levied not on the manufactured article, but on the raw material, and was therefore objectionable on every recognized principle. Moreover, the hop-grower had to pay the duty whether he sold his produce or not, and unless he were a capitalist and could hold on till better times, was often compelled to sell his produce to raise money to pay the heavy duties. Hops, too, could be used only for one purpose—namely, for the manufacture of beer. In this respect his case was not at all parallel to that of the maltster, because the latter had a certain amount of control over the supply of malt, which might be used for several other purposes besides the manufacture of beer. He (Mr. Dodson) confessed that he felt some disappointment at the right hon. Gentleman not having alluded to this question, especially as in 1852 he proposed a measure which, if it did not fully meet the justice of the case, was at least calculated to remove much of the pressure from the hop-grower. Under the particular circumstances of the revenue at the present moment, perhaps he could scarcely expect the right hon. Gentleman now to deal with the subject; still he could not help thinking that much disappointment would be experienced amongst the hop-growers at the almost contemptuous silence with which the right hon. Gentleman had passed over their case.

MR. BALL said, he believed that both hop-grower and maltster would be happy to receive relief from the heavy taxation which they now had to bear; but that was not the question at present immediately before the House. He thought that few Chancellors of the Exchequer had been privileged to make such an announcement to the House as that which had been made that evening by the right hon. Gentleman

—namely, that the principle of a gradually progressive and ultimately an entire abandonment of the property tax was to be observed in these arrangements. This was an announcement which he was sure would be received with the liveliest feelings of gratitude and satisfaction throughout the kingdom. With regard to the right hon. Gentleman's proposal for increasing the revenue by equalizing the spirit duties, he (Mr. Ball) would have been still more happy had the right hon. Gentleman considered it politic and wise to have made a slight addition to the spirit duties generally. By doing so, he believed that he might raise not only £500,000, but even double that amount; and, at the same time, greatly promote an improvement in the morals of the country at large. The increase which had taken place in the consumption of spirits was a monstrous evil, and the source of great crime; in short, he believed there was no one cause which brought so much misery upon the community as that. With regard to the proposed stamp tax, he was bound to say he did not anticipate that it would be very productive of revenue, but rather that it would be felt to be an inconvenience to have to put a stamp upon all cheques, and that the effect would be to neutralize and destroy the multitude of cheques which were now substituted for the circulating medium. The House could hardly be aware of the vast increase in the circulating medium which would be rendered necessary by putting an end to the present system of drawing cheques for small amounts. Throughout the country payments were now made of the smallest sums by this means; and one consequence of imposing a tax upon all cheques would probably be this, that instead of drawing cheques for £100 in perhaps twenty small sums, merchants would draw a single cheque for £100, and this would require an increase in the circulation of £100 in Bank of England notes. The plan would drive persons in the country to use a much greater amount of the circulating medium than was needed at present. Suppose another monetary crisis were to ensue—suppose gold were again to become scarce—how, he wished to know, would the business of the country, under such circumstances, be carried on? He was sure the plan would not be carried out; for as soon as the country was made aware of it there would be such representations made to the Chancellor of the Exchequer that it would be necessarily dropped. He was not at liberty to state what took place before a certain Committee upstairs, but it was no secret in any quarter that the total amount of business transactions done in cheques by certain bankers amounted to 90 per cent of their whole operations. The duty on cheques would have a tendency to destroy that system, and would increase the circulation of notes. He would have been much better pleased if the right hon. Gentleman had elected to raise his whole deficiency by an increased tax on spirits, and allowed the cheques to remain as they are.

Mr. GLYN expressed the satisfaction with which he had heard the statement of the right hon. Gentleman. With one exception, he had not only exercised a wise discretion in dealing with existing duties, but also in the mode in which he had dealt with the new taxation which he proposed. He (Mr. Glyn) was one of those who supported the late Chancellor of the Exchequer when he proposed his Loan Bill to meet the necessities of the late war, and he also supported his proposition for a sinking fund; but the thought never entered the mind of any individual who supported that measure that the means for carrying it out were to be provided by borrowing for the purpose. The one exception to which he referred was the proposal for the penny duty on cheques, and he would ask the right hon. Gentleman to give it his mature consideration before he proposed it formally to the Committee. It was no new question in the House of Commons; it had been considered by the right hon. Gentleman the Member for the University of Oxford (Mr. Gladstone), and by the right hon. Gentleman the Member for Radnor (Sir G. Lewis), while they held office. No doubt the imposition of a penny stamp on cheques was a very tempting thing. He had even heard some say that they would have a positive pleasure in putting an adhesive stamp to a cheque; but, without carrying that idea too far, it no doubt appeared to the Chancellor of the Exchequer a very pleasing and apparently very easy mode of raising a certain amount of revenue. But he would warn him that if he imposed this stamp duty on cheques, he would interfere with another source of revenue from stamps—namely, the receipt stamps. If persons had to affix a penny stamp to cheques they would dispense with the receipt stamp. But that was not the serious objection to this measure. He was quite certain that the right hon. Gentle-

man, if he persisted in the proposal which he had made, would find that all those who were really conversant with the subject—namely, the country bankers—entertained an apprehension that it would interfere most materially with the small circulation of the country. He thought the Committee were not aware of the immense and increasing importance of the use of cheques in the transaction of business throughout the country. In the small towns and in the agricultural districts the practice of keeping accounts with country bankers was now grown to be very common, and had increased in an enormous ratio—indeed, it would have been impossible with our circulating medium to have transacted the amount of business and to have done it with the same facility as was done now by means of cheques. The substitution for capital was the introduction of cheques. There was not a small farmer or trader in the country who did not now keep his account at a banker's, and the cheques for small sums which this class of men drew from time to time on their bankers, formed in fact a very large amount of the small circulation of each district. He was quite sure the right hon. Gentleman, if he imposed this stamp, would not find it would produce nearly the amount he anticipated—without taking account for the moment of the reduction it would effect in the receipt duty; and he would find that, besides the inconvenience, it would produce absolute loss and detriment to the country. He had no doubt that the day after to-morrow he would have representations enough on the subject from the City of London; but the loss they would suffer would not nearly approach that of those who lived in the country. And yet in the City of London it would be most severely felt by stock-brokers and persons of that class, with whom the number of cheques which were drawn daily was something enormous, amounting to thousands. But he would not dwell upon their case, as it was the small country towns that would suffer most by the measure, and he trusted the Chancellor of the Exchequer would give it serious reconsideration before pressing it upon the Committee.

MR. INGRAM said, he was greatly disappointed that the right hon. Gentleman had not proposed a repeal of the paper duty. Every statesman of any note, for the last dozen years, had expressed his opinion against this tax, and had voted against it. He would ask the right hon. Gentleman still to take the subject into consideration, and as a substitute he might propose a 6*d.* income tax instead of a 5*d.*; or he might devise some plan for preventing the legacy and succession duties being avoided wholesale, as they were at present, under the name of free gifts. To meet that case, he would propose that there should be levied a 1*d.* in the pound upon all the property in the country once every ten years. [*Laughter.*] Hon. Gentlemen need not laugh; he knew the proposition was sound—much sounder than the plan of a loan to pay off their obligations. He protested against this tax going on year after year, to the injury of trade. If cotton or calico had been taxed as paper was taxed, calico would never have become the great staple trade of the country. He hoped that in next year's Budget the paper duty would be repealed, which was a question not only of good faith, but of the education of the country.

MR. BAGWELL had very little to say to the first of the two propositions of taxation which the right hon. Gentleman proposed. Cheques were little used in Ireland; the transactions of the country were carried on in bank notes; so that the right hon. Gentleman would not get much of his new revenue from Ireland. But the other proposition was a more serious one, though, being an Irish question, he supposed its remission was past praying for. He did not object to any tax upon whisky, if it would decrease the consumption; but from his experience as a resident in Ireland and as a magistrate he believed it would do no such thing, but that it would send forth a quantity of deleterious and most execrable stuff upon the country. He believed also it would greatly increase illicit distillation, for the people saw no harm in illicit distillation as a question of morality—it was only wrong to be found out. If there was a good crop of next year's mountain oats, he believed the Attorney General for Ireland would find his duties much increased. The proposal might be advantageous for the great distillers, but he did not think it would be so for the country at large. He hoped Government might be able to find some other means of meeting the deficit than by taxing Ireland.

MR. BAXTER wished to confirm to the full extent the remarks of the Chancellor of the Exchequer as to the effect of the increase of the spirit duty in Scotland. It was feared that there would be an increase

of illicit distillation ; and the proposal to increase the duty had met with opposition from a great part of the people of Scotland. But at that moment there was no kind of opposition to the law as it stood ; and if Scotland were now polled, he believed they would not find a hundred men prepared to go back to the old system. He wished to express his satisfaction generally with the financial measures proposed by the Chancellor of the Exchequer. They were characterised by great soundness and discretion, considering the circumstances of the country, and he hoped they would receive the sanction of the House.

Mr. PULLER said, that in reference to the proposal to impose a penny stamp on all cheques, it was only a few days ago that a country banker had descanted to him at great length on the injustice inflicted by the exemption which the London bankers had hitherto enjoyed in this respect. Whereas the result of the existing system was, that the country bankers themselves were frequently obliged to put stamps on cheques to the amount of 100 or 200 every day. As to the argument that this proposition would discourage the use of cheques, it might be worth considering whether our circulating medium had not been too much contracted, and whether it was not in some degree owing to the over-expansion of our banking system that the commercial panic had pressed so heavily on the country.

Mr. STEUART said, that though he had come into Parliament pledged to obtain, if possible, a total abolition of the income tax, he should have been prepared, considering the circumstances of the last year, to support a proposition for arresting its temporary reduction from *7d.* to *5d.* Considering the large, extraordinary demands which had been made in the past year on the Exchequer, among which was £1,500,000 compensation for Sound Dues, he would not have been surprised if that increase of the income tax had been proposed: he was doubly glad, therefore, to find that the Chancellor of the Exchequer had not thought it necessary to sour the temper of the country by professing to put off the relief to which every one had been looking. He fully concurred with the hon. Member for Montrose (Mr. Baxter) in what he had said as to the effect of the increased spirit duty in Scotland ; and he could not see why Ireland should be considered so far behind the rest of the country as to require a different system. He was surprised to find Irish Members protesting against a measure for putting Ireland on an equality, with regard to the spirit duties, with England and Scotland. With respect to stamps on cheques, it had always seemed to him strange that persons residing fifteen miles from a town should pay for stamps on cheques, while persons living in town were entirely exempted from any such obligation ; nor could he conceive that so small a tax could lead to any diminution in the use of cheques. He hoped the excellent Budget which had been proposed would be accepted by the House. Since the Government came into office they had reduced the expenditure £800,000, and he had little doubt that in time, and with the peace policy now inaugurated, that further reductions would be made, and that they would in 1860 reach the desired consummation when the taxation of the country would be placed on a fair and equal footing.

Mr. GLADSTONE : Sir, I am glad to hear from the general tone of the discussion that the feeling of the Committee is favourable to the spirit of the proposals of the right hon. Gentleman the Chancellor of the Exchequer. As regards the proposal to place a penny stamp on all checks, I have no doubt it is one on which there will be a great difference of opinion. But the Chancellor of the Exchequer will receive both from London and the country information supplied by those most competent to give it, which will enlarge the means at present in his possession for forming an opinion on this point, and will enable him either to persevere in, or else to withdraw his proposal without any discredit ; for, of course, there could be no disgrace in withdrawing it if it were plainly shown to be contrary to the general convenience of the country. With respect to the equalization of the spirit duties, I certainly, for one, feel bound to tender my thanks to the right hon. Gentleman for the course which he has taken. I remember that on every occasion when an increase of these duties has been proposed we have heard dismal vaticinations from Gentlemen representing Irish constituencies to the effect that the only result would be an immediate increase in illicit distillation, and a total failure in the anticipated increase of revenue. I do not blame those who uttered these prophecies, because there was a time when they were uttered with perfect truth—in the year 1842. It will be remembered that in that year Sir Robert Peel proposed an increase of duties

to the amount of 1*s.* on Irish spirits, and from the belief which was entertained that it would stimulate illicit distillation that increase was given up in 1843. It is therefore natural that similar expectations should be entertained now. I myself was one of the first persons who, some ten years after that time, revived the proposal of an augmentation of these duties. I did so because I thought the time had arrived when, from the altered circumstances of Ireland, the evil which had formerly defeated the measure could be overcome. My success and that of my right hon. Friend opposite, the late Chancellor of the Exchequer, who also raised the duties on Irish spirits, proved that that expectation was not without foundation. It is quite time that we should go on in this direction, and remove what is decidedly a blot in our fiscal arrangements by the establishment of a uniform rate in all parts of the Empire. It is no doubt a practical question whether there is not a point of increase where we may run the risk of reviving illicit distillation; but on that point the Chancellor of the Exchequer has of course consulted the heads of the Revenue Department, and no persons are more competent to give him information on which to ground his judgment than they. I trust the time has come when the landlords of Ireland, acting upon more enlightened views than have sometimes prevailed in that country, are prepared to join themselves with the Government in setting their faces against illicit distillation; because it is very much upon their influence that the Government must mainly depend for success. I rejoice to say that in Scotland it has been to the co-operation of the landlords in discountenancing illicit distillation that the virtual extinction of that vicious demoralising practice is in a great degree owing. With regard to that larger portion of the deficiency which is connected with the discharge of debt, of course I cannot be expected to look with sanguine pleasure upon an arrangement the substance and pith of which are to postpone the obligation to discharge that debt. It would have been infinitely more gratifying to me to find that the Government were in the condition and the House in a disposition, to take some bolder and stronger measure on this point. But we must not expect more from the Government than can fairly be thought to be within their power. Looking at the present state of political affairs, to the division of parties in this House, and above all to the peculiar circumstances of the last year, and the mode in which this deficiency has been brought about, I do not feel that I have any right to complain of the proposal. There is one point which I am anxious to bring yet more clearly before the attention of the Committee. Much has been said to-night on the subject of the income tax. The right hon. Gentleman, if he had thought fit, might perhaps have induced the Committee to consent to some augmentation of the income tax, but he has on this occasion, as on former occasions, distinctly expressed his opinion and that of the Government that it is desirable not to disappoint the expectations of the country in this matter if we can possibly avoid it. I confess that I, for one, entirely concur in the views of the right hon. Gentleman; and I cannot but appreciate the disposition which the Government has shown to avoid pressing the request for an augmentation of the income tax at the present time—when the pressure has been very considerable, and the inducements to such a course very great—from the motive that they are unwilling to lead the country to believe that the reasonable expectations which have been formed of the extinction of the tax are to be disappointed. But, if those expectations are not to be disappointed—if they are reasonable in themselves—if, as appears to be the case from the discussion to-night, every Gentleman who sits in this House looks forward with eagerness and desire to the extinction of the income tax, let us not forget the one consideration which must press upon our minds as a matter of the greatest weight and importance, if, indeed, these expectations are ever to be practically realized. The real impediment to the extinction of the income tax does not consist in any change of circumstances that has occurred since 1853 in connection with the war. It is perfectly true that the war has made a permanent addition to your burdens of about £1,250,000 per annum; but no one will say that a change in the circumstances of the country to that extent is of itself sufficient to cause an abandonment of the expectations which the country has been taught to entertain with regard to the extinction of the income tax. The real difficulty which lies in the way of the extinction of the tax is the expenditure of the country. For three years before the war, ending in 1852, the expenditure of this country was between £50,000,000 and

£51,000,000 per annum. The mode of calculation now is different, because since that time we have thrown into the estimate the cost of collection, and probably, if we add that cost, the expenditure of the country should then be stated at £54,000,000 or £55,000,000 per annum. But what is the expenditure of the country now, as it has been stated by the right hon. Gentleman to-night? Though he and his Colleagues, much to their credit, have endeavoured to effect some reduction in the Estimates for the year, yet, notwithstanding this, and apart from all charges connected with the reduction of the debt, I understood him to say that £63,600,000 is the regular ordinary expenditure for the year. If we have made an augmentation in the permanent expenditure of the country amounting to £8,000,000 or £9,000,000 a year, of which only £1,250,000 is connected with the permanent annual charge entailed by the war, then it follows that we have added £7,000,000 or £8,000,000 a year, apart entirely from war obligations. And if there is such an addition to our expenditure, it needs no wizard to discern where we are to seek for the causes which may prevent the non-extinction of the income tax. An hon. Member (Mr. Ingram), I think, very naturally cries out for the abolition of the paper duty; another Gentleman, with whom I do not so warmly sympathize, calls for the extinction of the hop duty; and another speaks in a most touching manner of the advantages to be derived from the abolition of the malt tax. Some of the proposals thus made may be unreasonable, and some of them may be, and are, very reasonable; but at this time, owing to the state of our expenditure, we are not only precluded from the process of a reduction of debt, but precluded from carrying forward those beneficial changes in our commercial system of which some yet remain to be accomplished, and which have proved of such enormous benefit and advantage to all classes. At this moment it would be unreasonable to make large demands on the Government in this direction. The right hon. Gentleman says, and says truly, that the reduction of expenditure, if it is to be effected wisely and safely, must be done deliberately. It is but fair that the Government should have the leisure of a recess, in order to enable it to deal satisfactorily with a subject of that magnitude; but let us bring it fully and clearly before our own minds, and more than ever now, when we are repeating what we have before said on the extinction of the income tax, that if we mean to extinguish that tax we must review the whole expenditure of the country. The circumstances of the country, I hope, may be favourable for it, when the right hon. Gentleman and his colleagues can address their minds to the consideration of the subject; and I trust that when the Government meet Parliament in another Session we shall find that we are not only disposed to recognize in words our obligations to the country on the subject of the income tax, but that we have the prospect of keeping the scale of our national expenditure down to such dimensions as will give a practical character to our expectations, and enable us to cherish the reasonable hope of being able to confer upon the country, at an early date, an actual and positive realization of their wishes.

MR. SLANEY said, he supposed that this might be looked upon as the first step to the extinction of the income tax, and if the right hon. Gentleman could get rid of it without imposing any fresh taxes he should be most happy to see it abolished: but if new taxes were to be imposed which would fall upon the shoulders of the humbler classes, it would be the greatest possible hardship and injustice. At present the income tax was a payment made by the rich, the great, and the oppulent; but if fresh taxes were put upon articles of consumption they would fall upon those who were really not able to afford them. If they could take off the income tax without putting more taxes on the poor, he, for one, should heartily rejoice; but he should protest against taking it off in order to put it upon the humbler classes, whose consumption of taxable articles was comparatively larger than that of the more oppulent classes. He congratulated the right hon. Gentleman the Chancellor of the Exchequer on his able statement, and he gave a hearty concurrence to all his propositions on the conditions he had just stated.

MR. NEWDEGATE said, he was very glad to find that the pressure of the income tax was to be mitigated. He was firmly convinced that the people of this country would never be satisfied until that odious impost was removed, and he believed that the most popular portion of the statement which the right hon. Gentleman the Chancellor of the Exchequer had made that evening, would be that which showed that

Her Majesty's Government meant to keep faith with the country by providing for the extinction of the tax. He did not think they were called upon to enter at that moment into the question of what was the best substitute for that tax which it would be possible to devise. That was a wide subject, and one which might well engage the attention of Her Majesty's Government and of Parliament before they met for another Session. He believed himself that there were many means of supplying the deficiency which the abolition of that tax would occasion. But he would not then attempt to discuss that subject; he had risen for one purpose and one purpose only; and that was to express his sincere obligation to Her Majesty's Government for having presented upon that occasion a scheme which, although it might be no striking financial feat, entitled them to the great and real honour of having wisely estimated the condition and the wants of the country. He was convinced that among practical men, among men of business, the proposals of the right hon. Gentleman the Chancellor of the Exchequer would be received as a well-considered scheme for carrying on the financial affairs of the country at a period of considerable difficulty, and would be accepted with frankness and even with gratitude.

Mr. CARDWELL said, he was one of those who originally objected to the creation of the War Sinking Fund, and therefore he was not at all surprised that on this, the first occasion on which a large sum was called for upon its account, it should be the wish of the House to abandon that scheme. With regard to the other part of the debt, he could not help offering to the right hon. Gentleman one observation, which, however, in the present temper of the House, he did not anticipate would meet with general acceptance. Concurring with the view of the right hon. Gentleman that it was desirable to secure the abandonment of the income tax and the period fixed for its execution, he looked with some apprehension at the particular period which had been fixed for the payment of the £2,000,000 bonds which formed part of the subject of this discussion. These bonds were originally issued for the purpose of anticipating half a year's produce of the war income tax; and, therefore, if they were to be liquidated by taxation—which was the proper course—it was out of the income tax that they ought to be paid off; and if it were not done before the extinction of that tax he did not see how they were to be liquidated at all. If he correctly understood the arrangement of the right hon. Gentleman, it was that these £2,000,000 were to be reborrowed in the current year, a year in which the declining income tax was still at an amount larger than that at which it would stand in any future year; but their repayment was to be thrown upon the years 1862 and 1863. Now, if we could not afford to repay them at present, what would be our position for their repayment at that time? No doubt, as compared with the present year, there would be a gain of, in round numbers, £3,000,000, because there would be the falling in of the long annuities, amounting to £2,000,000, and the produce of the additional taxation now proposed by the right hon. Gentleman, amounting to another million. On the other side, however, the income tax would have entirely ceased. That amounted to no more than £6,000,000; and, therefore, in three years we should be in a worse position by £3,000,000 than we were at present. Yet it was part of this arrangement to postpone the debt from the present year for the purpose of throwing it upon those which would be comparatively less able to bear the burden. The increase of the duty upon spirits was a proposal which, he thought, almost every Member of the House would support; and he must do their Irish friends the justice to say that they had only given to it that qualified opposition which was naturally to be expected from the representatives of those whose interests were particularly affected. The stamp duty upon cheques, everybody must agree, was very inviting to a Chancellor of the Exchequer. It looked a very small tax, and the receipt stamp had been so successful that he was not surprised that this proposal should have been made. At the same time he anticipated that there would be considerable oppostion to it, and he, for one, should not be surprised if it never passed into a law. Upon the whole, he was very glad that he could generally concur in the proposals of the right hon. Gentleman; but if he thought that his views would have any influence in the matter, he should have recommended the bolder course of taking the additional 2*d.* upon the income tax for one year, which would have furnished £2,000,000 for the liquidation of the Exchequer bonds. That would have been the more straightforward course, and would have avoided throwing

the debt from a year in which we were comparatively well able upon others in which we should be comparatively unable to bear it, and would, he believed, have rendered much more certain the final termination of the income tax at the period at which it was proposed that it should become extinct.

Mr. BASS said, that like the right hon. Gentleman who had just spoken, he did not entertain any sanguine expectations that the proposed arrangement would issue in the termination of the income tax in 1860. Moreover, he thought a well-regulated income tax was one of the least objectionable taxes that could be imposed, and he should be very sorry to see it entirely removed from our system of taxation. As regarded the stamp on cheques, it seemed to him that the hon. Member for Kendal (Mr. Glyn) had looked only at one side of the question, in saying that the taxpayer would be relieved from the payment of the receipt tax ; he had overlooked the fact that the tax on a cheque would be paid by the drawer, while the receipt tax would be paid by the receiver ; and it was not to be supposed that the payer would be satisfied with a receipt which consisted only of the placing of a stamp on a cheque. There were other grounds on which a tax on cheques seemed to him unobjectionable. That morning before leaving Staffordshire, he drew a cheque on London for £2 12*s.* on which there was a penny stamp ; whereas if he were to draw a cheque to-morrow for £2,000, he would not have to pay one farthing. He could not see why there should be this distinction. On the whole, he thought there was no part of the Budget which was less liable to objection than the proposal that there should be a stamp on cheques.

Mr. W. WILLIAMS said, he had no fault to find with the statement of the right hon. Gentleman ; but he could not help calling the attention of the Government to the marked increase of the expenditure of the present year as compared with that of 1852-53, when the Earl of Derby last held office. The Chancellor of the Exchequer had told them that night that the estimated amount of expenditure for 1858-59 was £63,600,000, whereas in the year to which he had called attention it was only £50,770,000, being a difference of £12,800,000; and deducting interest upon the debt occasioned by the late war, he found an increase of ordinary expenditure of £7,600,000. He was sorry that the right hon. Gentleman had not provided for the payment of £2,000,000 Exchequer bonds and the extinction of £1,500,000 debt at the close of the war. He considered that it was not only objectionable, but most unjustifiable to increase the public debt of the country in time of peace. The amount of the national debt was now £807,000,000, and yet the right hon. Gentleman proposed to increase it. It might enable the right hon. Gentleman to get easily through the year, but for his part, he should feel inclined to submit to almost any kind of tax rather than to increase that debt. If the right hon. Gentleman had proposed a tax on real property sufficient to cover the debts on the Exchequer bonds he should have cordially supported the proposition. As it was, he did not think that less objectionable taxes could have been proposed than those which the right hon. Gentleman had submitted to the House, and to that extent he cordially approved of the scheme. He was astonished to hear so much objection made to the proposed penny stamp on cheques. Even if it were a real pressure it would fall only on those who could well afford to pay it, and he hoped the right hon. Gentleman would persevere with it. He congratulated the right hon. Gentleman on having been so successful in devising the ways and means necessary for the service of the year.

Sir FRANCIS BARING said, that the great merit of the right hon. Gentleman's Budget was that he admitted that—he would not say the contract, because there might be some objection to that term—but that the expectations which had been held out to the public that the income tax, as a permanent tax, was ultimately to be removed, were valid as concerned the great party of which he was the leader in that House. That was the great advantage which the right hon. Gentleman proposed, —an advantage so great that he (Sir F. Baring) would have been prepared to support the imposition of taxes of a much more objectionable nature than those which he had suggested in order to carry out that arrangement. The right hon. Gentleman the Member for Oxford (Mr. Cardwell) thought it would have been better to continue the 2*d.* additional income tax for a year in order to pay off the Exchequer bonds, and he (Sir F. Baring) was quite prepared to say that, financially, that might have been the better arrangement ; but it would have been an arrangement that would not have effected the object

which the Chancellor of the Exchequer had in view, because unfortunately the financial pledges of that House were not always adhered to, and there would have been a great insecurity in the public mind as to the fulfilment of that respecting the income tax. If the right hon. Gentleman, who had expressed a very strong opinion upon that subject while upon one side of the House, had immediately after he had taken his seat on the other side proposed the continuance of the 2*d.* income tax, an impression would have arisen in the public mind that it was never intended to carry out the promise that had been made with respect to that tax. Therefore, although financially the right hon. Member for Oxford was right, yet the course proposed by the Chancellor of the Exchequer was preferable, as tending to keep faith with the nation. The hon. Member for Lambeth (Mr. Williams) had spoken of economy. That was not the time to discuss the extent of expenditure nor the nature of the Estimates; and what had been said by the right hon. Member for Oxford University was quite true—it could not be expected that a Government just coming into office should go particularly through the Estimates of their predecessors so as to propose any very large reductions of expenditure. The Government must to some extent adopt the Estimates of their predecessors, and be allowed an opportunity of looking into the expenditure. But at the same time he quite concurred in the observation of the right hon. Member for the University (Mr. Gladstone) that it was to a reduction of expenditure alone they must look for a solution of the question whether the income-tax should be completely abolished or no. Budgets might do a good deal, but the only real hope of the removal of the income tax lay in a careful scrutiny of the public expenditure. He had himself always held the opinion that perfect efficiency was consistent with economy, and that the measure of efficiency in the public service was not the amount of money expended. But if our expenditure was to be continued at the present amount, though the budget might have been prepared in perfect good faith, he could hardly believe that the expectations of the right hon. Gentleman would be justified, or that in 1860 we should be nearer to the extinction of the income tax than we were at present.

Lord JOHN RUSSELL: I shall not long detain the Committee, but I cannot help adverting to one or two observations that have been made, especially by the right hon. Member for Oxford City (Mr. Cardwell). I confess, too, I cannot agree with the hon. Member for Lambeth (Mr. Williams) that this is a time in which the Government could have reduced the expenditure below the amount now proposed for the service of the year. Considering the revolt in India, and the state of affairs generally, I think the expenditure is reduced as much as it is possible it could be reduced, under the circumstances. There is one step, indeed, which the Government have taken—no doubt adopting the intentions of their predecessors—that causes me regret: I mean the disembodiment of the militia. I believe that which was called into active service by the Government, last year, to be a most effective force; and I therefore regret it is now to be disbanded. As to the manner in which the right hon. Gentleman proposes to meet the expenditure of the year—with respect to his equalization of the spirit duties, that seems to me to be a very wise measure; and I think Irish Members, although bound to object, still felt the force of his observations upon that subject, I agree with him that the Irish distillers will derive great benefit from the intercourse which will arise from opening the market between England and Ireland. As to the stamp upon cheques, more consideration is required, but I do not think they will create such embarrassment as has been supposed. There may, however, be objections of detail which are not yet apparent. There is one thing in which I agree with the right hon. Member for Oxford (Mr. Cardwell). Of course I do not mean to say in what manner the money should be raised to pay off the Exchequer bonds or to continue the Sinking Fund—that is especially a difficulty for the Chancellor of the Exchequer; but I own, without at all maintaining the wisdom of establishing the Sinking Fund, I think it would have been a good example if this country had been called upon to pay off, in this year, some of the debt incurred by the last war. My right hon. Friend has said that these £2,000,000 Exchequer bonds were to pay off a debt incurred before the taxes were imposed in the first year of the war. It has always appeared to me that when a country enters into war—and the doctrine is applicable to this as much as to any other country—it is a great temptation to be able to raise £30,000,000 or £40,000,000 at once; and if only the

interest of that sum is charged upon the present generation, it will willingly accept that burden and leave the greater one to posterity. It appears to me that we are under an obligation to pay something beyond the interest during the present year, and the plan of the right hon. Gentleman does away with that obligation. The nation acquiesced in that war, and, if we had paid off a part of our debt, we should have shown our opinion of the necessity of the war, and that we were willing to bear our burden on account of it; but when we come to 1863, the Chancellor of the Exchequer of that day will naturally say, "This is not an obligation incurred by us; we may as well leave it to posterity, and put it in the great mass of debt; let it be a part of the National Debt—we will provide for the interest, and that is the extent of our obligation." I certainly do regret that we are about to repudiate that obligation, as I think it would have shown a good example to the next generation if we had proved our readiness to meet our liabilities on account of the war we ourselves had waged. We are now paying, as the right hon. Gentleman just observed, £28,000,000 a year for the debts incurrred by our ancestors. Our ancestors found it a very convenient thing to raise loans on any terms, and to leave to us the obligation of repayment; and we have found how hard it is to meet the obligations we have inherited. I am sorry the right hon. Gentleman has not thought proper to teach the present generation a better lesson.

Mr. WHITE said, the Chancellor of the Exchequer had referred to China, in order to explain a possible expenditure; but he (Mr. White) thought the right hon. Gentleman might be perfectly tranquil on that score, as the costs of the late war were paid with the utmost facility by China, to the extent of 21,000,000 dollars; and so, upon the present occasion, if those now representing this country in China knew their position, they would be enabled to make proper arrangements for trade which would insure us against any ultimate loss on that account. All moneys which the China war had cost, or might cost, should be regarded in the light of money lent rather than as money spent, because the expansion of trade which would follow, upon judicious arrangements, would more than repay to the Imperial revenue any indemnification which might be exacted from them for the cost of the war.

Lord John Russell

The CHANCELLOR of the EXCHEQUER: Sir, I must thank the House for the courteous and candid manner in which it has received the propositions which, on the part of the Government, I have had the honour of submitting. The position in which we found ourselves was one of great difficulty, as every hon. Gentleman who has addressed you has recognised, and one in which it would have been impossible for us to have dealt with these matters had we not trusted to the indulgence of the Committee. The right hon. Member for Oxford (Mr. Cardwell) has expressed a wish, in which, financially, I quite sympathize, that we had been able to pay off the £2,000,000 Exchequer bonds; but the right hon. Member for Portsmouth (Sir F. Baring) has replied so well to that wish, and has so completely expressed my views on that subject, that I need not dwell upon that point. We had to consider whether it was a matter of high policy or not that we should announce to the country that what it believed to be the compact of 1853—and which, at all events, we knew was a serious engagement—should be carried into effect or not—whether we should show to the House that the spirit of this great arrangement should be observed. It seemed to us, after mature deliberation upon the course which we had resolved upon, that it should be dealt with in a manner that should not lead on the part of the nation to any suspicion—that the country should not imagine that what we proposed was only for the moment and for the occasion—that it was only to be a semblance of fidelity, and not the fact. It appeared, therefore, to us best, when at this time by the action of law the income tax descended, not only to leave that alone, but to make an arrangement with respect to the Exchequer bonds which should prevent the inference being drawn that we were preparing for 1860, impediments which would render the sincere carrying into effect of our policy impossible. I cannot share the apprehensions which were expressed by the right hon. Gentleman (Mr. Cardwell) upon that head; for although the income tax in 1860 may have ceased—as I hope it will—I cannot believe that the country will not be able to meet the claim of £1,000,000 a year for two years. Has the right hon. Gentleman no confidence in the progressive prosperity and the increasing resources of the country? Does he suppose that four or five years are to pass over our heads,

and that our resources will not so increase, unless we are visited with some great calamity—such as a war or a famine—that we shall be enabled to meet such a demand with facility? Has he no confidence in increased revenue, in increased retrenchment, and in that Sycee silver which was promised by the hon. Member for Plymouth? I, Sir, have confidence that these bonds will be met by the revenue of the year, that they will never be funded, and that they never will become a part of the permanent debt of the country; and I have the greater confidence, because I believe that there will be a ready disposition on the part of the nation to support sound financial views if they find that in this great matter Parliament has kept faith with them. It will be necessary to have a Vote of a Committee in Supply for the purpose of those bonds, and I have prepared a Resolution which I propose to move to-night. That must be followed by a Committee of Ways and Means on Wednesday, and I trust that the House will not object to our taking that course. I have listened to all that has been urged with regard to the two new taxes which I have proposed; and, with respect to the first of them, I must say that I think that the general expression of feeling on the part of the Irish Members appears to be genuine and good-natured — for I cannot believe the opposition which they have shown arises from anything more than a desire to exhibit that power of speech and eloquence which characterizes them, and in which I candidly confess they excel both Englishmen and Scotchmen. I am sure that they will find on reflection, however, that the measure is really calculated for the benefit of their country. One hon. Gentleman, I must confess, alarmed me. He reminded me of a deputation which waited on me a few weeks ago, and said that the policy which I was pursuing would open the door to smuggling. I have no wish to say a word in disparagement of the revenue police of Ireland, but with the utmost respect for that late force I think the system now existing is preferable and more efficient, and I have no apprehension, with the aid of the constabulary, to whom will be confided the duties of the late revenue police of Ireland, that smuggling will increase. The right hon. Gentleman the Member for the University of Oxford did me the justice to suppose that I would not take the responsibility of introducing this proposition to Parliament had I not, after careful research, satisfied myself that there was no probability of there being any recurrence to illicit distillation in Ireland. We have three times since 1853, I think, raised the duty upon Irish spirits — the aggregate of those amounts being greater than the change which I now propose—and illicit distillation has not been heard of. I do not ascribe that especially to the constabulary force; I ask, is there no change in Ireland? Is not there a higher tone, a greater sense of duty and love of order in Ireland; and is it not true that things that were done twenty-five years ago in that country no man would think of doing at the present time? Not merely because the moral sense of the country is higher, but its material prosperity has also improved. Ireland has risen. She stands much higher, both in the material and the moral scale, and I am satisfied that the result of this change will, when it is understood, receive the approbation of the Irish people. It is not in my power to consent to postponing the Resolution on the subject, but the hon. Member for Cork (Mr. Deasey) will lose nothing by that, because he is not bound by the Resolution being passed; but the interests of the revenue require that the moment such a Resolution is proposed it should be passed. It must appear hereafter in the shape of a Bill, and he will have every Parliamentary opportunity of discussing it; but I trust that we shall hear no more of opposition, and that the Irish Members generally will give it a generous support. With respect to the stamp upon cheques, which has been objected to by several hon. Members experienced in banking, I must inform the hon. Member for Kendal (Mr. Glyn) who seems to think that Chancellors of the Exchequer bring forward measures without giving them the least previous consideration, that I have endeavoured to make myself master of all the objections that can be urged to that proposition. They have been urged before in this House, and nevertheless a Resolution sanctioning a similar measure has been passed. No doubt I shall hear many complaints and there will be many letters and deputations with respect to it. All that I am prepared for; but is it possible to propose any addition to taxation without undergoing that ordeal? The question is—Is it just and will it be beneficial? As to its justice, I propose to do that which is the first principle of legislation in finance —I propose to put an end to an exemption.

As to the result of the measure, all that I can say is, "try it." When it is necessary to raise revenue, and a measure is proposed which is just in its principle, I think that the best way of settling all disputes as to the result is to try it. So much with respect to the two new taxes which I propose; but there have been some miscellaneous observations and appeals made to myself in the course of the discussion which it would be a want of courtesy not to notice. The hon. Member for Ripon (Mr. Warre) has declared that there is considerable mystery connected with what accrues from the succession duty, and he asked if I would object to lay a return before the House of what has been obtained from that source. The hon. Member, however, will find all the information that he requires in the annual financial accounts. There is no mystery about the matter, and on the table or in the library he will find every information upon the subject, from the time when the tax was first imposed. The same hon. Gentleman has great doubts of the accuracy of my Estimate respecting the returns from the Post Office. Now, that was a subject on which I did not presume to exercise any discretion. It is a department on which it was impossible for me to form any opinion, and I entirely depended, therefore, upon a gentleman who has the management of that department, and who, for thorough knowledge of the subject and for general intelligence, is scarcely equalled in the country. If the hon. Gentleman were to hear the manner in which that gentleman explains the apparent defalcation this year, and calculates upon the sum of £3,200,000, which is the sum that I have fixed on, for next year, I am sure that he would feel that I was justified in adopting that amount. The hon. Member for East Sussex (Mr. Dodson) has made an attack upon me for the contemptuous manner, as he said, in which I had treated the hop planters.

Mr. DODSON was understood to explain that what he had said was that his constituents would not think that justice had been done to them by omitting to deal with the hop duties.

The CHANCELLOR of the EXCHEQUER: Well, to be accused of not doing justice is certainly not a compliment. If that be the impression of the constituents whom the hon. Gentleman represents I submit it is not a just one. I ask how could I, with a balance-sheet such as I had to submit to the Committee, enter into the question of the hop duties or of any other duties to be repealed? What encouragement have I to deal with the hop duties? I once attempted to do so and I was unsuccessful. Since then I have received what I may call a "monster deputation," which included almost every hop-planter in Kent and Sussex. I received them, of course with great pleasure, and felt highly honoured by their visit; but the primary and cardinal point of their arguments was that no remission of the hop duty short of its total repeal was for a moment to be attempted. Under those circumstances I could hardly suppose that the hon. Member for Sussex could have contemplated that I could hold out to him or to his constituents any expectation of being able to afford them that relief which they sought; and I may add that I have too much confidence in the courtesy of those gentlemen of Kent and Sussex who waited upon me on the occasion to which I have referred to believe for a moment that they could fancy I was disposed to treat their claims with contemptuous silence. That the interest they represent is depressed at this moment I entertain no doubt; but unfortunately there are many such classes and districts throughout the country, and I cannot help thinking that with a deficit of £4,000,000 before us it is a somewhat unreasonable proposition to make that I should entirely repeal the hop duties — because nothing short of their total abolition will, I am informed, meet the difficulties of the question. Now, the hon. Member for Devonport (Mr. Wilson) has commented upon the statement which I made this evening; and has stated that he does not feel much confidence in my estimates with reference to the Customs, and still less with respect to those which I have made in the case of the Excise. He seems to be of opinion that there has been an extraordinary addition to the Excise revenue during the past year in the shape of spirit duties, for which I ought not to take credit in framing the Estimates for 1858-9. Now, under the head of Excise for the year which has just elapsed appears an amount which may be called extraordinary; but I doubt whether the hon. Gentleman was correct in attributing the existence of that amount entirely, or even mainly, to the duties upon spirits. For my part, I believe it arose from the malt duties to an extent upon which we cannot now calculate; but, be that as it may, I

altogether differ from the hon. Gentleman as to the principle upon which the Estimates ought to be framed. I think, indeed, that, in order to illustrate the financial position of the country, it is essential to call the attention of the House to some particulars connected with the various branches of our revenue for the year which may have just expired; but I must, at the same time, maintain that the only sound course to pursue in dealing with departments such as the Customs and the Excise is to frame your estimates in accordance with that which you believe will be the probable consumption for the year for which you are about to provide. You must not argue in this crude manner that, because last year £18,000,000 were obtained from a particular source, you would be justified in estimating the revenue from that source for the next year at £18,200,000. Upon the contrary, you must take article by article, and frame your estimates upon the probable consumption of that article within the year for which it is your object to make provision. I cannot, therefore, concur with the hon. Gentleman in the opinion that extraordinary and eccentric circumstances, such as those to which he has called the attention of the Committee, ought to exercise any influence upon the shape which the Estimates ought to assume. The same observation applies equally to the Customs, where I am told that there was an extraordinary payment for tea which ought not to have come into this year's accounts. Again, I say that my estimate is framed on the probable consumption of this year, which I have taken on the opinion of men of the first experience, and who arrive at their conclusions with the greatest discretion and caution. I, of course, am in no respect disposed to shrink from taking upon myself the responsibility of having framed the Estimates which I have laid before the Committee. Upon the contrary, I to the fullest extent accept and embrace them; but I may add, that I have been empowered to state upon the authority of those gentlemen upon whose knowledge and experience I and every gentleman who holds the position which I have the honour to occupy must place the utmost dependence—that there is not a figure which I have submitted to the Committee which has not their fullest sanction. I have had documents containing a general view of the state of the country, its trade and manufactures, sent to me by persons who hold influential, but still subordinate, positions to those eminent gentlemen to whom I allude, and who take a much more sanguine view in reference to the Customs than I have thought I should be justified in taking as the basis of the calculation which I have made. My object has been to lay before the Committee estimates which I conceive to be fair, temperate, and cautious. I have the utmost confidence in the progressive prosperity of the country. I do not look forward to any sudden or violent change in that respect; but I anticipate that steady and gradual improvement will continue to take place which, if no calamity should befall us, will, with the blessing of Divine Providence, cause our resources next year to assume a most satisfactory aspect. It remains for me only to thank the Committee once more for the indulgence which it has extended towards me this evening, an indulgence which I can assure them I deeply feel.

SIR HENRY WILLOUGHBY asked what change the right hon. Gentleman proposed to make in reference to Exchequer bills?

THE CHANCELLOR OF THE EXCHEQUER: It is my intention, when the state of public business permits, to bring under the notice of the House the whole subject of the account and appropriation of the public money, and I shall then state what are the measures which we propose to bring forward upon the subject generally, and what the course is which we recommend to be taken in the case of Exchequer bills.

1. *Resolved*, That, towards raising the Supply granted to Her Majesty, there shall be charged and paid the following additional Duty of Excise, (that is to say):—

For and upon every Gallon of Spirits of the strength of Hydrometer Proof which, on or after the 19th day of April, 1858, shall be distilled in Ireland, or be in the stock, custody, or possession of any Distiller in Ireland, or of any person in trust for him, or for his use, benefit, or account, or which having been distilled in England, Scotland, or Ireland, shall, on or after the said day, be in warehouse in Ireland, and be taken out of warehouse for consumption in Ireland, or which having been taken out of warehouse in England or Scotland for removal to Ireland, shall, on or after the said day, be brought into Ireland, the additional Duty of One Shilling and Ten Pence, and so in proportion for any greater or less degree of strength, or any greater or less quantity.

2. *Resolved*, That, towards raising the Supply granted to Her Majesty, there shall be charged and paid, on and after the 19th day of April, 1858, in lieu of the Countervailing Dues now chargeable under any Act or Acts in force, on Spirits of the nature or quality of British Spirits, manufactured or distilled in the Islands of Guern-

sey, Jersey, Alderney, and Sark respectively, and imported from any of the said Islands into Ireland, the following Countervailing Duty (that is to say):

For and upon every gallon of such last mentioned Spirits of the strength of Hydrometer Proof, imported into Ireland, the sum of Nine Shillings, and so in proportion for any greater or less degree of strength, or any greater or less quantity.

3. *Resolved*, That no Drawback of Excise shall be allowed or paid for or upon any Made Wines which, on or after the 19th day of April, 1858, shall be removed from England or Scotland to Ireland.

4. *Resolved*, That, towards raising the Supply granted to Her Majesty, the following Duties of Customs shall be charged, on and after the 19th day of April, 1858, on the articles undermentioned, on their importation into Ireland, in lieu of the Duties now payable thereon—namely:—

	s.	*d.*
Spirits, ——— not being sweetened or mixed with any article so that the degree of strength thereof cannot be ascertained by Sykes's Hydrometer; for every Gallon of the strength of proof by such Hydrometer, and so in proportion for any greater or less strength than the strength of proof, and for any greater or less quantity than a gallon, of and from a British Possession in America or the Island of Mauritius, and Rum of and from any British Possession within the limits of the East India Company's Charter, in regard to which the conditions of the Act 4 *Vict.* c. 8, have or shall have been fulfilled . . . . . the Gallon	8	2
——— Rum Shrub, Cordials, and Liquors of and from a British Possession in America, or the Island of Mauritius, or a British Possession within the limits of the East India Company's Charter, qualified as aforesaid . . the Gallon	8	2

5. *Resolved*, That it is expedient to amend the Laws relating to the Duties of Excise and Stamps.

6. *Resolved*, That, towards making good the Supply granted to Her Majesty, the Sum of £20,911,500 be raised by Exchequer Bills for the service of the year 1858.

Resolutions to be reported *To-morrow*; Committee to sit again on *Wednesday*.

Resolutions *agreed to*; House resumed.

On Motion that the House resolve itself into Committee of Supply,

THE RECALL OF LORD HOWDEN.

SIR DE LACY EVANS rose to call the attention of the House to the recall of Lord Howden, from the office he has held as our Minister at Madrid. The subject was one in which he took a great interest, having been engaged in two of the wars which had taken place in Spain; but he was actuated by no motives of a personal character, but solely by considerations bearing upon the general policy of this country in her relations with the Spanish Government. However difficult were the circumstances of Spain at the present moment—and undoubtedly they were so—there was no country in Europe which had made such rapid advances during the last fifteen or twenty years in all that constituted social and material improvement. He would remind the House that within that period the monastic institutions and the vast estates of the monastic orders had been swept away, and the property distributed, not amongst a few favoured families, but among the great body of the people. Independently of that, and in the midst of all her difficulties, that country enjoyed the form of a constitutional Government; and he thought it a matter of importance that the policy which had hitherto been pursued by England towards Spain should not retrograde, or the Quadruple Treaty upon which that policy was founded be abrogated. That treaty had been acted upon for the last twenty years both by France and England, and always with good faith, by successive Ministries, and that brought him to the particular question which he desired to bring before the House. Upon the present Government coming into office, two important diplomatic changes were made—the one by the recall of our Ambassador from Vienna, the other from St. Petersburgh; but it so happened that the Ambassador at each of these places had already announced his intention to retire from his post; it was a matter of course, therefore, that those changes should take place. But that was not the case with regard to our Minister at Madrid. No offer to retire was ever made by Lord Howden, and no cause had been assigned for his removal. The first question was, then, what could have been the cause of this special measure with regard to Lord Howden? He found that on the very next morning after the recall of Lord Howden was known at Madrid, the six journals which represented the great parties in Spain—Democratic, Absolutist, and Liberal—published articles expressing their astonishment and regret at the occurrence, and containing the highest eulogiums on his conduct during the several years that he had represented Great Britain at the Court of Madrid. Now, he thought it was rather remarkable that the noble Lord should have been so fortunate as to have obtained such a concurrence of opinion from such very opposite sources. The absolutist organ particularly stated that it was totally unable to assign the cause for the recall of Lord Howden—"but this we do know, that it is a subject of great regret

throughout this capital, and we also know that during the several years that he has represented his Sovereign at this Court he has displayed in very difficult circumstances excellent tact and great benevolence towards all sides." The other journals, the organs of Liberalism, were still more profuse in their eulogiums; and under these circumstances it was quite clear that the recall of Lord Howden could not have arisen from any dissatisfaction which was entertained towards him at Madrid. The noble Lord the Member for Tiverton (Viscount Palmerston) was well aware that there had been many occasions on which the old rivalry between France and England had displayed itself in our representatives at Madrid; but that could not have been the case in this instance, for there had been a hearty concurrence between Lord Howden and the Marquess of Turgot in all their proceedings. What, however, rendered the circumstance more unsatisfactory still was that the Marquess of Turgot also had been recalled. Now the question was whether the recall of these Ministers had not originated in the exigencies of a foreign Government, and in a determination to change the policy which had hitherto been observed towards Spain; and, if that were so, he was at at an utter loss to imagine what was the advantage obtained by the late change in Her Majesty's Councils, so far as the independence of the British Cabinet of foreign influence and dictation was concerned. He should like to know, therefore, on what ground it was that the removal of Lord Howden had taken place. In saying this he did not in the least question the authority of the Sovereign, or the advisers of the Sovereign, in recalling a foreign Minister; of course it would be absurd in him to do so. It might be supposed that Lord Howden was recalled because he was a Member of the Whig or Liberal party; but that could not be the cause of his recall, for it so happened that in 1852, when the present Government were last in office, and Lord Howden felt himself bound by *etiquette* to express to them his readiness to resign his post, Lord Malmesbury, then as now the Secretary for Foreign Affairs, told him that it was his services and his talents at Madrid alone that were required by Her Majesty's Ministers, and not his votes in the House of Lords. On the present occasion, however, Lord Howden had omitted to tender his resignation; and although he had no idea of having committed any offence during the short period that Her Majesty's Ministers had been in office, we found that he had been sent to the rightabout. He (Sir De L. Evans) conceived that this was an unfortunate indication of the disposition of the Government at the present moment; for there was just now a project much spoken of at Madrid called the "dynastic fusion," and that "dynastic fusion" was supposed to be an attempt to revive the Carlist cause, destroy the constitution, and in fact undermine the throne of the present Sovereign, and there were persons who supposed that the old policy of the Bourbons was about to be again resorted to. He hoped that the right hon. Gentleman (Mr. Seymour FitzGerald), would be able to state that there was no foundation for these representations, and that the change of our Minister at Madrid had not originated with a foreign Power, and was not the result of submission to or the dictation of that Court.

Mr. SEYMOUR FITZGERALD: With reference to the question which the hon. and gallant General has put to the Government, I beg to say that, if there had been the slightest ground for the suspicions which he entertains, there would have been some justification of the observation which he has addressed to the House. Now, inasmuch as I am in a position to state that there is not the slightest justification for any of the insinuations which the hon. and gallant General has thrown out, I think I may with confidence assert before the House that the observations of the hon. and gallant General are in themselves most unprecedented, and that if such a course as this were generally followed of questioning Ministers respecting matters which are entirely within the competence of the advisers of the Crown, most mischievous and dangerous results must ensue. ["Hear, hear!"] Perhaps hon. Gentlemen will permit me to complete my observations, which they will then have an opportunity of answering. The hon. and gallant Member states that, coincident with the recall of Lord Howden, the French Ambassador also has been recalled; that he is convinced a pressure has been put upon Her Majesty's Government, and that the recall of Lord Howden from Madrid is in consequence of some dictation addressed to Her Majesty's Government by a foreign Power. I meet this by a simple statement that I am myself unaware that the French Ambassador has been recalled from Madrid. I would also

say that I feel certain that no such suggestions have been addressed to Her Majesty's Government by the Cabinet of France; and I am perfectly sure that, in a matter of such extreme delicacy and importance as this, if any such suggestion had been addressed to them, they would not have been listened to by Her Majesty's Government, who would feel they were called upon to act solely in reference to British interests, and the policy which those interests call upon them to pursue. I am glad that the hon. Gentleman has disclaimed having brought forward this Motion on personal grounds. But as I have heard from one or two quarters in this House that the recall of Lord Howden has been found fault with, because it was supposed to have been done in an unceremonious manner, and not with that consideration for his feelings to which so distinguished a servant of Her Majesty was entitled, I shall shortly state to the House the manner in which the recall was made. It is perfectly true that the recall of Lord Howden was conveyed to him by electric telegraph, and that may perhaps seem to be an abrupt method of communicating the information to him; but on the same day on which that telegraphic message was sent, a private letter, which I have seen, and which was couched in the most courteous terms that one gentleman could possibly use to another, was despatched by a special messenger to Lord Howden by the noble Lord who presides at the Foreign Office; and the only reason why the telegraphic message was sent was, that it was thought proper and right that the first intimation which he could possibly receive of this change in his position should be made to him from the Government direct, and not, as it might possibly otherwise have done, from some other source. I must also say, in reference to what was stated by the hon. and gallant General as to the circumstances of 1852, that he has not been accurately informed as to what happened at that time. It is quite true that, upon the entrance to office of Lord Derby's Government in 1852, Lord Howden tendered his resignation, and the noble Earl who was then, as now, at the head of the Foreign Office, requested him to remain in his position for a short space of time. Accordingly Lord Howden continued to occupy his post; but he intimated that by a given day it would be necessary for Her Majesty's Government to find a successor, as it was impossible for him to continue to serve under the Government. The hon. and gallant Gentleman, therefore, though he was aware of the first resignation of Lord Howden, and is also aware of the fact that Lord Malmesbury requested him to continue, is evidently not aware from his statement to-night that a short time afterwards Lord Howden intimated it would be impossible for him to continue in his position. The hon. and gallant Gentleman said he thought it was his duty to ask on what grounds Lord Howden is recalled. I can only say that I do not think it is consistent with my duty to gratify the gallant General by giving him the information. I may say that though in the exercise of his undoubted discretion, and in reference to the exigencies of the public service, and consulting, as Lord Malmesbury will ever be found to consult, the best interests of the country, he has felt it his duty to recall Lord Howden; yet that removal does not imply—it is not intended to imply—any censure upon that noble Lord. It was not intended to imply any distrust in him. It was only intended as an expression of Lord Malmesbury's opinion that the interests of the country, in the present particular circumstances, would be better served by the appointment of another diplomatic agent in his place. If the hon. and gallant General supposes that there is any secret intention to promote what he called an absurd "dynastic fusion" in Spain, I can only say that no such idea is entertained by Her Majesty's Government; and if such an idea were entertained, it would not be to the Court of Denmark, or to a person who is innocent of all Carlist intrigues, that we should have gone to find a successor to Lord Howden. The gentleman whom we have chosen to succeed Lord Howden at the Court of Madrid we have selected because he is universally considered to be one of the most clear-sighted, one of the most accurate, one of the most intelligent, and one of the most honest servants of the Crown. I hope I have now satisfactorily answered the hon. and gallant General. I have stated that the change was not made in any way discourteously to Lord Howden, or with any view of supporting or maintaining any particular side of politics, such as the hon. and gallant General has suggested. The Government has made the change only because they think it advantageous to the public service, and I do not suppose that the hon. and gallant General will question

the right of the Government to choose their own agents, or, in other words, the right of the Crown to select such servants as may be considered most efficient for the service of the country.

Viscount PALMERSTON said, he quite agreed in the general principle laid down by the hon. Gentleman, that it was expedient in regard to diplomatic appointments that the advisers of the Crown should be at liberty to choose their own agents; but he did not think that the present Government were, perhaps, the best entitled of all others to maintain broadly that principle, because he thought he remembered that the noble Lord at the head of the Government did on a former occasion call on the House, and with some success, to interfere very strictly and decidedly with the freedom of the Government of the day to choose their own agent at a very important foreign post. With respect to the manner in which Lord Howden had been recalled, he could not say that he thought the explanation at all satisfactory. He did not, as he before intimated, question the act of the Government; for, having been long at the head of the Foreign Department, he knew that it was impossible to expect that the Government should at all times explain the grounds why they thought it expedient to make a change in their diplomatic arrangements; but he could not at all see that it was necessary to send Lord Howden his recall in an abrupt manner by telegraph. The House had been told that, at the same time that a messenger was sent off in the utmost speed with a courteous letter, it was necessary to send to Lord Howden an electric shock, in order to prevent him from hearing of his recall from any other source. He had hoped that the Foreign Office kept its secrets better than that. Was it to be supposed that when a special messenger was sent off with a courteous and private letter, all the world must know its contents, and that some person would by electric telegraph anticipate the arrival of the messenger, and inform Lord Howden what he was to expect in the course of a few days? However, he should not have risen on the present occasion, except that he felt it due to Lord Howden to bear testimony to the great ability with which that noble Lord had discharged the important duties intrusted to him for a long course of time at Madrid. He had most ably represented the character and policy of the British Government, and conciliated the esteem and regard of all those with whom he had to do at Madrid, and had contrived to act with the most perfect cordiality with the representatives of foreign countries. His hon. and gallant Friend had stated that it had so happened that on former occasions the policies of the two Governments were supposed, unhappily, to diverge, and not to be so much in unison as when Lord Howden represented England at Madrid; and therefore, both personally and on public grounds, the late Government thought it right, for reasons of which they were the best judges, to place the interests of the country at Madrid in other hands than those of Lord Howden.

Mr. KER said, that whatever might be the merits of Lord Howden, his successor was one of the best servants of the Crown. He would well sustain the honour of England, and was not a man who would submit to act in any way unworthy of his country, or in opposition to the principles of constitutional freedom.

Motion *agreed to.*

SUPPLY.—EXCHEQUER BONDS.

House in Committee; Mr. FitzRoy in the Chair.

The following Vote was *agreed to:*

(1.) £2,000,000, Exchequer Bonds.

SUPPLY.—NAVY ESTIMATES.

(2.) £34,671, to complete Sum for Wages for Navy.

Sir FRANCIS BARING rose to give an explanation with regard to a matter which had been alluded to the other night.

The CHAIRMAN said, it would be irregular to refer to what took place in Committee of Supply upon a previous evening.

Sir FRANCIS BARING said, he had supposed that in the consideration of these Estimates he should be at liberty to allude to questions which had arisen before relating to the same subject. However, he would endeavour not to shock the ears of the Committee in this way. It was known that the Vote for Wages had been transferred from the Accountant General to the Surveyor. That arrangement was made in 1848, and not in 1850, as was supposed—before, therefore, he was in office. He was furnished with papers in explanation of the question.

The CHAIRMAN again reminded the right hon. Gentleman that his observations were irregular.

SIR FRANCIS BARING would bow at once to the decision of the Chairman, but at the same time thought it very hard that questions should be referred to one day without any notice to him, and that when he was furnished with papers to show that the allegations made were entirely incorrect, the Orders of the House prevented him from making any explanation on the subject.

SIR JOHN PAKINGTON hoped that, in declaring certain allegations made on a previous occasion to be incorrect, the right hon. Baronet was not referring to what had fallen from him, because he decidedly denied this.

SIR FRANCIS BARING said, he was not allowed to state what was incorrect, and seemed to be in this position—that the right hon. Baronet was permitted to allude to the debate while he was prevented from doing so.

Vote *agreed to.*

(3.) £789,742, to complete Sum for Naval Stores.

ADMIRAL DUNCOMBE trusted that the reduction in this Vote had not been made without due consideration, for it was of the utmost importance that the steam machinery of the navy should be kept in the most efficient state. The hon. Member for Lambeth (Mr. Williams) had formerly complained of the amount of the Vote taken for steam machinery; but without it, it would have been impossible to send out many of the vessels which composed our magnificent fleets in the Baltic and Black Seas during the war. There was, however, one point in which he thought economy might be enforced with advantage. He noticed an increase of £35,000 for coals used by steam vessels, and of £20,000 for fuel for steam transports, making altogether an increase of £55,000 upon this one item alone. Now, steam ought, in his opinion, to be considered as only an auxiliary for the large vessels in the service; and if the captains were made to understand that it was not to be employed except in cases of emergency, there would be much less wear and tear of machinery, as well as a large saving of expense in coal. He also thought that a stock of well-seasoned timber ought to be kept in our dockyards, for if this had been the case when the gunboats were required during the last war, they would not have been attacked with dry rot as was now understood to be the case.

SIR JOHN PAKINGTON said, he had stated upon a former occasion that the reduction of £50,000 made in this Vote for the purchase of steam machinery had not been resolved on without due deliberation. The Board of Admiralty had carefully reconsidered the question, and, after having communicated with the Surveyor of the Navy on the subject, had determined to persevere in the reduced Vote. The communication which he had received only on that very day from the Surveyor fully justified the reduction; but if an opinion to that effect had not been received from this officer, he had been prepared even at the very last moment to reconsider the amount of the Vote. With regard to the use of steam only as an auxiliary, he fully concurred with his hon. and gallant Friend's opinion on this point. There were already very strict injunctions to this effect. Captains were bound to enter on their logs every case in which they had recourse to steam, and the Board had it in contemplation to insist more urgently on the observance of these orders, and on the employment of canvas, except in cases of emergency.

LORD ELCHO rose to call attention to the suggestions which had been made for the construction of ships clad in mail, on the plan invented by the Emperor of the French. He doubted whether any of the six which we had constructed had been under fire. One of the French vessels of this kind had been engaged at Kinburn, but it was a question, after all, whether these ships fulfilled the promises held out respecting them—whether they were really shot-proof. Wrought-iron shot would very easily go through these iron plates. No ship's crew could stand the splinters that such shot would make; and, therefore, as he had been informed, the French objected to iron-plated ships. The Admiralty might endeavour to cover the ships in the Royal Navy with an impenetrable mail, but it should be remembered that the power of projectiles was undergoing a great and constant increase; and that increase he believed would be more than a match for any improvement that could be effected in the construction of ships. The press had claimed the honour of having occasioned the introduction of the present improved small arms into the army; but he thought it right to state that it was to Lord Hardinge, as was generally known, that the army was indebted for them. And it was owing to the recommendation of his noble

Friend the Member for Tiverton (Viscount Palmerston) that the monster mortar invented by Mr. Mallet was introduced to the public service. The Committee to whom the examination of it was referred declined to approve it; but the strong recommendations of his noble Friend prevailed, and the result had been most successful. Dr. Scotland, in a work on projectiles, the frontispiece of which contained a description of the mortar, stated it was thirty inches in diameter, its bursting charge 480lb., and the extent of its penetration twenty-seven feet; whereas that of the ten-inch mortars was only between five and six feet.

SIR CHARLES NAPIER said, he wished that, before they proceeded any further with the construction of ships, they should have a regular trial of the strength of an ordinary three-decker and of a frigate plated with iron on the principle which he recommended. In order to make that experiment, he would get two such ships to fire broadsides into one another until their respective powers were fully tested.

MR. LINDSAY complained of the unsatisfactory form of the Estimates. Details were given with unnecessary minuteness of comparatively unimportant Votes, while no detailed explanation was given of such large Votes as these:—£363,000 for the purchase of timber, and £509,000 for the purchase of stores. The names and descriptions of the principal ships for which this timber was required ought to be inserted in the Estimates, in order that the Committee might form an opinion of the necessity for such ships, of their size, construction, &c., and make suggestions to the Admiralty. The Committee ought to be furnished with the Estimate of the cost, &c., of every large ship proposed to be built by the Admiralty, to be expended on every ship, and of what was for repairs. Again, we were going on, building large ships, and our only reason was that the French were doing the same. That was true; but when the French were asked why they continued to build large ships, they answered that they were obliged to follow our example. For his own part, he could conceive of a comparatively small ship capable of sinking half-a-dozen of our three-deckers. Let a ship be built to go one knot an hour faster, and to throw shot 500 yards further than our large ships, and he ventured to say that, though she might be no larger than a frigate, she would be able to sink any reasonable number of our men-of-war without one of them succeeding in touching her. America aimed in the *Niagara* at producing such a ship; she had not succeeded, but had she obtained her object our line-of-battle ships would have been rendered perfectly worthless. What he would suggest, therefore, was, that a premium of at least £1,000 should be offered for a ship capable of attaining greater speed, with larger capacity for guns and stowage than any at present in existence. With respect to the item for the purchase of stores, in 1851 he was a Member of the Committee appointed on this subject when the right hon. Gentleman the Member for Portsmouth (Sir F. Baring) was First Lord of the Admiralty. At that time no improvement had been made in anchors, and the Government offered a premium for the best that could be constructed. There were six shipowners from the merchant service, and six officers of the Navy, who competed. He was one of them, and they devoted a great deal of attention to the matter. The Report of the Committee was that the Admiralty anchor was the worst; but although it was so pronounced, and eight years had since elapsed, the labours of the Committee had been in vain, and the same description of anchor was now employed. The best anchor was universally stated to be Trotman's, and we were losing a great deal of money by neglecting to use Trotman's anchors, though they cost only a third of the price, and were little more than half the weight. It was proved that the *Himalaya's* anchors were far lighter than those used by the *Transit*, and altogether superior. If the House appointed Committees, he thought they ought to be attended with some benefit, and that the old anchor, when reported against, should not continue to be used. There was another item to which he thought attention should be directed—that for the purchase of coals. He did not advise in general the acceptance of the lowest tender, but in the case of coals he thought that the supply should be thrown open to public competition, and the lowest tenders accepted.

LORD CLARENCE PAGET admitted that it was a difficulty at present to line a ship with iron of sufficient strength to resist wrought iron shot; but in a pamphlet recently published by Captain Moorsom, a very distinguished naval officer and the inventor of a shell known by his name, there occurred the following important passage:—

"Recent experiments have shown that a 4-inch wrought iron parapet backed with wood is a perfect protection against horizontal shells of any nature yet in use, and that it is a very tolerable defence against the effects of the heaviest solid shot even at short range; indeed, comparing the result of the experiments that I have seen against iron butts at Woolwich with the results of actual service against earth-works, I think the iron butts are equal as a defence to ordinary earth-works, for even they will not withstand the continued battering of heavy ordnance at moderate ranges."

It must be recollected, also, that there was a limit to the weight of shot, so that if we could make the side of a ship of sufficient strength to resist a shot of about eight inches diameter—he referred to horizontal firing—we should be proof against even wrought iron. Captain Moorsom said:—

"The question of applying wrought iron defences to ships of war is merely one of relative weight, and may be stated thus:—Supposing that the *Duke of Wellington*, 131 guns, was razeed so as to leave only her lower deck battery, the weight removed in hull and guns would be about 1,200 tons; now to case her all round with 4-inch wrought iron plates, extending twenty-five feet from top to bottom, would require a weight of less that 1,000 tons, and it is therefore clear that there would be no difficulty whatever in constructing iron-cased ships carrying one tier of guns, having all the sailing and steaming qualities of our present three-decked ships; and there cannot, I think, be a doubt that the iron-cased single decked ship would be a more formidable vessel than the wooden three-decker either as opposed to ships or forts."

He believed the limit of the weight of ships' guns and the size of the projectiles used in naval warfare had been attained, but they had not yet carried the science of strengthening ships' hulls to the full extent. If a 4-inch iron casing would resist an 8-inch iron projectile, he conceived that the best plan would be to give our ships a 6 or 7-inch iron casting, and then they would be protected against any serious damage.

Mr. WARRE declared that he thought it a Providential circumstance that the small gunboats of 40-horse power which had been sent out to China had safely accomplished so hazardous a voyage, and he hoped that they would not be required to risk a passage home without due consideration on the part of the Government. He believed the engines might be taken out and sold, or applied to useful purposes in the East, and that the hulls would then be of so little intrinsic value, that it would not be worth while to bring them to this country. It had been stated upon high authority, before the Committee which considered the naval and military expenditure of the country, that in consequence of the extensive adoption of steam machinery in the navy, it was impossible to calculate the event of any future naval contest. He thought, therefore, it was of great importance that they should carefully watch the progress of all experiments which tested the efficiency of steam ships of war.

Sir FREDERIC SMITH suggested to the First Lord of the Admiralty the propriety of appointing a Committee to inquire into the whole subject. It was obvious that if iron-cased vessels could be built of smaller dimensions than our ordinary ships of war, with an equal amount of efficiency, half the number of the crew usually employed would only be required, and the expense to the country would consequently be greatly reduced. In reference to what had been said about the introduction of the Minié rifle, Lord Hardinge might certainly have first shown the perfection of that weapon, but he believed it was to the Marquess of Anglesey we owed the first introduction of the rifle into the service.

Viscount PALMERSTON: The question having arisen as to whom the merit is due of forcing upon the attention of the Government the first great improvement of the weapon given into the hands of our soldiers, I think it right to say that Lord Vivian, when Master General of the Ordnance, was the first person who introduced the Minié rifle into the army. The importance of that firearm was afterwards recognised by his successors. I think it is due to the memory of that gallant nobleman to bear testimony to the fact that it was he who first turned his attention to the improvement of the weapon that should be given to the soldier.

Sir JAMES ELPHINSTONE expressed his belief that the stock of timber in store in our naval shipyards was insufficient in quantity, and of very inferior quality. There were, however, immense forests of excellent timber in Burmah and in the western districts of New South Wales, which were available for the purposes of shipbuilding, and he thought that teak might very advantageously be substituted for oak timber in the building of screw steamships, which were subjected to so much straining from the vibration of the machinery. He put it, therefore, to the First Lord of the Admiralty whether he would not make some arrangement for procuring a supply of teak timber for the purposes of our navy from the countries above named?

Sir HENRY WILLOUGHBY believed that millions of the public money had been lost in various schemes for shipbuilding adopted according to the ruling fancy of the day; and he was afraid that they had not yet seen the end of that species of expenditure. What security had the Committee that this Vote of £1,389,742 would be the whole sum spent on naval stores? In the last authentic accounts they had a clear proof that the Parliamentary Vote for this head had been exceeded by upwards of half a million sterling. Supposing there was a surplus upon the other items of charge, would the First Lord think himself entitled to add it to the Vote for stores? Would he give them a pledge that, whatever the sum granted for this purpose, the expenditure upon it would be strictly limited to that sum? Without exacting such an assurance, all these lengthy discussions upon the Estimates were a perfect farce. It was perfectly astounding to find that Her Majesty's Government were the greatest dealers in stores in the whole world; they bought and sold those articles, and the country lost enormously by both operations. He should like to inquire what was the prime cost of the articles represented by the last item of £1,200,000 which appeared under the head of Stores. He believed it was something prodigious. The evidence taken before the Committee on Public Moneys showed that what were called "old stores" were often new stores. One of the first checks which the House ought to impose should be directed against the wasteful and unnecessary purchase of stores.

Sir FREDERIC SMITH said, that he happened to be in Paris at the time that the French were experimenting upon an improved firearm, and he reported to Sir John Burgoyne that he had seen a French weapon much superior to the ordinary rifle. His letter was forwarded to the Marquess of Anglesey, then Master General of the Ordnance, and afterwards submitted to the authorities at Woolwich, who thought that no musket was superior to that used by our rifle corps. Lord Anglesey then communicated with him on the subject, when he furnished that nobleman with the testimony of Marshal Marmont and others, to prove that, in future wars, our artillery must be very careful how they got within range of the improved French weapon. Application was subsequently made, through Lord Normanby, to the Minister of War at Paris, and a musket of the description in question was sent to Lord Anglesey, upon which a further inquiry was instituted. He was ready to admit that a debt of gratitude was due to Lord Vivian for the attention he had paid to the muskets and swords of our army, and especially to the swords.

Lord ELCHO explained, that he had not meant to state that Lord Hardinge introduced the Minié principle into this country.

Captain VIVIAN said, that he remembered, as a boy, seeing in Lord Vivian's room samples of arms in use in every state in Europe. He had the honour of introducing the two-grooved rifle into our service. Prior to that, the old eight or ten-grooved rifle was in use in our service. Now, *quoad* rifle, there was no difference between the two-grooved rifle and the Minié rifle. The peculiarity of the latter weapon lay in the expanding ball. The two-grooved rifle was nearly as easily loaded as the Minié rifle. In the old rifle you could not use a large charge of powder, because the ball stripped. But any charge could be used with the two-grooved rifle. Therefore, he thought that credit was justly given by the noble Lord the Member for Tiverton (Viscount Palmerston) to Lord Vivian, for introducing into use in the army a rifle similar to that which was now in use.

Sir JOHN PAKINGTON said, he could give no pledge to the Committee that none of the Votes should be exceeded; and, upon that point, he must observe that the Estimates of the great services were, generally speaking, wonderfully correct. He would not give his sanction to the diversion of money voted for one purpose to another, except in the manner sanctioned by the Appropriation Act. With regard to timber, he had heard no complaints of the quality, and there were 9,000 loads more in the dockyards at the end of 1857 than there were at the end of 1856. The Government would take into consideration the disposal of the gunboats, and was obliged to the hon. Member for Ripon (Mr. Warre) for the suggestion. At the risk of drawing upon himself the indignation of a previous First Lord, he would repeat his opinion, that some of the Estimates were not presented in the best shape, and that, among others, the form of this Vote may be improved, so as to give more details. With regard to single-deck ships, encased in iron, being more effective engines of war

than the three-deckers, the hon. and gallant Admiral (Sir C. Napier) suggested a duel between one of each sort. The hon. and gallant Admiral would, no doubt, be prepared to take the command of one of them, and he hoped he would favour the Admiralty with a suggestion as to who should command the other. [Sir C. NAPIER: The First Lord of the Admiralty.] He trusted that, in speaking thus, he should not be supposed to undervalue the opinion of the hon. and gallant Member. He was very much obliged to him, and also to the hon. Member for Tynemouth, and his noble Friend the Member for Sandwich. After his short experience, he was sure they would not expect him to give any definite pledge; but he was glad to be able to inform them that the question of encasing ships with iron was now under the consideration of the Surveyor General of the Navy.

MR. W. WILLIAMS recommended the adoption of the system in the United States, where a certain number of ships were ordered, and an estimate obtained of their cost.

MR. BENTINCK said, that a Committee of the Admiralty, in 1851, found that the Admiralty anchors were inferior to six other descriptions, and reported in favour of Trotman's anchor. It had subsequently been reported that the practice had been continued of purchasing the old Admiralty anchors, which were only half as efficient, weighed double the weight, and cost three times the money. He wished to know whether the practice was still continued?

MR. RICHARDSON hoped some explanation would be given with respect to the old stores.

GENERAL CODRINGTON said, the merit of Lord Hardinge was in having introduced the improved rifle generally into the army.

SIR CHARLES WOOD said, he could not answer the question as to Trotman's anchor off-hand, the Report of the Committee having been made four years before he was in office. He had not had any complaints of the anchors in use. With regard to old stores, nothing was sold which was fit for the use of the navy. At the end of the war there were large quantities of stores left on hand, as tarpaulings, preserved meats, and preserved coffee. He endeavoured to use coffee in the navy, and issued it to six ships at Plymouth; but in every ship but one the seamen, having been accustomed to cocoa, said they preferred that article.

SIR JOHN PAKINGTON said, with respect to Trotman's anchors, he believed the simple reason why they had not been brought into general use was, that a great number of anchors of the old construction remained in the yards, and these were used from time to time for the sake of economy.

MR. BENTINCK: But what he complained was, that, in spite of the Report of the Committee, the practice had been continued of purchasing anchors of the old construction up to the present time.

Vote *agreed to.*

House *resumed;* Resolutions to be reported *To-morrow.*

GOVERNMENT OF INDIA (No. 2) BILL.

SECOND READING DEFERRED.

Order for Second Reading read.

THE CHANCELLOR OF THE EXCHEQUER moved that the Second Reading be postponed until Friday.

MR. HORSMAN suggested to the Chancellor of the Exchequer the propriety of discharging the Order for the second reading. The House had come to a general understanding to proceed by Resolution on the subject of the future government of India. ["No, no!"] At any rate the Government had undertaken to propose Resolutions with the view of afterwards founding a Bill on those Resolutions. He believed no precedent could be cited for proceeding by Resolutions upon a Bill already before the House. If the House were to proceed by Resolutions, and then to found a new Bill thereon, that, as it appeared to him, would be a perfectly regular course; but the Chancellor of the Exchequer had probably consulted the authorities on the subject, and would be able to state how that was; but, in his opinion, the House would come to the consideration of those Resolutions less embarrassed than if a Bill on the same subject lay upon the table. He (Mr. Horsman) threw out the suggestion to the right hon. Gentleman whether it would not be worth while to simplify their course of procedure in this matter by discharging the Order for the Bill under consideration, and then to proceed upon the Resolutions and found a new Bill on them.

THE CHANCELLOR OF THE EXCHEQUER: This appears to be rather a technical than a material suggestion. Speaking with great deference, so far as I am informed, it is perfectly consistent to introduce those Resolutions, and afterwards to

modify or change any Bill that is introduced, in deference to the opinion of the House as expressed in those Resolutions. The right hon. Gentleman will recollect there are two Bills before us on this subject; and, if there were a general concurrence in the proposition to withdraw both Bills, the course he points out might be a convenient one; but it appears to me, upon the whole, although I am perfectly willing to consider the question, that the objection of the right hon. Gentleman is altogether technical; and unless there were a general concurrence in the withdrawal of both Bills for the government of India, so that the House might start afresh in the discussion of those Resolutions, it would be highly inconvenient to adopt the suggestion. I am informed that, in taking the course I propose to take this evening, I am acting in strict accordance with precedents. No doubt it would have been much more convenient if the Resolutions had preceded the introduction of the Bill; but that is not the position in which either myself or those who are interested in the other Bill find ourselves. What is best to do under these circumstances? We have agreed that on Monday we will enter on the discussion of those Resolutions, and I do not see that we shall at all facilitate the progress of public business by assenting to the suggestion of the right hon. Gentleman. I think that, upon the whole, it would be better that both Bills should be suspended, and that the solemn decision of the House should be taken on the Resolutions as to the principle on which the future legislation for the government of India shall be based.

Viscount PALMERSTON: No doubt those who bring in a Bill are entitled, with the concurrence of the House, to postpone it to any other day from that which may have been fixed by the Orders. I only wish to say that, in concurring with the Motion of the right hon. Gentleman for postponing this Bill, I hope I shall not be understood as expressing an opinion one way or the other with regard to the suggestion of my right hon. Friend, who appears to assume that the House has agreed to proceed by Resolution. Now, that I conceive to be a question which the House will have to discuss on a future day, and I cannot accept the offer of the right hon. Gentleman that Bill No. 1 should be withdrawn, accompanied by Bill No. 2. Even though the Bill No. 2 be withdrawn, we have not proposed to alter our course and move Resolutions. Whatever, therefore may be the value of the argument of my right hon. Friend that Bill No. 2 should be withdrawn, because its authors mean to propose Resolutions, the authors of No. 1 not having altered their course the regular Parliamentary proceedings will continue.

Mr. AYRTON said, he could not conceive what had induced the right hon. Member for Stroud (Mr. Horsman) to suggest that there was any understanding on the part of the House to proceed by Resolution. Looking at the Resolutions on the table, and seeing that they were different from the Bill of the Government, he would recommend, as the more convenient course, that the Government should withdraw their Bill.

Second Reading *deferred* till *Friday*.

House adjourned at half after Twelve o'clock

HOUSE OF LORDS,

Tuesday, April 20, 1858.

Minutes.] *Took the Oaths.*—The Lord Hawke.
Public Bill.—3ª Customs

PRESBYTERIAN CHAPLAINS IN THE ARMY.—QUESTION.

In answer to a question of the Marquess of Londonderry,

Viscount HARDINGE said, that the pay of Presbyterian Chaplains attached to the Army was regulated according to a sliding scale of allowances—so much per man—but that at the Curragh, Aldershot, Edinburgh, and one or two other stations, Presbyterian Chaplains on fixed salaries had been appointed in consequence of the large number of Presbyterian soldiers at those stations. With regard to Shorncliffe, Hythe, and Dover—the number of Presbyterian soldiers at those three stations being about 300, the Government were prepared to appoint a Presbyterian Minister on a fixed salary at those stations, but that the permanency of the appointment would depend upon these numbers being kept up—as they would be diminished considerably whenever the Antrim Rifles and the North Down Rifles were disembodied, which at some future time might be the case.

GOVERNMENT OF INDIA.

RESOLUTIONS. QUESTION.

Lord MONTEAGLE said, he observed that Her Majesty's Government had laid upon the table of the House of Commons

last night a series of Resolutions with respect to the reconstruction of the East India Government; and as it was obvious that whether those Resolutions were agreed to by that House or not their Lordships would hereafter have to take cognisance of the question, at any rate in the shape of a Bill, it was a matter of no small interest to their Lordships that they should know what were the intentions of Government with respect to the mode of bringing this important question before the House. He had looked into the precedents in two or three cases in which Parliament had proceeded by Resolutions in the first instance —one being the Union with Ireland, and another the renewal of the East India Company's charter in 1813, and he found that the action of the two Houses was as nearly as possible simultaneous in both cases. He would, therefore, take the liberty of asking the noble Earl the President of the Board of Control, whether it was the intention of her Majesty's Government to bring into this House Resolutions similar to those which had been brought into the House of Commons; whether they proposed to do so without delay; and whether they intended to adopt a simultaneous action in both Houses upon the question?

THE EARL OF ELLENBOROUGH said, he had to inform his noble Friend that it was not the intention of Her Majesty's Government to invite their Lordships to give any opinion at the present moment upon the Resolutions which had been laid before the House of Commons. He trusted, however, that at no very distant period those Resolutions, with no very material alteration, would be sent up from the House of Commons to their Lordships, when his noble Friend would have an opportunity of expressing an opinion respecting them.

STREET ORGANS.

PETITIONS.

THE MARQUESS OF WESTMEATH presented a Petition, [signed by upwards of 400 inhabitant householders in the districts of Belgravia and Belgravia South, praying for the surpression of the nuisance of barrel or hand organs in the streets of the Metropolis, as permitted by the Metropolitan Police Act. The noble Marquess animadverted in strong terms upon the intolerable nature of the nuisance, and complained that the powers given by the Act were found in pratice to be useless, and that it was impossible to adapt its provisions to what were conceived to be the intentions of the Legislature. A foreigner with an organ appeared in front of a House where there might be a dying or a sick person. It was of no use whatever to request him to go away; and if a family sent for a policeman, in all probability he was not to be found, or if he were he could only order the disturber of the peace of the neighbourhood to move on. When the police were remonstrated with, they replied, "What are we to do? We cannot do more. If we exceed our authority we shall be punished." Consequently these people had perfect impunity to annoy the inhabitants as much as they pleased. The petitioners very properly stood upon their rights. They said that the nuisance was a positive invasion of those rights. They contended that they had a right to live at peace in their own habitations, but they could not do so by reason of the existence of this nuisance. The noise made by these organ players extended to a considerable distance up and down and on each side of the street, so that upon a moderate calculation some twenty or thirty householders must be annoyed at one time. In many families music masters were employed; but how was it possible for them to give lessons to the young ladies, if, as soon as they came to the house, one of these street nuisances made his appearance? [*Laughter.*] He could assure their Lordships that it was by no means a laughing matter, but a very grave subject. Before the meeting of Parliament he had waited upon the late Home Secretary, Sir George Grey, respecting the question, who had told him that he would refer the matter to the Police Commissioners, and he understood that Sir Richard Mayne had made a report strongly condemnatory of the nuisance. The petitioners earnestly prayed their Lordships to pass such an enactment as would have the effect of restoring to them the right to enjoy tranquillity at their homes, of which the imperfect legislation of the Police Act had been the means of depriving them.

VISCOUNT DUNGANNON said, he had never before heard so much ado about nothing. True, the noble Marquess and those householders who felt with him might dislike the music of the barrel organ in the streets, but there was no doubt that there were a great many persons who derived pleasure and amusement from it. He thought it was most unseemly on the part

of the noble Marquess to occupy so much of their Lordships' time with a matter of this trifling and insignificant character.

THE MARQUESS OF WESTMEATH said, that the Petition was numerously and respectably signed; and that being so, he denied that he had improperly taken up the time of the House.

Petition to lie upon the table.

BUSINESS OF THE HOUSE.

RESOLUTION.

On the Motion of Lord REDESDALE it was *Resolved*—

"That this House will not read any Bill a Second Time after Tuesday, the 27th of July, except Bills of Aid or Supply, or any Bill in relation to which the House shall have resolved, before the Second Reading is moved, that the circumstances which render legislation on the subject of the same expedient are either of such recent occurrence or real urgency as to render the immediate consideration of the same necessary."

House adjourned at half-past Five o'clock, to Thursday next, half-past Ten o'clock.

HOUSE OF COMMONS,

Tuesday, April 20, 1858.

MINUTES.] PUBLIC BILLS.—1° Poor Law Amendment; Reformatory Schools (Ireland).

COMMITTEE ON PUBLIC MONIES.

QUESTION.

MR. RIDLEY said, he would beg to ask the Chancellor of the Exchequer, whether it is the intention of Her Majesty's Government to introduce, during the present Session of Parliament, any measure to carry out the recommendations contained in the Report of the Select Committee on Public Monies presented to the House in August, 1857?

THE CHANCELLOR OF THE EXCHEQUER said, he took occasion yesterday to state, that as soon as the condition of Public Business permitted, he intended to call the attention of the House generally to the whole subject of the accounts and appropriation of Public Monies, and he would then take an opportunity of explaining what measures it was the intention of Her Majesty's Government to bring forward.

LAW OF BANKRUPTCY—QUESTION.

MR. GLYN said, he wished to inquire of the law officers of the Crown, when it is intended to bring in the Bill for the amendment of the Law of Bankruptcy.

THE ATTORNEY GENERAL said, he had been charged by the Lord Chancellor with the preparation of a Bill for the amendment of the Law of Bankruptcy and Insolvency. The Bill, which he was happy to say was in a very advanced state of preparation, was very extensive, and very complicated in its form and details; but he had little doubt that, by devoting to it all the attention that his other occupations would permit him to do, it would be in a condition to be laid before the House of Lords, where Her Majesty's Government intend to introduce it, by the end of the next week, or at any rate by the beginning of the week following.

THE DISEMBODIED MILITIA.

QUESTION.

CAPTAIN O'CONNELL said, he wished to ask the Secretary for War, whether it is the intention of Her Majesty's Government to give any allowance to the Medical Officers and Subalterns of the Militia Regiments which they intend to disembody; whether it is the intention of Her Majesty's Government to make any change in the relative rank of the Regimental Captains, and of the Adjutants of the Militia Regiments, so as to affect the seniority of the former over the latter, and if so, whether he will explain the reasons for such a change.

THE CHANCELLOR OF THE EXCHEQUER said, his right hon. and gallant Friend the Secretary for War had just written to him to request that he would answer the question of the hon. and gallant Member. He had to state, that it was proposed to give to each subaltern of Militia Regiments which were disembodied, an allowance equal to six months pay, and to the Surgeons and Assistant Surgeons an allowance equal to one year's pay, from the day of disembodiment inclusive. The Paymasters would be continued on pay for three months after the disembodiment, and would receive a gratuity equal to three months' pay on rendering their final accounts. The case of Militia Adjutants and Captains had not yet, he believed, been brought under the notice of his right hon. Friend (General Peel).

NEW ZEALAND—QUESTION.

SIR JOHN TRELAWNY said, he would beg to ask the Secretary for the Colonies, whether he has received any information

contradicting the statement made to the late New Zealand Loan Guarantee Committee, that the idea of accepting £200,000 instead of £500,000 was distinctly negatived by the House of Representatives; and whether it is not, in fact, true, that the case of only obtaining £200,000 was carefully provided for in a formal Resolution?

LORD STANLEY said, he would, for the sake of convenience, take the second part of the hon. Member's question first. He had to state that he had examined the Minutes of the House of Representatives, and he found that a Resolution was passed, as the hon. Member had stated, providing for the contingency of a loan of only £200,000 being granted. That Resolution bore date the 2nd of July, 1856. In answer to the first part of the question, he begged to observe, that the hon. Gentleman had not quoted with perfect accuracy the witness to whose evidence he referred. The witness said, the question of a loan limited to £200,000 was raised in the Legislature, and was distinctly negatived. The hon. Member, in his question, merely said that the idea had been raised in the House of Representatives, and had there been distinctly negatived. He need not, he apprehended, remind the hon. Gentleman, that under the New Zealand Constitution there were two Houses of Legislature, and it was possible that although Resolutions were carried in the House of Representatives, they might have been negatived in the other House; but at the same time he was bound to say, that he could not find in the records of the Colonial Office any trace of such a proceeding. He found that the Resolution did pass the House of Representatives, but he could not trace what became of it afterwards.

THE ARMY—WARRANT OF 1854.

QUESTION.

COLONEL NORTH said, he wished to ask the Secretary for War, whether the Royal Commission to take into consideration the Warrant of October, 1854, has yet been appointed; and if so, when they are likely to meet?

THE CHANCELLOR OF THE EXCHEQUER said, he must beg to inform his hon. and gallant Friend, that a Royal Commission was appointed, and would meet on the following day for the first time.

DUBLIN PORT DUES.

COMMITTEE MOVED FOR.

MR. VANCE said, he rose to move for a Select Committee on certain duties levied on ships and other imports within the port of Dublin. He knew the difficulty of attracting the attention of the House to a question of local grievance, especially one of a financial and mercantile character and affecting Ireland; but when he said it vitally affected the prosperity of Dublin, he hoped they would give it as much attention as if it concerned the trade of Manchester, Liverpool, or London. The merchants, the Chamber of Commerce, and the whole community of Dublin, complained of certain imposts which were not only extremely vexatious in their character, but utterly destructive of the little foreign trade Dublin possessed. Indeed, there was no parallel to these dues on any port in the Irish Channel. He would remind the House, that last Session he had introduced the question in a different manner. He then proposed to repeal these duties altogether, and he obtained the support not only of the right hon. Gentleman the present Chancellor of the Exchequer, but also of a minority of 173, a very unusual number to support any project of a private member: in this minority were included many Irish Members of all shades of opinion. This, he thought, was a strong testimony to the soundness of the cause he had undertaken. The facts attending the imposition of these duties were as follows. A great many years ago, the merchants of Dublin petitioned the Legislature to assist them in erecting a small pier for the convenience of their ships at the harbour of Kingstown, which was then called Dunleary; and they agreed that certain duties should be levied to liquidate the sum advanced for this pier. In process of time, the pier was extended into a harbour of refuge, and by some extraordinary inadvertence, the duties were continued for the purposes of a work far beyond the means and character of so small an impost, though the merchants of Dublin had no more to do with the harbour than the owners of any other ships that traded in the Channel. He understood, however, that by the Act of Parliament, the sum applied to these works was limited to £60,000. That sum was paid out of the Consolidated Fund, and to that extent these duties were pledged. That sum had been long since paid. He could not find that the payment was continued by any

other act; but whether it was or not, formed no part of his case. His case was, that the harbour was intended for all vessels, and therefore the merchants of Dublin ought not exclusively to pay for it; yet, such was the injustice and peculiarity of this impost, that a foreign vessel coming up the river for the port of Dublin, and never entering Kingstown Harbour, paid 4*d.* per ton on her cargo, while a vessel bound to Liverpool or Glasgow, and driven in there by stress of weather, might stay there as long as she pleased, and was not called on to pay a single farthing; so a cargo of teas coming direct to Dublin from Canton, and never entering Kingstown Harbour, would have to pay 2*s.* on every chest, while the same vessel, if she had been going to Liverpool, and had run into Kingstown to save herself from certain destruction, would not be called on to pay anything whatever. How was it to be wondered at, that under such a system foreign vessels were driven away from their port? A Commission, which was appointed by Government on the subject, recommended that the duties should be altogether abolished, and acting on that recommendation, the right hon. Gentleman opposite (Mr. Lowe) brought in a Bill to abolish them, but unfortunately he mixed up those dues with the abolition of certain trifling corporation dues that had been levied by prescription, and that in no way affected the trade of the port. The corporation of Dublin instructed their representatives to oppose this measure without compensation; but he had no doubt that if the port dues were abolished, the corporation dues might be extinguished too; at all events, he thought he might promise that, if a Committee were appointed to consider this question, all parties would be bound by the decision. With regard to the port dues, they had been condemned by every Committee and every person that had turned his attention to the subject. The harbours of refuge now in course of erection at Holyhead and Dovor could not be more useful to vessels in distress than the harbour at Kingstown was; and it would be just as fair to support the one harbour by a tax levied on the trade of Wales and the other by a tax on the trade of Kent, as to support Kingstown by a tax on the trade of Dublin. But it might be said, that a certain amount had been advanced on the security of those rates, and that it would therefore be a breach of faith to repeal them. He contended, however, that if an improvident bargain had been made, if duties were levied which entirely crushed the foreign trade of the port, Parliament might properly take upon itself to put an end to the existing arrangement; in fact, the principle that any mortgage on those dues prevented their repeal had been abandoned already, for originally they were levied upon the cross-channel trade as well as upon the foreign; but of late years the tax on the large and profitable trade was given up, and it was only continued on the small and unprofitable branch of commerce. It was important also to take into consideration the fact, that of late years the river had been deepened and so much improved that, except in cases of great emergency, vessels had no occasion to run to Kingstown harbour. He would not, however, go into all the arguments of the case, as his Motion was one for simple inquiry; he would be content that there should not be a single Irish Member on the Committee but himself, and he would abide by the decision of the English Members. He had been requested by the Chamber of Commerce of Dublin to bring forward this Motion. He had done it very briefly, and he would now leave the matter in the hands of the House.

MR. GROGAN seconded the Motion.

Motion made and Question proposed, "That a Select Committee be appointed on certain Duties on Ships and other imposts leviable within the Port of Dublin."

MR. HENLEY said, that although the amount involved was not a large one, the question was not so very simple as it seemed. The hon. Member who brought it forward had not told them a great deal about the effect the dues had upon the foreign trade of Dublin—whether it was increasing or decreasing, or how it was operated upon by the tax. It was not easy for an Englishman thoroughly to understand the whole outs and ins of this question. It was not easy to understand why the merchants of Dublin had agreed to levy dues upon themselves, not for the benefit of their own harbour, but to create the harbour of Dunleary, as the port of Kingstown was then called. The hon. Gentleman said, that ships passing Kingstown, and entering the port of Dublin, were compelled to pay the tax, while ships that entered the harbour of Kingstown, the harbour for whose use this tax was levied, escaped payment altogether. Certainly that arrangement seemed peculiarly

Irish, and most assuredly it was not the original arrangement. There was another part of the question which he did not think the hon. Member had made so much of as he might have done. It was, that the question was not only one as to the amount of the tax, but that the mode of levying it was injurious to trade. Of that there could be no doubt. It was levied on a great variety of small articles, and was made up of a number of small payments, and consequently was very troublesome. Conceding all that, there still remained for the consideration of the House an awkward element in the matter—namely, the element of a bargain of money. The hon. Member must not suppose that the sum he referred to was the limit of that bargain. There was a large sum—about £300,000 of capital and unpaid interest—outstanding on this account on the one hand, and on the other the modest sum of £3,000 a year paid towards the interest of this large sum. The dealings between the corporation of Dublin and the Consolidated Fund had in fact been of a very intricate character, and cognate matters were still going on. At present, the Consolidated Fund paid to the corporation of Dublin a sum nearly equal to the amount for differential duties on foreign ships that went there. In 1852, the amount paid by the Consolidated Fund was £2,200, and it did not appear that it was proposed to give up that payment, so that, in fact, the present demand was wholly one-sided. That, however, was not the whole of the case. There were in Ireland, as well as in England, what were called light dues; and another agreement between the Consolidated Fund and the Irish authorities had been entered into, to the effect that the Ballast Board, by which those lights were originally managed, were to pay a given sum, out of the surplus arising from those lights, to the Consolidated Fund. There was, however, now no such surplus, and he believed the question stood thus:—that while a sum of £20,090 was received in connection with the Irish lights, a sum of £38,000 was expended. Those figures did not, indeed, accurately represent the state of the matter, inasmuch as there were payments for Irish lights received at Liverpool and other places, which did not enter into the calculation. But, upon what ground it could fairly be argued that there was a surplus he could not understand. The question to which the hon. Gentleman had called the notice of the House was one, he might add, which came peculiarly within the province of his right hon. Friend the Chancellor of the Exchequer. The Consolidated Fund paid back £2,000 a year on account of foreign differential duties, and received, on the other hand, something like £3,000. If the Chancellor of the Exchequer thought inquiry was called for, he for his part, would not be unwilling to enter upon it, in order to see whether some arrangement might not be made, by which the Consolidated Fund might not suffer a loss. As far as he was concerned, he did not deny that the duties were levied in a most inconvenient manner; but there was a debt to the Government, and it ought not to be given up, unless the corporation gave a fair equivalent for the dues from which they wished to be released.

Mr. GROGAN said, the right hon. Gentleman who had just sat down stated that there was no proof that these dues caused any injury to the foreign trade of the port of Dublin; but his hon. Colleague (Mr. Vance) had told the House what was simply the fact—that any foreign ship going to the port of Dublin, though she made no use of the harbour of Kingstown, was liable to these dues; whereas a ship coming from Glasgow, Bristol, Hull, or any other home port, made use of that harbour without paying any dues whatever. There could be no doubt, therefore, that the mode in which the duties were levied was an injury—almost a prohibition—to the foreign trade of Dublin. In no other port did such duties exist; and he would ask whether the Government would venture to act in the same way towards the port of Liverpool? With respect to the Irish lights, a change had taken place within the last three or four years in their management. Previously, the whole of those lights were under the management of the Dublin Ballast Board; and they managed those lights so well, that they set an example of reducing the dues to a scale which the Trinity Board, in London, found it necessary to imitate; and if there had been any deficiency within the last few years in the amount received on Irish lights, it must be borne in mind that those lights had been during that time in the management of the Trinity Board in this country, who had appropriated, moreover, a sum of £30,000, which the Ballast Board had in the bank at the time of the change of management. With regard to the differential duties, that might be a

proper question for the consideration of a Committee; but the House must bear in mind that the corporation of Dublin was a distinct body, and the trading community of Dublin—though there were many of them in the corporation—was another; and his colleague (Mr. Vance) appeared now, on behalf of the commercial and shipping interest of Dublin, to show to the House that those dues rendered it almost impossible to carry on a foreign trade in that port. The traders of Dublin appealed to the House to repeal an impost which the House itself admitted to be unjust. They asked the permission of the House to establish, by an inquiry before a Committee, that the maintenance of this impost was ruinous to the trade of the port of Dublin, and that its maintenance should not be continued, because the corporation of Dublin claimed a right to those dues.

The CHANCELLOR of the EXCHEQUER said, he could not at all agree with the hon. Member who had just spoken, as to the general view he had taken of the question. It appeared to him that if ever there was a contract between the Consolidated Fund and any other body, it was the contract with respect to these dues. In his view, the arrangement made was one of great advantage to the inhabitants of Dublin, and of very little advantage to the Consolidated Fund. The Consolidated Fund obtained a small amount every year in return for a very considerable claim, which it might have urged with success, and therefore he could not hold out any hope that he would consent to any arrangement which would tend to diminish the amount paid to the Consolidated Fund—an amount much below what they were entitled to receive; on the contrary, he must oppose any attempt to relieve the inhabitants of Dublin from the payment of that amount. But if it was a fact that the manner in which these tolls were levied was injurious to the commerce of the port of Dublin, he was willing to go as far as his right hon. Friend in making any alteration in the way in which the amount was levied, on the understanding that the same amount was paid into the Exchequer. He should not, therefore, oppose the appointment of the Committee; but in assenting to the inquiry, he could not hold out any hope of reducing the amount paid into the Exchequer. If, therefore, the hon. Member should hereafter find him a stern opponent of any proposal to reduce that amount, he must not accuse him of inconsistency.

Mr. J. D. FITZGERALD said, that having looked carefully through the voluminous Acts of Parliament and papers on these dues, he confessed he did not clearly understand the question, and he doubted whether any Member of the House did. The matter was so complicated that he thought the parties aggrieved were entitled to an inquiry. For his part, he could not discover where the compact between the corporation of Dublin and the Consolidated Fund had been. The hon. Member did not now ask for the abolition of the tax, but only for an inquiry; and although that inquiry was to be granted, it was to be curtailed by the understanding that there would be no relief from the impost unless some equivalent could be found for the Consolidated Fund. It was not the corporation of Dublin, nor the Irish Ballast Board, which had an interest in the question, but the merchants of Dublin, whose trade was damnified, not only by the impost itself, but by the manner in which it was levied. To give an instance of it, he might state that a friend of his own, a merchant in Dublin, had paid on a small cargo of tea as much as £140 duty, which he would not have been called upon to pay had the tea been shipped to Liverpool, Glasgow, or any other port. He should advise the hon. Member for Dublin not to trouble himself with the Committee, if the investigation was to be limited in the manner suggested by the Government.

Mr. LOWE said, as the question had become somewhat obscured, he would just mention briefly the facts relating to this matter. He would, however, say nothing about the negotiations previous to the Act of Parliament; but in 1815 an Act was passed, constituting certain Commissioners for Dunleary or Kingstown harbour. In the following year another Act was passed, authorizing sums to be paid out of the Irish Exchequer for the improvement of the harbour, and imposing the dues which were now in question. The dues were appropriated in the following manner:—First, interest was to be paid upon the sum advanced from the Irish Exchequer, and then any surplus should be applied to a sinking fund for the reduction of the principal. Under that Act, £218,000 was advanced out of the Consolidated Fund for the purposes of the harbour, and the payment made upon the corporation of Dublin to the Consolidated Fund in respect of that sum—a payment which it was said pressed so severely on the trade of Dublin—was about £3,000 a year. The result was, that in 1837—the date of the last

account which he had been enabled to get —the arrear of interest due, together with the principal advanced, amounted to £313,000. That arrear had, no doubt, being going on to the present day; and it would be a moderate estimate to put the sum for which the Consolidated Fund had a claim upon these duties at £400,000. He agreed with the Chancellor of the Exchequer that the Government ought not to give up this sum. The money had been spent and no equivalent had been received by the Government. When he (Mr. Lowe) introduced a Bill for the abolition of all town dues on shipping, he proposed to do away with these particular dues; but, as a matter of exception, he did not see on what grounds Dublin could claim to be exempted from them. But if Dublin made this payment to the Consolidated Fund, there were two other payments which the corporation of Dublin received—first, a sum of £2,000 a year for town dues levied on shipping entering the port, in consideration of which the corporation provided scales and weights and other small matters of accommodation; and, in addition to that, they received out of the Consolidated Fund of this country, which had advanced £218,000 to make their harbour, £2,000 a year as an equivalent for differential dues on foreign shipping; so that the accounts stood thus:—The corporation received from shipping £2,000 a year, and from the Consolidated Fund £2,000 a year, besides the £218,000 they had received out of the Consolidated Fund, for which they paid an interest of £1 per cent. He did not think that was an arrangement which could be in any way altered to the advantage of the public in favour of the port of Dublin. He trusted the Chancellor of the Exchequer, before assenting to the Committee, would see the necessity of restricting its range of inquiry within more definite and appropriate limits than were indicated by the notice of Motion on the paper.

Viscount PALMERSTON said, he thought the remarks of his right hon. Friend deserving of serious consideration. The right hon. Gentleman opposite had stated very distinctly that nothing would induce him to consent to deprive the Consolidated Fund of the income in question, and that the only question which he would entertain was the mode in which an equal amount might be collected. If that was the opinion of the Government it would be trifling with the Committee if they were to appoint it and to permit it to take the larger range of the question started by the hon. and learned Member for Ennis (Mr. FitzGerald). In fairness to the Committee there ought to be some limitation to its inquiry, otherwise it would lead to no result. The Committee should be directed to confine their investigation to the point whether an equal sum could be levied in any manner which would be less objectionable and oppressive to the city of Dublin than the present dues.

Mr. VANCE, in reply said, that though the right hon. Gentleman seemed to think the payment of £3,000 a year by the merchants of Dublin a small matter, he could tell him that it had had the effect of crushing the foreign trade of that port. Even admitting that a bargain had been improvidently made—which he denied—why should it be allowed to crush the foreign trade of Dublin? In looking over the Acts he had great doubts of the legality of the dues in question. He did not like limiting the inquiry in the manner proposed, but as he was powerless against the Government and the opposition united, he should withdraw the Motion, and substitute for it one which the Chancellor of the Exchequer had just handed to him.

Motion by leave *withdrawn*.

Select Committee *appointed*,—

"On the mode of levying certain Duties on Ships and other Imposts within the Port of Dublin, and whether any equivalent can be supplied by the Port for the sum now paid to the Consolidated Fund."

THE SEPTENNIAL ACT.—LEAVE.

Mr. COX rose, pursuant to notice, to move for leave to bring in a Bill to repeal the Septennial Act, and to limit the duration of Parliament to three years. He said this question had often been discussed in Parliament, but not for several years past. He had to solicit the indulgence of the House—to which no one who had an onerous duty to discharge had ever appealed in vain—while he endeavoured to bring its merits under their consideration. The question was one of great importance, and he appealed to the Chancellor of the Exchequer and to hon. Gentlemen on the Ministerial side of the House to support the Motion he was about to make, because he intended to show the House that according to the ancient constitution of this country short Parliaments ought to exist. He would not, however, go into the history of this question further back than for the last five hundred years. It would be enough for him if he showed that up to 1715, when the Act which he sought to

repeal passed, there were short Parliaments. The first Act which had reference to the duration of Parliaments was passed in the 4th Edward III, in the year 1330. By that statute it was accorded that a Parliament should be holden once in every year, and oftener if necessary. It appeared that that Act had been pretty well observed, but nevertheless breaches of its provisions occurred in the reign of the same king; and in order that there should be no mistake, by the 36 *Edw.* III. c. 10, it was enacted that a Parliament should be opened once in every year, as was ordained by the previous statute. Parliaments were accordingly held during the next ten years in exact conformity with the statute and the principle of the enactment with occasional lapses continued in operation till the reign of Henry VIII. Thus it appeared that during the fifty-seven years of the reign of Edward III. there were thirty-seven Parliaments; in the reign of Richard II. there were twenty-six Parliaments held in twenty-two years; in that of Henry IV. there were ten in fourteen years; in that of Henry V. there were held eleven in nine years; and in the reign of Henry VI. there were held twenty-two Parliaments in thirty-nine years. Then came the reign of Henry VIII., who, as was well known, set all Acts of Parliament at defiance, and only held as many Parliaments as he chose. From that time to the reign of Charles I. Parliaments were held very irregularly, sometimes five or six years intervening between them, and sometimes two. He ought, however, to except the reign of Queen Mary, for it appeared that during the five years she was on the throne she called together five Parliaments. Hitherto the constitution had been that of annual Parliaments, however much infringed, but they now came to a different state of things and a new class of legislation. The 16th of Charles I. was passed, declaring that if after a period of three years the king did not call Parliament together, the people themselves were to have the power of doing so. The 16th of Charles II. repealed this statute, and declared that the power of calling Parliaments together at the end of three years should rest, not with the people, but with the Crown. But the 6th of William and Mary was really the Triennial Act. It was called "An Act for the frequent meeting and calling of Parliament," and it enacted that Parliament should be called once in three years, or rather that three years should not elapse without Parliament being brought together. For the first time they now found the words that no Parliament should last longer than three years. After the passing of the Act of William and Mary it was rigidly adhered to; a Parliament was called, which lasted three years and then dissolved. Passing over the reign of Queen Anne, he came to that of George I., when, unfortunately for the country, there was a change of Government—the Tories were turned out, and the King took into his councils the Whigs of that day. Changes of Government were not effected in those days quietly and without excitement, as was the case now, but they were attended with rioting, violence, and bloodshed, and it was in the midst of such circumstances that the law was passed which he sought to repeal. In January, 1715, some remarkable words were put into the mouth of the king, who had just come to the throne; for, in a proclamation issued calling Parliament together, the people were directed to elect such persons as would redress their grievances and maintain the Protestant succession. The frightful and enormous expenditure which occurred at that election was made the reason for passing the Act which he now sought to repeal. When the new Parliament met, on the 14th March, 1715, the Whigs, who were in a majority, took care that all should be done which would prevent their opponents getting into power again. The year 1715 was signalized by rebellion in Scotland, and insurrection in the north, and disturbances in various parts of the country. The Earl of Oxford was impeached; the heads of the Earl of Derwentwater and other Peers rolled from the scaffold on Tower Hill. We condemned foreign countries for putting persons to death for their political opinions, but this was done in England in 1715. On the 24th of January, 1715, the king gave his assent to another Bill for the suspension of the Habeas Corpus Act. The king stated to Parliament that the Pretender was in Scotland, which was not, however, true, and in this state of affairs the Septennial Act was introduced. Executions were taking place and the country was in a state of commotion. The Ministry of the day found that Parliament was about to expire, according to the provisions of the Act of William and Mary, at a juncture when the people were irritated by the harshness and cruelty of Government in

suppressing the rebellion. That was a state of public feeling which they were unwilling to encounter, and therefore to secure their own immunity, they set about to see how they could best retain the power they had obtained by shedding so much blood, and what did they do? They did not bring a Bill into the House of Commons which was to extend the duration of Parliaments, but it was introduced into the House of Lords, which was then a sealed place, of the proceedings in which no one knew anything, and it was there passed and brought down to the Commons on the 19th of April, 1716. One would have supposed that a Bill of such a character would have received considerable discussion, and a long time would have elapsed before it was passed through its several stages; but having been brought in on the 19th of April, and read a first time on the same night, on the following 26th it was passed and sent back to the House of Lords without any Amendment. That showed the state of the country and the fear and trepidation of the Parliament. Members jumped at the idea of securing their seats for another four years, and they were glad to pass a Bill for that purpose in one week. Although the Bill was only in the House of Commons one week the people got an inkling of it, and sent up petitions against it. One of those petitions came from Abingdon, and it set forth that the most valuable privilege which they enjoyed was their being represented in Parliament, and that though they had a Member who was faithful to his duty, yet if he forgot that duty by the extension of the duration of Parliament to more than three years, they would be unable to make such change in their representation as they thought desirable for a considerable lapse of time, and therefore they objected to any alteration of the duration of Parliament beyond three years. Another petition was from Horsham, and it stated that the Petitioners looked on the Bill as an overturning of the constitution and an infringement of their liberties. A Motion was made to reject this petition, and on a division 157 voted for its rejection and 90 in its favour. The House of Commons therefore would not receive the petitions of the people. The Septennial Act was entitled an Act for enlarging the Continuance of Parliament as arranged by the Act of William and Mary, passed for providing for the frequent calling together of Parliament; and the preamble of the Act alleged three reasons for the change:—that triennial Parliaments entailed grievous expense; that more violent and lasting heats and animosities than had ever been known before had arisen since the Act 6th William and Mary was passed, by which triennial Parliaments were established; and that it was desirable Parliament should continue longer than three years because of the existence of Popish factions, which were dangerous to the Government; that Act was recited in the preamble, which went on to say that it had been proved that the said Act was burdensome by reason of the expenses it caused in the election of Members of Parliament, and by reason of the heat and animosity it created, which were greater than they had been before it passed, and that if the said provisions were continued then, when a restless faction were endeavouring to renew rebellion and promote invasion, the results would be most disadvantageous to the country. None of these allegations would, however, now hold good as reasons why that Act should not be repealed, and we should not go back to the old system of our constitution. It might be said that the expenses of elections were so great that no man ought to go back to his constituents so often as once in three years. But he believed that if an hon. Member was true to his pledges and attentive to his duty to his constituents, he would be elected as long as he chose to seek their suffrages, and that the shorter Parliaments were the less likelihood there would be of men lavishing money to obtain seats for their own personal advantage. If hon. Members had to go back to their constituents every three years there would be less chance of their forgetting the pledges which they gave upon the hustings, and less necessity for reminding their constituents of the manner in which they had discharged their duties. He had been for years a member of a body, the members of which were elected annually, and he found that, presenting himself year after year to his constituents, they knew what he had done almost as well as he could tell them. But Parliamentary constituencies, under the present system, were almost as prone to forget as the Members were themselves, and he doubted very much whether he should remember what he had promised on his election if he were not a metropolitan member, and in daily communication with his constituents. It was

the grossest absurdity to allege that the heats and animosities which were occasioned by the change of Government from Tory to Whig were attributable to the Triennial Act, and with regard to the third allegation in the preamble of the Septennial Act—namely, that when a rebellion or invasion threatened, it was imprudent to dissolve Parliament, — that reason did not hold good now. We were not threatened with invasion, though we might have been if the noble Lord the Member for Tiverton had continued in office. There was no rebellion in Scotland, and there were no dangerous Popish factions. The succession to the Throne was as secure as it could possibly be; and, although some men might prefer a republican to a monarchical form of Government, he believed that the few of that opinion who were in England were ready to postpone their republicanism out of the love and veneration which they bore towards Her Majesty the Queen of this realm. It might be said that, taking the average since the Septennial Act, Parliaments had really been triennial; but he contended that the average ought not to be taken, and that, omitting the exceptional instances of Parliament being dissolved a very short time after election, in consequence of a change of Ministry or any other cause, ordinary Parliaments had lasted more than five, and in many of them nearly the full seven years. It was said that the noble Lord the Member for Tiverton and the noble Lord the Member for London were just now bidding for the leadership of the Liberal party. If it were true, there was a chance for them. He should be very glad—before the discussion was over—to hear each of the noble Lords bidding "Triennial Parliaments," and he was sure that by such a bid they would advance themselves greatly in the favour of the people. The hon. gentleman concluded by moving for leave to bring in a Bill to repeal the Act of George I, cap. 38, commonly called the "Septennial Act," and to limit the duration of Parliaments to three years.

Mr. HADFIELD seconded the Motion.

Motion made and Question proposed,—

"That leave be given to bring in a Bill to repeal the Act of the first year of George the First, cap. 38, commonly called the 'Septennial Act,' and to limit the duration of Parliaments to three years."

Mr. WALPOLE: Sir, the hon. Gentleman, in making an appeal to the two noble Lords and to this bench with respect to this question, has gone back in his recollections of the history of this country to a very early period, in order to show that, according to all constitutional doctrine, we ought to shorten the duration of Parliament. I think, however, that if the hon. Gentleman had studied our history a little more accurately he would have found that there is nothing in our constitutional practice to sanction that doctrine. He would have found that the first statute to which he referred was one which was not applicable in the least degree to the frequency of elections, but to the frequency of the Session of Parliament. He would have found that the statute of Edward III., providing that Parliaments were to be holden once annually, and oftener, if need be, related entirely to the Session, and not to the choice of Members. The hon. Gentleman went through the history of England during the reigns of Henry IV., Henry V., and Henry VI., in order to show that Parliaments were then frequently held. If he turns again to those reigns he will find no doubt that there was much uncertainty on the subject; that Parliament sat but for short periods, and that they were prorogued, adjourned, and dissolved, according to pleasure. Still, I believe that in many instances though frequently held they were not frequently chosen. And if, continuing his researches, he passes on to the reign of Henry VIII., a reign which lasted for about thirty-eight years, he will find one Parliament sitting for six years at the least — the Parliament, I mean, which was summoned in 1529, which was prorogued no less than seven times, and which caused the dissolution of the greater monasteries. The instances to which he refers in Queen Mary's reign were not all of them new summonses of Parliament, but one or two were renewed sittings of the same Parliament. If he will refer to the reign of Edward VI., which he passes over, he will find that one Parliament sat for five years, that is to say, it was not dissolved until the end of that period; and on referring to the reign of Queen Elizabeth, he will find a Parliament summoned in 1572 which was not dissolved until 1583, but which, during those eleven years, sat twenty-five times. I might go through the reign of James I., and even that of Charles I., to show, in answer to the appeal which the hon. Gentleman has made to these benches, that from the first statute he quotes down to the Act passed

by the Long Parliament in the reign of Charles I., there is not a single law or instance of usage in the history of this country which will establish the principle that, upon constitutional grounds, Parliament ought to be annually elected. The first attempt at limiting the duration of Parliament, in the reign of Charles I., was that made by the Long Parliament, which passed an Act whereby it was provided that Parliament should not exist for a greater length of time than three years. But that Parliament was the very first to break through its own law, and declared itself indissoluble except by its own act. That statute was therefore repealed in the reign of Charles II., and the celebrated Parliament of the Merry Monarch was one of the longest Parliaments that ever sat. The second time that an attempt was made to limit the duration of Parliament was on the occasion of the passing of the Triennial Act of 1691, agreed to by both Houses, but which was one of the few instances in which a Bill passed by the two Estates of the realm was not assented to by the Crown. The violation of the constitution, if there has been a violation—or rather, to speak more correctly, the alteration made in the constitution which imposed upon the Crown the necessity of calling together Parliament in the first instance once in three years, and in the second instance once in seven years—was effected, first in the reign of William III., and afterwards in the reign of George I. That, Sir, is the correct historical account of the constitution of the country with reference to the question of the duration of Parliament, and when the hon. Gentleman points to the Septennial Act as a violation of the constitution, because it enabled the Parliament then elected to exist for seven years instead of for three, he forgets that if that Parliament had simply repealed the Triennial Act there was nothing whatever either in the constitution of the country, the common law, or the statutable law of the land, to prevent that Parliament from existing during the whole reign of the King. Constitutionally, therefore, the hon. Gentleman will see that the appeal he has made to us is not an appeal to support a Motion for Annual or Triennial Parliaments; but if he wishes us to be guided by precedents to be found in the earlier period of our history, it would be an appeal that Parliament should last even longer than seven years. A large portion of the hon. Gentleman's speech was directed to the constitutional and historical portion of the question, and therefore I thought it right to correct some of the statements he made in order that we may proceed upon sound premises. The real question, however, which the hon. Gentleman wishes to submit to the House is this, whether the extension of the duration of Parliament from three years to seven in the reign of George I., thus limiting its existence, which otherwise, according to the constitution, would have been unlimited, was, or was not the best measure of time which can be fixed upon for the duration of Parliament. That is really the only question before the House, and no doubt it is open to argument as to whether seven years is or is not the best period at which its duration should be fixed. I think we shall all agree that annual Parliaments, notwithstanding the constitutional reasons which may be alleged in their favour, would be too short, and probably we should equally agree that if Parliament was allowed to remain in existence during the life of the reigning Sovereign, undoubtedly that would be too long. In the former case, you would be driven to such frequency of election that you would have nothing steady or certain about your legislation; and, in the latter case, such an impunity would be given to Members, who would never be held in awe by the necessity of having to meet their constituents for a renewal of their trust, that the most inconvenient consequences might result. The real question, therefore, is, whether that law, which has now been the law of the country for nearly 150 years, is not a wise provision for the limitation of the duration of Parliament. I think, for several reasons, it is a wise provision, and that the period fixed is, on the whole, the best which has yet been devised. The first reason why I uphold it is, that if you have a duration of Parliament for a smaller number of years, great inconvenience would be felt in consequence of the inexperience of the Members, and there would also be a certain want of confidence in the Members themselves, arising from the frequency of their return to their constituencies. The daily business of Parliament, too, is far better transacted when the return of Members is made for a longer period than it would be if this Bill were carried. As the hon. Gentleman has referred to the time when the Triennial Act was in operation, perhaps he will allow me to point

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out, as it is a question of experience, what was the experience of our ancestors with respect to the limitation of Parliament to three years. I hold in my hand the *History of Europe*, by the noble Lord the Member for London (Lord John Russell), from the peace of Utrecht, and in that history he quotes a passage from a speech of Sir Richard Steele, giving an account of the operation of the limitation of the existence of Parliament to three years—

"It made a triennial King, a triennial Ministry, a triennial alliance. We feel this in all occurrences of State; and they who look upon us from abroad, behold with anxiety and doubt the struggle in which we are necessarily engaged from time to time, under this law. Ever since it has been enacted the nation has been in a series of contentions. The first year of a triennial Parliament has been spent in vindictive decisions and animosities concerning the late elections; the second Session has entered into business, but rather with a spirit of contradiction to what the prevailing set of men in former Parliaments had brought to pass, than of a disinterested zeal for the common good. The third Session languished in the pursuit of what little was intended to be done in the second; and the approach of an ensuing election terrified the Members into a servile management according as their respective principals were disposed towards the question before them in the House."

Sir, I believe that to be a just and true description of what took place under the system of triennial Parliaments. You would have again the same inconveniences if you had recourse to the same measure. The first year you would have hon. Members learning their business; in the second you would have them endeavouring to legislate; and in the third you would have them seeking to gain popularity, in order to be in a position to meet their constituents at the end of the year, and ensure their election. Such a state of things must be inimical to cautious, continuous, and well-considered legislation. This House, instead of being the representative of the deliberate judgment and conviction of the sensible and thinking portion of the community, would be the mere reflex of their hasty conclusions, and more probably represent the prejudices and passions of the nation than its reason and its judgment. These are the considerations, stated shortly, which induce me to withhold my concurrence with a plan which would introduce the system of triennial Parliaments. The experiment which has been tried has not been successful, and therefore I think it would be unwise to try it again. Well, then, I ask, has the experiment of septennial Parliaments failed? [An Hon. Member: Yes.] The hon. Gentleman who is bold enough to respond to that question will, perhaps, permit me to recall to his recollection, and contrast what I have just read as the result of the Triennial Act with what has happened in Parliament since the repeal of that enactment. We are speaking of the House of Commons historically; and, I ask, who were the great governors of this country before the passing of the Septennial Act? They sat principally in the House of Lords. I venture to say, that if you go over list after list of great Ministers, you will find that the influence of this House at the time that Act was in operation was as nothing when contrasted with that of the House of Lords. All your great Ministers, your Burleighs, your Buckinghams, your Shaftesburys, your Sunderlands, your Nottinghams, your Godolphins, your Halifaxes, were Members of the House of Lords, and the two most eminent men in our history of that time—Henry St. John and Robert Harley—both found it necessary, when they were honoured with the favour of their Sovereign, to get transferred to the Upper House, because they could carry on the Government of the country better by being in that House than they could do in this. But what has been the state of the House of Commons since the passing of the Septennial Act? From that time down to the present many of the most important statesmen who have presided over the destinies of the country have been Members of this House. I need not refer to the author of that Bill himself—one of the best Ministers of this country that ever lived, whose love of peace was only equalled by his love of constitutional freedom as established by the Revolution—I mean Sir Robert Walpole. If you trace your history from that period, what are the next names you find? Those of Mr. Pelham, of Mr. Grenville, of Lord North, and—greater than all, and greater than that of almost any Minister that ever elevated the honour and dignity of this country—you find the name of the first Mr. Pitt. You may then take the short administration of the Marquess of Rockingham and the Earl of Shelburne, and you find them succeeded in the next period of your history by Mr. Pitt and Mr. Fox. When those two men were carried away in the same year—when they were gathered into the sacred vaults of the neighbouring Abbey—

"Where—taming thought to human pride—
"The mighty chiefs sleep side by side,"

They were followed by that good man for whom, perhaps, I may be briefly allowed to offer a passing tribute of little less than filial affection, the commoner, Mr. Percival; and, after him, with the exception of the Duke of Wellington, Earl Grey, Lord Melbourne, and the present Prime Minister —some of whom were raised to distinction by their early struggles in the House, and the last of whom is admitted to be an exception to every rule—I ask whether the names to which the historian and posterity will hereafter refer, as the greatest of this age, will not be the commoner Mr. Canning, the commoner Sir R. Peel, and perhaps I might add—if it were not like offering flattery to statesmen happily still among us—the commoner Lord John Russell and the commoner Lord Palmerston? But it is not only that the influence of this House has been raised by the Septennial Act. I contend that nobody can trace our history without perceiving that every branch of legislation has gone on improving from that time to this. I do not attribute all that improvement to the Septennial Act alone; but I do attribute a great deal of the dignity, the power, the ability, and the authority which this House has exercised since that period to the measure which the hon. Gentleman advises us now to repeal. I will not detain the House longer; but, since you have found that the legislation of your country has improved under the Septennial Act; since that Act has maintained this House in harmony with the House of Lords, which it is doubtful whether a Triennial Act would be able to accomplish; since it has added to the ability, the authority, and the dignity of the Executive Government, while it has upheld the freedom and independence of the House of Commons, I trust that you will pause long and anxiously before you revert to a measure which has failed, as a substitute for a system which all experience tells us has admirably fulfilled the objects for which it was intended.

Mr. HADFIELD (who was almost inaudible) said, that he was surprised the right hon. Gentleman had referred to one of the most corrupt Ministers who had ever ruled in this country, Sir R. Walpole, and to the apostate Pitt; and that he had made no reference whatever to one of the greatest measures in history, the Reform Bill. He contended that many of the advantages which had been enumerated by the right hon. Gentleman had been owing to that measure.

Question put—

The House *divided*:—Ayes 57; Noes 254: Majority 197.

EAST INDIA (RAILWAYS).

COMMITTEE MOVED FOR.

Mr. LIDDELL, on moving for a Select Committee to inquire into the causes of the delay in the construction of railways in India, said, he did not claim any special knowledge entitling him to the attention of the House, but his motive at least in bringing forward the subject was not unworthy or an interested one. He believed that the causes of the defects in the railway system in India were so apparent, and the difficulties which had attended them so easy of solution, that they only needed discussion in that House to ensure their removal. The most remarkable features of our national industry were the energy and perseverance with which we were generally accustomed to encounter and overcome difficulties in the prosecution of a favourite scheme. Our engineers, manufacturers, and merchants were not in the habit of brooking obstruction in their great operations, nor was delay the normal condition of British enterprise. But delay had, from the commencement, attended our construction of railways in India. As far back as 1841 this question was brought officially under the notice of the Indian Government, by that great man, Sir M'Donald Stephenson, to whose persevering energy he wished, in passing, to pay a humble tribute of admiration. The Great East Indian Railway Company was formed in May, 1845. Sir M'Donald Stephenson and his staff of engineers went out in the July of that year, and the survey of the route to Delhi, by Mirzapore—which was the original plan—was completed in April 1846. Mr. Simm's Report, giving required information to the Court of Directors, was received in July, 1846. Sir M'Donald Stephenson returned home in June of that year, and Sir George Larpent, then chairman of the company, wrote to the Court of Directors, expressing the company's readiness to enter into the contract, and form the necessary arrangements for carrying on the work from Calcutta to Delhi. All sorts of difficulties were raised by the Indian Government at home, whose conduct in these negotiations was marked by hesitation, and if the scheme had been

taken up with the earnestness which its importance demanded, much unnecessary delay would have been obviated; but difficulties were multiplied, and the Indian Government appeared averse to entering into the requisite arrangements, as to the guarantee and other matters, so that at one time the dissolution of the Railway Company seemed almost at hand. Then came the crisis of 1847-8, when, commercial credit being shaken to its foundation, money could not easily be obtained. Still, in spite of these difficulties, the Bills for the Indian trunk lines were passed through Parliament in 1848, owing, in a great measure, to the praiseworthy exertions of the hon. Gentleman the Member for Devonport (Mr. Wilson), at whose absence that evening he might be allowed to express his regret. About the end of 1850 an experimental line was sanctioned, from Calcutta to Raneegunge, and the work was commenced in the beginning of 1851. They had now arrived at the year 1858, and yet only about 300 miles of railway had been opened through the whole of India. The last report furnished by the East Indian Government showed that the mileage now open was thus distributed between the three Presidencies:—121 miles in Bengal, 87 in Bombay, and 91 in Madras. He had been informed that evening, though he could not vouch for the accuracy of the statement, that within a very recent period a portion of the section of the Great East Indian line from Allahabad to Cawnpore had been opened. He should, however, be wanting in candour if he did not explain that the assertion that only 300 miles had been completed was not altogether a fair representation of the progress of these works; for, *pari passu*, there had been executed, or were in course of execution, several hundreds of miles in the different Presidencies. One great cause of delay, in regard to the Great East Indian line, arose from the direction of the railway having been changed at the instance of the Government. It was originally proposed that the line should run straight to Mirzapore; but, after being duly sanctioned, the direction was altered, so as to pass through Rajmahal, by Patna, and up the valley of the Ganges. Then came the Santhal rebellion, which obstructed the prosecution of the works. The existing mutiny had also greatly interfered with the completion of the great trunk line. He believed, however, that the mischief caused to the works by the insurgents was not very material, and that when peace was restored to that unhappy country, this great project would be carried rapidly forward. In the Great Indian Peninsular scheme, which was being executed in the Bombay Presidency, there was the natural difficulty of surmounting the ghauts to encounter. The carrying of this railway over the Bhore Ghaut would be one of the greatest engineering feats which the world had, perhaps, ever seen. The lines in Madras could be more readily constructed. Another obstacle was that, whereas the lines were generally carried along the course of the rivers, the affluent streams must be crossed in most cases at their broadest points, thereby rendering the bridging works very arduous. But, if such were the difficulties which presented themselves, it should be remembered, on the other hand, that there were many important facilities offered to railway enterprise in India. In the first place, the country was generally flat in its character, so that engineering difficulties would be few; and, secondly, labour was extremely cheap. The services of as many men as they pleased could be obtained for 3*d.* per day, and those of women and children for 2*d.* Again, the calculation of the cost of railways was something under £10,000 per mile for the whole of India, and over a great portion of that country they were being constructed at £6,000 or £7,000 per mile. The average cost of the 8,000 miles of railway which intersected England was £33,000 per mile. In order, however, to consider the subject in all its bearings, it would be necessary to inquire into the exact relations between the Government and the railway companies. Every one surely would allow that England owed railways to India, in return for the very large revenue which she derived from the country. We were bound to confer on the millions over whom we ruled those blessings of rapid and easy communication which every civilized monarch was now endeavouring to extend to his subjects. The Government, however, had neither the money nor the means for constructing railways itself, and therefore it had wisely handed over their execution to private enterprise. But capitalists were averse to investing their resources in the carrying out of such schemes without the sanction and encouragement of the State; and it was not unreasonable that the Government, in return for their guarantee, should insist

upon exercising a certain amount of supervision, to protect themselves from an undue or extravagant expenditure on the part of the companies. The conditions into which the Government and the companies mutually entered were, that the latter should find the money and construct the lines where the Government liked, when the Government liked, and as the Government liked. In other words, the Government selected the direction of the line, and altered it, if it saw fit; it could force on the works, or retard them at its pleasure, controlling their execution, and supervising those by whom they were carried on. On the other hand, the Government gave the land, and he believed that the estimated value of the land was about £1,000,000 sterling; and he might say, in passing, that he should be rather curious to hear on what basis that calculation had been arrived at. He should like to know how much had been paid to the ryots in compensation for the land given up. The Government, as he said before, agreed to guarantee from $4\frac{1}{2}$ to 5 per cent. on the amount of the capital expended, and, in order to protect themselves from undue expenditure in the works on the part of the companies, they claimed under the contract a very large amount of supervision and control. There were other agreements to which it was hardly necessary for him to allude—such as that the companies might at any time surrender the works of the Government, and the Government were bound to take them, or the Government might at particular periods —at the lapse of 25 or 50 years—take the works into their own hands, paying the price for them, calculated on three years' value of the shares; and in case of mismanagement, or of a company failing in the construction of the works, the Government might take possession of them, repaying the cost of construction. He was aware that these conditions could not be altered in regard to the works with respect to which they had been entered into; but, looking forward to a very large extension of railway enterprise in India, he thought it quite worthy of consideration whether the terms of contract might not be in future with advantage materially modified. It was clear that the whole question lay in the mode in which, and the extent to which, the Government supervision was exercised; and it was to that point they should mainly apply themselves. The extent to which the Government supervision was exercised might be understood from the section of the contract, which stated that the railway companies and their officers should in all things be subject to the superintendence and control of the East India Company, as well in India as elsewhere, and that no by-law or contract should be entered into unless sanctioned by the East India Company, &c. So much for the power of control; and he would quote instances of the effect of this system, which he maintained was naturally productive of delay. He was not going in this matter to speak without book, or to make vague charges against individuals, for it was of the system alone that he complained, and what he stated he would state on reliable authority—published railway documents, open to all the world. As an illustration of his argument, he would confine himself to the Presidency of Madras, to which the rebellion had never extended. The first great cause of difficulty and obstruction was, he believed, in most instances, if not in every instance, the consulting engineer, who was the person intrusted by the Government with the control and supervision of the works. This engineer was a military man; and while he wished to speak with all possible respect of the scientific branches of the army, he humbly thought that a military man, however skilful in the construction of a fortress or the defence of a position, was completely out of his sphere in reference to the construction of railway bridges, tunneling, or embankments. Taking the reverse of the case, let them suppose an eminent civil engineer, appointed by the caprice of the Government to control a military engineer engaged in arduous military duties, and to have a veto on all his operations, was it not probable that such a course of proceeding would involve loss and disaster to the country? It was not surprising then that a civil engineer was naturally vexed at finding a military engineer controlling him in his proceedings, and this consequently led to a want of that unity of operation absolutely essential in the conduct of great works. It might naturally be supposed that a railway company, intrusted with the construction of a great work, would be left at liberty to select its own staff of engineers and inspectors, to form its own contracts, find its own materials, and obtain its own stores from home or elsewhere in the best and most expeditious way it could. So far from this being the case, not one arrangement with respect to

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these matters was allowed to be made without the direct sanction of the Government. With respect to the inspectors, he need not remind the House that their duties were of a very delicate nature, which it required a skilful person to perform, especially as a great part of their functions consisted in the instruction of unskilled labour; yet the Government would not allow the railway authorities to select their own agents for this office, and forbad them to obtain them out of the country, though they were not to be obtained in the country. With respect to contracts, he was informed that the Natives in many parts of India did not, strictly speaking, understand the nature of contracts at all, and frequently threw them up just at the very moment when it was important that they should be carried on. He was told that the best mode of obtaining certain supplies was by simply paying ready money, and procuring the article on the spot at the lowest price; but against this system the Government absolutely set its face. He was informed that in some parts of India great difficulty was experienced in obtaining timber. He had heard of a case in which the railway engineers had requested the Government to sanction the purchase of 3,000 sleepers. It so happened that a portion of these sleepers were composed of a description of wood which was not included in the authorised list, and the consulting engineer refused his sanction, insisting that the botanical name of the wood should be given. A long correspondence took place on the subject, and it turned out that the wood, which was most durable and serviceable, and stated to be so by the railway engineers, was known in the part of the country where it was to be used by a different name from that which it bore in the place where it was produced, and it was eventually accepted under its new name; a considerable period had elapsed, however, before this was done, and the correspondence occupied several pages of the railway report. It frequently happened, from the circuitous mode in which the correspondence between the local Governments and the railway companies was carried on, that when stores were required from England, so much delay occurred in obtaining the sanction of the Government in India and at home for their purchase that they were not received until the lapse of some sixteen, seventeen, or eighteen months after they were ordered, and when they were obtained the necessity for them had not unfrequently ceased to exist. He had actually read of a case in which the Governor in Council had entered into a discussion with the railway authorities as to the proper position for a water-closet in one of the stations. But without troubling the House with minute details, if hon. Members would picture to themselves every conceivable interference in frivolous and vexatious matters of detail they might form some idea of the railway system of construction, and the aggregate of which details formed the sum of the delays complained of. A similar system of obstruction and interference was carried on when the line was opened for general traffic. As soon as a line of railway was completed, the consulting engineer obtained the control of the locomotive and traffic departments, and until within a recent period, he had the power of preventing the traffic manager from despatching special engines even when they were required for the public service. Nor was this all, for, great as were the obstructions in India, the system pursued at home, with regard to the construction of Indian railways, was just as productive of the most tedious delays. He might mention, for instance, that the scheme for the Bombay and Baroda line of railway was first submitted to the consideration of the Indian Government in 1853, and in August of that year the survey was authorised. On the 20th of September the surveying party left England, and in April, 1854, a report and survey were furnished to the local Government for 1,114 miles of railway; but it was not till April 1855, that the sanction of the Indian Government was obtained for the construction of a portion of that line, which happened to be the portion that would be the least advantageous and remunerative, for it terminated at Surat, a port closed by the monsoons for four months, and only suitable for small boats at the best. It was not until after three years' pressure that the Home Government, in November last, had sanctioned the extension of the line to Bombay. He observed in the Report of the Indian Government last year a paragraph in which they claimed credit for the rapidity with which railways had been constructed in that country; but he would ask the House to compare the progress which had been made with regard to railway communication in India and in the United States. Since 1830 no less than 26,000 miles of railway had been constructed in the United States, or on an average

nearly 1,000 miles per annum, while in India only 300 miles had been completed within a period of eight years. He should not trouble the House at much greater length, but there was one feature of the subject which he must present to them before he sat down. He need hardly say that he alluded to the effect which a more complete system of railway communication would have produced upon the recent military operations in India. If there was one lesson more than another which late disturbances taught us, it was, that it was impossible to rely on Native troops, and it was necessary to employ Europeans to a greater extent than heretofore. They must have more European troops, and as the lives of European troops were too valuable to allow of their being stationed in unhealthy places, the power of concentrating our soldiers on any given point at the shortest possible notice was of the utmost importance, and this could only be done by an extended system of internal communication. Colonel Kennedy, who returned to this country in 1852, had made a report on the military occupation of India, in which he calculated that a most important reduction might be made in the numerical force of our Indian army if such a system were in existence—a reduction which would effect a saving of something like £2,500,000 per annum, of military expenditure, representing a capital at 4 per cent. of nearly £60,000,000 of money, or almost twice the amount now estimated as sufficient to complete all the lines of railway sanctioned by the Indian Government. On commercial, on military, on economical grounds, therefore, it was the absolute duty of the Government to forward the extension of railways to the utmost of their power. He had endeavoured to show the cumbrous and intricate system by which it was proposed to construct the lines of railway, and, looking forward to a large and rapid extension of railways in India, he thought it absolutely necessary to change that system. It was not for him to propose a remedy; but if the Government were to have all plans and surveys laid before them, to institute an audit of the accounts at particular periods, and, if necessary, tie down the railway companies to complete the construction of the line within a given period, leaving them to find their own labour, their own materials, and the means of carrying out the works, he believed those works would be constructed much more rapidly and efficiently. All that he had said, and more, he could prove before a Committee if it were granted him, and he would now, therefore, move for a Select Committee to inquire into the causes that have led to the delay that had occurred in the construction of railways in India.

MR. CRAWFORD seconded the Motion for the purpose of showing that the companies charged with the construction of railways in India were ready and willing to submit themselves to any inquiry it might please the House to prescribe. He reminded the House that he had intended himself by notice, given at the close of the last Session of Parliament, to bring the matter before the House; but as the hon. Member had given notice of his Motion, and he had found on communicating with him that their views were in many respects identical, he thought it better to content himself with supporting the Motion of the hon. Gentleman. The hon. Member founded his Motion on the delay which it was supposed had taken place in the construction of these railways. The delay charged might have proceeded from two causes—one over which no one could exercise any control, the state of the country—the other from default, either on the part of the companies or the Government. Now it was not till 1830 that the first great railway was opened in this country, whilst it was not till 1833 that the royal assent was given for the construction of the London and Birmingham Railway; and the Bills for the construction of the Brighton and South-Eastern lines passed in 1836 and 1837. Shortly afterwards the subject of railways in India attracted the notice of Mr. Stephenson, now Sir Macdonald Stephenson, and another gentleman, Mr. John Chapman, who went to India to investigate the question and to make the necessary surveys. Sir Macdonald Stephenson returned from India in 1844, and forthwith published a well-considered and digested scheme. He formed an association, the East Indian Railway Company, and in 1845 the chairman of that association placed himself, for the first time, in communication with the Directors of the East India Company, who on the 7th of May framed a minute, in which they laid down the views they entertained on the subject. They stated that they could not agree to railways being constructed in India until they had received the report of an engineer whom they proposed to send out. Accordingly, in the same year, Mr. Simms went out for this purpose. On

his return, the Directors of the Company lost no time in digesting, considering, and submitting to the Board of Control a proposal for the introduction of a railway system into India. It was to that Board, and not to the last India Company, that, in this as in many other instances, the whole blame was attributable for the delay in the progress of railways in India. The proposal of the Government was, that two large sections of railways should be made in Bengal, one in the Upper and one in the Lower Provinces; that £5,000,000 sterling should be laid out upon them; and that 4 per cent per annum should be guaranteed to companies who would undertake this project upon the principle of a lease of the line for ninety-nine years. The Board of Control overruled this proposal, and called upon the Court of Directors to propose a guarantee of 4 per cent for fifteen years. Now, it was one of the terms upon which the railway companies undertook these large functions and responsibilities that they should be secured a certain adequate annual return for the risk they ran in embarking their property in an enterprise so remote from this country, and so far beyond the immediate control of any governing body here. These companies, therefore, were obliged to decline the proposal made to them. Subsequently, interviews took place between the directors and the companies, in which the matter was discussed, and the result was, that a dividend of 5 per cent was asked for, and was eventually accorded for twenty-five years. The Court of Directors, in a communication which was highly creditable to them, had informed the Board of Control that the more they considered the subject the more they were convinced that it was incumbent upon the Government of India to adopt measures to insure the early construction of one or more experimental lines in the Bengal Presidency; but they stated at the same time that unless more favourable terms were offered to the railway company the great object in view would fail in accomplishment. So it proved to be. In the same year certain terms were agreed upon. It was understood that the railway company should be empowered to construct a portion of a line in Bengal, and in order to give a substantial character to the company, they were required to pay into the treasury of the East India Company the sum of £100,000 in three months. Everything seemed to be progressing satisfactorily; Mr. Stephenson, with an adequate staff of officers, was again despatched to India, when the great commercial crisis occurred in August. The result of course was, that great difficulty was experienced in getting the money within the specified time, and the arrangement fell to the ground. Nevertheless a proposal was made to the Court of Directors that the time should be extended for a further period of three or four months; but, although a Bill was presented to Parliament in the beginning of the following year, in order to secure to the railway company those immunities without which a public company could not be expected to carry on business, the negotiation with the Court of Directors terminated unsuccessfully by reason of the continuance of the difficulties in the commercial world, in consequence of the revolution in France. Those engaged in the negotiation, however, were not discouraged, but again had an interview with the Court of Directors, the result being the completion of an agreement for the employment of £1,000,000 in the construction of an experimental line in Bengal. Differences again arose with respect to the terms of the contract which had been entered into, and after some further correspondence, including an abortive attempt to enter into an agreement with the Great Indian Peninsula Company, the Board of Control, in 1848, yielding to a strong pressure from without, and after having received an influential deputation from Manchester on the subject, placed itself in communication with the gentlemen engaged in the formation of railway companies, and ultimately consented to the terms which now formed the basis upon which the Indian railways were managed. The principle was acknowledged that the railways should be constructed by private individuals, and not by the Government departments; that the Government should find the land, and that in consideration of that, as well as the pecuniary advantages to be conceded to the railway companies, they should be subjected to the supervision of the Government in respect to the selection of route, the mode of construction, and the practical working of the lines. The question of dividend was settled in this way — the Court of Directors declined to guarantee a dividend upon the capital funds of the railway companies, but undertook to pay a certain annual interest upon a fixed sum, and gave the shareholders the power at

any time, or whenever the annual payments might be insufficient to secure to the shareholders that return which they were entitled to expect, of throwing the railways upon the hands of the Government. Another condition was, that the Government should be represented in the railway Boards by an *ex officio* director, and it was entirely owing to the judgment, temper, and discretion evinced by Sir James Melvill that anything like success had attended the labours of the railway directors. No sooner, however, had that eminently practical man taken his seat at the railway Board than a difficulty arose which he believed had been the cause of nine-tenths of all the embarrassments which had since occurred. It was understood at first that Sir James would act as a plenipotentiary, empowered to consent on behalf of the Government to all the measures proposed by the Boards; but it was soon ascertained that he was bound to report the proceedings of the Boards to the Court of Directors, and to take the opinion of the latter upon them. The House could hardly be aware to what an extent the jealous feeling of the Board of Control influenced it in its proceedings towards the company over which he had the honour to preside. He held in his hand a return showing the number of the Board meetings of the Company since the date of its first sitting, and he found from that document that, while it met once a week the record of its proceedings had in each instance to be submitted to the Court of Directors, and that it could act upon no Resolution which it might come to until it had received the concurrence of the East India House. He found also that the time which elapsed before that concurrence was signified, and before the Board, therefore, could take any steps in accordance with its own decision, generally embraced a period of six weeks. That, he must contend, was a monstrous state of things, and one which ought not to be permitted to exist in the case of a body charged with such important business. He might add that the railway company could not communicate with its own agents in India without the sanction of the Court of Directors. For this sanction they hrd often to wait four or five months, and the result was that a considerable delay in the management of the affairs was occasioned. It was only lately, indeed, that the company had been placed in a position to purchase a single item of railway materials for the construction of its railways without the authority of the Court of Directors signified in writing. In India the state of affairs was, he regretted to have to state, almost equally open to objection. Those gentlemen who were charged in that country with the approval of all the acts of the railway officers, however, he felt bound to say, prevented to some extent the confusion which the system under which they acted was calculated to create, by the conciliatory manner in which their duties were discharged; but the amount of obstruction caused by the mode in which the servants and engineers of the railway were fettered by the necessity of perpetual reference to the Government officers, was hardly to be credited. It was only that very day that he had received a letter from Mr. Turnbull, the chief engineer of the company — a gentleman of great experience in his profession, to the company's agent at Calcutta, in which the writer described as most lamentable, the situation in which he was placed. He stated that he had not the power to appoint a man to do any work under him, even at a salary of £2 a month, without making a formal representation to the constituted authorities of the grounds upon which his services were required and obtaining their assent. On one occasion—so far is the system carried—some of the railway engineers who were staying at a place during the construction of the works, required the construction of a bungalow, little better than a hovel, for their shelter, but before this could be done a reference had to be made to the East India Company's consulting and controlling engineer at Calcutta, who would not grant the permission until he had been furnished with full information as to the reason it was required, and the probable cost of the erection of all similar erections required over a line 300 miles in length. Again, the agent of the Company at Calcutta, being in need of timber, and happening to be thrown in the way of merchants with whom he was anxious to contract for its purchase, sent in a requisition to the Government officers upon the subject; but inasmuch as they required, before they gave their assent to the proposal, to know the special use for which the timber was intended, its quality, and various other particulars with respect to it, the opportunity for a satisfactory arrangement for its supply at the proper moment was lost. With respect to the question of the diversion of a line of railway to which the hon. Gentleman had referred as another

cause of the delay which had occurred—he did not mean to say that the Valley of the Ganges would not eventually be the best course for the Government, the country, and the company. But he believed that if the original plan had been carried out we should have been able to send our troops by railway to Mirzapore at the time of the mutiny. The present line was one most difficult of construction, for it was carried over the alluvial soil of the Ganges, along a range of hills, from which in the rainy season torrents flowed down over a constant succession of watercourses and rivers which required the construction of an immense number of bridges, one of which was three times as long as London Bridge, having thirty-two arches of 50 feet span each. And yet, under all these disadvantages, the East India Railway Company, over which he presided, carried on its operations with a vigour and celerity that would bear comparison with those of railway companies more fortunately situated. As a proof of this he would ask the House to compare what had been effected in India with what had taken place in the case of the North-Western line. The Act of Parliament for the construction of that line had been passed in 1833, but four years had elapsed before it had been finally opened for traffic; while in the case of the East India Railway Company, it was not until the month of August, 1851, that their line was determined upon, and not till March, 1852, that they had obtained possession of the whole of the land which they required; yet not quite three years had elapsed before they had opened for traffic a line of railway 122 miles in length perfectly equal, according to the Report of Mr. Rendell, the son of the eminent engineer, who had lately inspected it, in point of structure and durability to any railway in this country. In dealing with the subject the House must not lose sight of the fact that the difficulty of obtaining the requisite materials in India. In England we could get labour, iron, timber, lime, or anything else, whenever and wherever they were wanted. In India, if they were required, you might have to send 500 miles for them. And yet, notwithstanding this difficulty, in addition to those to which he had already alluded, the railway companies had in active construction, at the time of the outbreak of the mutiny, no fewer than 1103 miles of railway. Let hon. Members think of the magnitude of the work represented by that fact, and they would be very far from coming to the conclusion that the companies had been remiss. The East Indian Railway Company had constructed 123 miles, besides a further portion of similar length leading to the Upper Provinces, from Allahabad in the direction of Cawnpore, which had already been found most valuable for the conveyance of troops and munitions of war whilst forty-five miles more were ready for opening in the Lower Provinces. It must be remembered that every locomotive and every piece of iron had to be sent from this country. During the last five or six years the railway company with which he was connected had sent out 122 locomotives and 220,000 tons of railway materials. That enormous amount of freight had been sent out at a less cost for conveyance than would have been charged for sending the same articles from Manchester to London. If any delay had occurred, the fault was not attributable to the railway companies, who would have progressed more rapidly in their operations had they not been hampered by the ridiculous regulations of the Government. If Sir James Melvill was authorised to act on behalf of the Government, and greater freedom of action were given to the railway engineers, the works would proceed at a much greater rate of speed. At present an engineer in India requiring certain articles had to make a requisition, which passed through five or six Departments before it was sanctioned, and the same course had been followed in this country until within a month or two, when the East India Company had the good sense to adopt a more simple and reasonable plan. He thought he had shown that the system under which railways in India were now managed was susceptible of great improvement, and the consequences of any delay which might arise from continuing the present absurd arrangements must be visited upon those who permitted it, and not upon the railway companies.

Mr. BAILLIE was not surprised that his hon. Friend the Member for Northumberland (Mr. Liddell), should have brought this subject before the House if he believed, as no doubt he did, that the construction of Indian railroads had been obstructed by the Government. The question was of great importance to the interests of the people of India as regarded the development of their resources and industry, and of great consequence to the Government in

a political and military point of view. He agreed with the hon. Gentleman who seconded this Motion, that if the great trunk line from Calcutta to Lahore had been finished when the late outbreak occurred many of our disasters might have been avoided. Even the knowledge that the Government could in a few days transport troops from one end of India to the other would have prevented many of those outrages on the part of the Sepoys, which were encouraged by the hope of impunity. Therefore it was the interest of the Government to have the Indian railways completed as soon as possible, and if his hon. Friend could show that, either through mismanagement or neglect, obstructions had been thrown in the way of these works, the censure which his Resolution implied would be deserved; but he thought he should be able to show the House that there was no real ground of complaint against the late or present Government, and that the delays which had occurred were inherent in the vicious system which had prevailed. He would not enter into the early history of the mismanagement either at the Court of Directors or the Board of Control with regard to the proposals for these lines between 1836 and 1842. He saw no advantage which would result from such a discussion. It would have been better if the Indian Government had adopted the French system of constructing the permanent ways and then leasing them out to companies, and if those ways had been made upon the cheap American instead of upon the expensive English system, which was hardly adapted to a poor country in which such immense distances had to be traversed. Had that system been adopted, the railroads would have been constructed in one-third the time, and at one-third their present cost. However, these were questions which it was now unnecessary to discuss. The first railroad was sanctioned in 1851, and the system under which that and all subsequent ones were undertaken was this: — There was no agreement with the Government as to the length of time which should be occupied in the construction of the line. The spirit of the agreement was simply that the railway company should forthwith commence and diligently proceed with the construction of the line, should open portions of it when completed, and that if they made default in the execution of the works, the East India Company should have possession as a remedy. The extent of railroads undertaken to be constructed was immense. The Great Indian Railway was to be 1,400 miles long, the East Bengal 130, the Madras 740, the Great Indian Peninsular 1,280, the Scinde and Punjab 350, and the Bombay and Baroda 330; making altogether 4,230 miles. The amount of capital to be raised was estimated at £28,000,000, but he believed that the amount actually required would be much larger. Upon the whole of this sum the East India Company had guaranteed interest at the rate of 5 per cent, which made it necessary that they should exercise that active supervision of which both the hon. Members who had addressed the House had so much complained. The fact was, that the parties interested in the amount expended upon the construction of these lines were not the railway companies who would receive interest at the rate of 5 per cent upon all the money they spent; but the East India Company, which guaranteed that rate of interest. In addition to this, however, there was a provision, in virtue of which, if the lines turned out very bad concerns, the companies might turn them over to the Government and claim an indemnification for all that they had expended upon them. Now, it would readily be understood that this supervision on the part of the Government would of necessity frequently bring the officials of the railways and the East India Company into collision; but he did not see how, under the circumstances, this state of things could be altered. He would illustrate his proposition. Suppose, for instance, an engineer went out to India at a salary of £2,000 a year, made his surveys and commenced the lines. As soon as he found that his services were essential to the company he might write home to say that unless his salary were increased by £500 or £1,000 a year he would throw up his employment. The Company would then come to the Government and say that they must consent to this increase or the works would be stopped. If the Government objected to the proposal, they would be brought into collision with the company; and if they agreed to it, a great job would be perpetrated, because the man had agreed to go out for £2,000 a year and had no right to any more. This was a sample of cases which were constantly occurring, and which rendered necessary the active supervision of the Government. Notwithstanding all these difficulties, and the defects of the system, however, the progress of Indian railways had been astonishing. He was

surprised that, under all the circumstances they should have got on so well. Of the Great Indian railroad 170 miles were open, and a great portion of the remainder of the line was in a forward state. Unfortunately there had been a difficulty in obtaining bricks, and this had led to a great delay in the completion of the works. The railway company led the Court of Directors to believe that the portion of the line between Burdwan and Rajmahal would be opened in 1858, but on the 25th of September, 1857, a letter was received from the secretary announcing that, owing to the want of bricks, that part of the line could not be opened for six years. That the House might form some idea of the magnitude of the works to be performed, he would state that one bridge contained fifty-five arches of 150 feet span, and would cost £300,000. He believed that was one of the bridges, the construction of which was interrupted by the failure of the supply of bricks; and, in consequence, the engineers had to change their plans, and send to this country for iron girders. In spite of all this, 170 miles of that railroad had been opened. Then, of the Madras line eighty-five miles were open, although the land was only obtained in 1853; fifteen miles more would be opened on the 1st of May; 200 miles, it was thought, would be opened in 1859, and 400 would probably be completed in 1860. That was nearly as fast as English railroads were constructed, in spite of all the difficulties incident to the construction of railways in India. His hon. Friend (Mr. Liddell) had complained of the great delay which had taken place with respect to the portion of the line from Bombay to Baroda. The reason of that delay was this. When a scheme was submitted to the Government, they were obliged to send that scheme over to the Government of India, who had a department for the very purpose, of which Colonel Baker, a very distinguished officer, was at the head, for their opinion upon the subject. The Company, in this instance, wanted the Government to decide before they received a report upon the scheme from India. Of course the Government could not do that, and hence there was some delay. Of course all those railroads had to be sanctioned in India, and he could not doubt that some delay had unavoidably taken place in procuring that sanction in consequence of the vast increase of the business which devolved on the local Government. He really did not see that any great advantage would be derived by submitting all these questions to a Committee. The matters which had occurred at an early period could not be made the subject of inquiry now with any profit, nor was it likely that the mistakes made between 1836 and 1846 would be repeated, while at the present moment the Government was proceeding in this work as rapidly as the difficulties which environed it would permit. Under existing circumstances it would be impossible to give up the present system of supervision exercised by the Government, though he hoped it might be relaxed to some extent, if possible; and as this Motion would virtually imply censure on the past conduct of the Government, which he did not think was deserved, he regretted to say he could not consent to it.

Mr. AYRTON said, the hon. Member (Mr. Liddell) had done a great service both to the railway interest and the public in bringing forward this Motion, for undoubtedly there were many errors, if not grievances, in the manner in which the Government had conducted itself towards the railway companies. Unquestionably the contract which the railway companies entered into with the Government had been one of great embarrassment to both parties; and he might be permitted to say that, when the Government reserved to itself the absolute power of controlling those companies, it could not have been intended by the Government, and certainly was not expected by the companies, that that control should be exercised in the manner it had been by a daily interference in all their proceedings in detail. The hon. Secretary to the Board of Control (Mr. Baillie) had adverted to the circumstance of the companies being liable to forfeit their undertakings in the event of their failing to complete them. That was so, but it ought to have been stated at the same time that in that event the Government was liable to repay to them all the money they had expended without any deduction. That might be said to be a reason why the Government was entitled to a still larger degree of supervision. It was, however, melancholy to think that when civil engineers of great knowledge were sent out to India and gave the people there the benefit of their experience, and when they were aided by the counsel of men of the highest eminence in this country they should be subjected to the control of some younger military engineer in India whose profes-

sional education had been of the most limited kind. It was certainly not desirable to encourage such a state of things as that. The hon. Member (Mr. Liddell) only proposed an inquiry into the delay in the construction of railways. That delay had been caused by the system of complication, doubt, and hesitation which the Court of Directors and the whole Government of India had generally displayed in the whole conduct of their affairs. Plans of railways had been sent from England to India for consideration, and they had been sent from one Presidency to another, and kept in one instance by a Governor General for a year before any decision was come to upon them, and years had passed away in some cases before the Government determined what lines should be constructed. He did not, however, think that at present there was any great cause for complaint. Several lines had been sanctioned which would employ capital and labour to a sufficient amount for several years, while for his part he would now rather call on the Government not to proceed with too much rapidity in the construction of lines lest the labour market should become disturbed and they commenced works which they might not be able to complete without interruption. The hon. Secretary appeared to think it would have been desirable from the first to place the construction of railways in India in the hands of the Government. He (Mr. Ayrton) had no doubt, if the Government had undertaken the work, there would not have been at this moment 100 miles of railway constructed or even in the course of construction. The Government had signally failed in almost every undertaking in which they had been engaged, and the delays which had taken place were known to every one. As a specimen of the mode in which the Government carried on public undertakings, he might state that in 1849 he spoks to the secretary of the Governor General in India with reference to a project for the construction of an electric telegraph, when he was told not to trouble himself about the matter, as it would be undertaken by the Government. Now, though the wires might have been put up and the telegraph in working order in twelve months from that time, it was several years before the work was accomplished. That was only one sample of their mode of doing business. Again, the hon. Gentleman said that it was the duty of the Government to encourage cheap railways. Now, he must say that this question of cheap railways had been thoroughly discussed by scientific men, and he believed that the conclusion to which they had come was, that the Indian railways were conducted precisely upon that medium system which was neither extravagant in its first cost, nor yet so cheap and undurable as to swallow up the whole of the profits in repairs. The American railways, to which the hon. Secretary had alluded, were constructed under entirely different circumstances; for instance, timber was abundant in America, while in India timber had to some exent been imported from this country for sleepers. He believed, however, that that was in a great measure owing to the Government mismanagement of the forests in India. The hon. Secretary also seemed to think that the railway companies had no interest in this question, because the Government had given them a certain guarantee for their returns. That was a new view of the question to him, who when in India had devoted so much time and attention to promote the introduction of railways that he had been laughed at for wasting time in attempting to compel the Government to do their duty. True it was the shareholders were guaranteed, and the Government were bound to repay them the cost of construction. But did the hon. Gentleman forget that the shareholders were also entitled to half the surplus profits, and, when the Government charges were paid off, to the whole? The hon. Gentleman shook his head as if there would never be any profits on the Indian lines. But the Bombay line, according to the last half-year's report, had realized a net profit of 5 per cent on the average cost of construction of the line now open, and week by week that profit was increasing. When the lines were carried out to their full extent, if they were not too much interfered with by Government, he believed they would realize profits enough to repay the Government, and to leave besides a substantial advantage to the shareholder. He thanked the hon. Member for Northumberland for having brought this subject before the House; but he would recommend him not to press his Motion, as he did not think it could, under present circumstances, be attended with any practical utility. They would not have these delays much longer. The present system must soon come to an end; and if the new Government of India did not discharge their duty better than the present had

done theirs, the House would know how to bring them to a sense of their duty. They could not censure any one connected with the Indian Government. The Government of India was a myth—to search out by whom any act was done was like playing at hunt-the-slipper — there was no getting at it, and anybody who attempted to follow it would find himself "in wandering mazes lost." He would be sent from Leadenhall Street to Cannon Row, from Cannon Row to Calcutta, from Calcutta to Bombay, back again to Leadenhall Street and Cannon Row, till his time and his patience were both exhausted. But, as the present Government of India could not last long, it would be better if the hon. Member for Northumberland would wait to see the course taken under a new and improved system of Indian Government.

Mr. MANGLES said, it was an old proverb that "threatened men live long." The hon. and learned Member for the Tower Hamlets (Mr. Ayrton) told them that the East India Company was to be slain on an early day; but, that body corporate must be something very vivacious since it required two Bills and a series of Resolutions to deprive it of life. He had some hopes, therefore, that it might yet survive, and that his own existence might still be protracted. He could not help observing that the condition of the House that night afforded a very instructive commentary on the amount of attention which affairs of importance connected with India might be expected to receive at the hands of Parliament under the new system which they were promised. There had been three discussions in the course of the evening—one about the port of Dublin—another upon a question to which nobody in the House attached any real importance, connected with the duration of Parliament—a mere flash in the pan—and yet there were 300 Members present to hear these debates. The third question was one of vital importance to India, and yet the House was on the point of being counted out; for when an hon. Member moved that the House be counted there were not twenty Members present. This was the system which the hon. and learned Member for the Tower Hamlets desired to see established for the Government of India. Why, he had sometimes addressed more Directors of the East India Company, when the number of Directors was twenty-four, than there had been Members in the House of Commons that night during a great part of the debate. He wished to express to the hon. Member for Northumberland his sense of the fair and candid manner in which he had brought forward this subject; and to thank the hon. Member for the City of London (Mr. Crawford) for having relieved him from the disagreeable duty of apportioning the degree of blame that lay upon the Court of Directors and the Board of Control. He would only say on that point that he had no wish to shift from his own shoulders any degree of blame that belonged to him. The hon. Secretary of the Board of Control spoke of the vicious system of railways in India, and said that the East Indian Government ought to have constructed them themselves. That opinion was scouted by another hon. Gentleman, who thought that the Government had neither the money nor the means of constructing railways in India. But it would have been just as easy for the Government to borrow the money, as to raise it upon their guarantee. He admitted that the question was one upon which much might be said on both sides; but, in his opinion, the present system was the better of the two. The hon. and learned Member for the Tower Hamlets (Mr. Ayrton), who had never a word to say that was not in disparagement of the East India Company, said that all the operations of the Company had been failures, and that they had never succeeded in any great industrial work. But had the hon. and learned Gentleman never heard of the Delhi Canal, which extended irrigation over a tract of country 900 miles in length; and, was, the greatest work of the kind ever constructed in the world? The hon. and learned Gentleman's next illustration was singularly unfortunate, for he alluded to the electric telegraph as having been a failure. The energy of the Marquess of Dalhousie was admitted and respected by all; but in no single instance had it been more marvellously displayed than in the support he gave to Sir W. O'Shaughnessy in the erection of the electric telegraph. The Court of Directors also deserved some credit in this matter. The Marquess of Dalhousie sent home a proposal for a scheme of electric telegraphs connecting all the Presidencies and great stations of India. The Court of Directors sent an answer by the next mail approving the scheme, and made immediate preparations for sending out the materials. Such

despatch was used that 3,000 miles of electric telegraph were constructed in India within the year. The result might be found described in the eloquent and graphic letter of *The Times'* own correspondent, which appeared in *The Times* of that morning. By means of the system of electric telegraph inaugurated by the Marquess of Dalhousie, and carried out by Sir W. O'Shaughnessy, Mr. Russell said in his letter that no sooner had a General made his march than the electric telegraph followed him step by step, and was erected at his very tent door. The House might judge of the accuracy and justice of the hon. and learned Gentleman's charges against the Company by this instance. The hon. Secretary to the Board of Control complained that the East India Company had not adopted the American system of railways, which he said would have been much cheaper. But the hon. Gentleman was wrong in stating that that system would have been cheaper. The American lines cost, upon an average, £9,000 a mile, while the Indian railways were constructed for £8,000. The price of the land for the construction of the 2,500 miles of railway in India was calculated at £1,000,000, and he could assure the hon. Gentleman opposite that the Government paid a fair price for it; for he assured him that land could not be got in India, any more than in England, for nothing. As to the superintendence of the home and the Indian Governments over the railways, he would frankly admit that the superintendence from home had been the cause of great delay—delay which he would have been very glad to prevent if he could. He was ready — nay, he was anxious — to have that whole question probed by a Committee, and he had no doubt that the Court of Directors would come clear out of the investigation. With regard to the engineers employed, the hon. Gentleman who moved this Resolution spoke of them as mere military men; and the hon. and learned Member for the Tower Hamlets (Mr. Ayrton) sneered at them as young gentlemen who were only concerned in the construction of bastions. But he was satisfied that no men would speak slightingly of the engineers of the East India Company who knew either them or their works. He believed there was not a finer or an abler body of men in the world than the engineers of the three Presidencies. It might be interesting to state that that great work to which he had already alluded—the Ganges Canal—was constructed, not even by an engineer, but by an artillery officer, though he too had been educated at the Military College of Addiscombe. He might also mention, as a further instance of their ability, that great building, the Mint at Calcutta, the finest work of that description in the world. So high was the reputation of General Forbes, by whom it was constructed, that when the Government at home were contemplating alterations in the Mint of this country, they applied for the advice and assistance of General Forbes, and leave of absence was given to that officer, enabling him to come to England for this special purpose. It was therefore a mistake to speak of the engineer officers of India as mere military engineers, for they had much more employment, in point of fact, in a civil than in a military capacity. The hon. Gentleman who had brought the Motion forward had referred to the obstruction which the authorities in India threw in the way of the engineers. That was perhaps true of Madras, where the officers of the Government and the engineers seemed to be perpetually thwarting each other; but it was hardly true of the other Presidencies. In the latter he believed that, both on the part of the Governments and their officers, there had been the utmost desire to give the fullest assistance and co-operation to the East Indian railway companies. It was, however, essential that a due supervision should be exercised over their proceedings; for, let the hon. and learned Member for the Tower Hamlets say what he might, the interest of the Government was stronger than that of the shareholders. It was true that the railway shareholders had a contingent remainder in all profits above 5 per cent, and he trusted they would receive a return for their investment in this shape. The Government, however, had given their guarantee, and was responsible for the expenditure, and, with very few exceptions, he believed their superintendence had been exercised in a fair and liberal spirit. It was said that they might fully trust the railway engineers; but the railway engineers in India were not a whit more responsible than the railway engineers in England, and no one doubted that lines in England might have been much more cheaply constructed. Instructions were sent out last year earnestly enjoining on the authorities the utmost co-operation with the railway officers consistent with a watchful and jealous

supervision while the works were in progress, but leaving the whole management to them when the lines were opened. He again thanked the hon. Member for having brought forward the Motion, which he entirely approved, as he was desirous that the utmost light possible should be thrown on the subject.

MR. AYRTON, in explanation said, he had nothing to do with the date of any letter sent home recommending the establishment of the electric telegraph. When he was in Calcutta he was told that the Government of India intended to construct a telegraph, and it was not until years afterwards that it was constructed.

MR. LIDDELL replied. As regarded the remarks of the hon. Member for the City of London (Mr. Crawford) he wished to observe that he had not attributed delay to the railway companies, but solely to the Government. The hon. Secretary to the Board of Control said the delay in the case of the Bombay and Baroda line arose from the necessity of sending out to India for the sanction of the Government there. Now, it so happened that the sanction of the Indian Government was obtained in November, 1854, while the assent of the home Government was not given until November, 1857. The hon. Gentleman admitted that the present system was a vicious one, and that was a sufficient justification of the Motion. He did not wish the inquiry to be retrospective or to censure any one; but it should be remembered that only 300 miles were open, and that 3,000 miles of additional railway had been already sanctioned. Attaching, as he did, great importance to inquiry, he should take the sense of the House on the Motion.

Motion *agreed to.*

Select Committee *appointed*, "to inquire into the causes that have led to the delay that has occurred in the construction of Railways in India."

REFORMATORY SCHOOLS (IRELAND) BILL.

LEAVE.—FIRST READING.

MR. SERJEANT DEASY said, he rose to move for leave to bring in a Bill to promote and regulate Reformatory Schools for Juvenile Offenders in Ireland. His object was to secure for Ireland the benefits of that Reformatory School system which had been already established in England and Scotland with great advantage. The right hon. Gentleman the Member for Stroud (Mr. Horsman) when Chief Secretary for Ireland, had brought in a Bill for the introduction of these schools into Ireland, but had subsequently, for some cause or other, withdrawn it. The subject had excited great attention in Ireland, and there was a great desire to obtain the benefit of similar measures with those which had been passed for Scotland, and he could cite, as an instance of the necessity of such a Bill, that large sums had been subscribed in the county of Cork for the purposes of a reformatory institution, but those endeavours were nugatory without the assistance of the Legislature. The main object of the Bill was that all juvenile offenders, under sixteen years of age, convicted of any offence requiring or justifying imprisonment, before a Judge of assize, a court of quarter sessions, or a divisional justice of the peace in Dublin, might be sent to a reformatory school, the managers of which had qualified it under the provisions of het Bill. The English Bill gave the power of sending the child to a school to two justices; whereas he proposed that it should in Ireland be possessed by one. The House might differ from him on that point, but that was no reason for refusing to allow him to introduce the Bill. Careful provision was made that no child should be sent to a school which was not under the exclusive management of persons of the same religious persuasion as the parents or guardians; and he had thus guarded against these institutions being used as instruments of proselytism. As regarded the machinery of the Bill, he proposed that it should be in the power of the Lord Lieutenant, through the medium of the Inspector General of Prisons, or of some other person specially appointed for that purpose, to subject reformatory schools to the most rigorous inspection, and that a certificate of such inspection should be a condition precedent to their enjoyment of the benefits and privileges of the Act. With respect to schools which had obtained the approval of the Government, he proposed to empower grand juries in the case of counties, and town councils in the case of towns, to raise money in aid of voluntary contributions by means of an assessment on the rates of the county or borough. In this respect he was following the precedent of the Middlesex Industrial Schools Act. He proposed also to confer on grand juries and town councils, power to contract with the managers of reformatory schools for the maintenance of children; and he

further proposed to give the Treasury the power which they possessed under the English Act, of allowing a certain sum, not exceeding 5*s.* a week, towards the expense of maintenance. The Bill provided also, in exactly the same manner that the English Act did, for the recovery of the sums spent in the maintenance of juvenile offenders from such of their parents as were in a condition to afford it. There was another provision, which was not contained in the English Act, namely, a provision for enabling the managers of a reformatory institution to place a child before the period of discharge had arrived, out at service, if any person was willing to take him—an arrangement which had worked very well in connection with the Mountjoy Convict School in Dublin. The Bill had been submitted for the approval of several eminent authorities, among others of Mr. Hill, the recorder of Birmingham. There might be some points of difference with regard to the details of the Bill; but they must be all agreed as to the object, and he did not think, therefore, the House could reject the Motion. He would therefore conclude by moving for leave to bring in a Bill to promote and regulate Reformatory Schools for juvenile offenders in Ireland.

Mr. GREER, in seconding the Motion, suggested that, as there was a great deal of accommodation in the Irish workhouses which was not required for the paupers, it would be convenient and suitable, and certainly economical, if such portions of these buildings could be rendered available for the reformation of juvenile delinquents. He believed that, under a judicious system of management, such institutions as his hon. Friend's Bill proposed to establish would be found exceedingly beneficial and useful.

Lord NAAS said, it was not the intention of the Government to offer any opposition to the introduction of the Bill. On the contrary, he thought the subject was worthy of the most careful consideration; and he could assure his hon. and learned Friend that the Government would give it that consideration in the most impartial manner. His hon. and learned Friend would admit, however, that the question was surrounded with many difficulties. As he understood the proposal, it was intended to apply solely to children under seventeen years of age, who had been convicted at assizes and quarter sessions, and by the magistrates of the city of Dublin. Now, he could not state exactly the number of children under that age who had been convicted before the magistrates of Dublin; but the number convicted at assizes and quarter sessions was very small indeed. By a Return which he held in his hand, he found that in the year 1857 there were convicted at assizes and quarter sessions in Ireland, of males and females, felons and misdemeanants, altogether only fifty-nine children. This fact showed that the evil which his hon. and learned Friend proposed to deal with was hardly of sufficient gravity to justify a special Act of Parliament, though he was sure the House would be always too glad to consider any measure that had for its object the arrest of juvenile delinquency.

Mr. PALK said, that the hon. and learned Member who had moved the introduction of the Bill had alluded to the benefits which had been derived from the establishment of Reformatory Schools in this country. He (Mr. Palk) was not prepared to agree with him in that respect. The question was open to very great discussion, and he was yet to be convinced that the system which had been adopted here was attended with success. If it had not succeeded in England, there was still more reason to doubt its success in Ireland. The establishment necessary to render a reformatory school effective must be upon an extensive scale, and he would remind the House that in England they had thrown upon the counties the expense of lunatic asylums, gaols, and police, and that the county rate was now become one of the great sources of taxation in the country. He would throw it out as a suggestion for the hon. Gentleman, therefore, whether in Ireland, which was almost a greater agricultural country than England, those counties which were purely agricultural could possibly support the expense of Reformatories, which, whether for the maintenance of a greater or lesser number of children, must necessarily be very expensive. It would be worthy of consideration whether it would not be better to wait and see what were the effects of the reformatory movement in England, so far as it had been carried, before the hon. and learned Gentleman took steps for burdening his own country with the cost of that of which he (Mr. Palk) must say he doubted the success—namely, reformatory establishments conducted upon the same principles as those in England. Any measure that had for its object to reduce crime, whether expensive or not, was, of course, entitled to the considera-

tion of every humane person; but he much doubted, and always had doubted in his own county, whether the system of Reformatory Institutions was the best adapted for stemming the current of crime; and he thought the hon. and learned Gentleman might more hopefully turn his attention to the measure which was passed last year for the establishment of Industrial Schools, which he was inclined to think would eventually prove a more real success than the other.

MR. SERJEANT DEASY explained, that he did not propose to make the taxation for the support of Reformatories compulsory, but to leave the matter optional with the grand juries and common councils whether they would tax their constituents for the maintenance of those institutions or not.

Leave *given.*

Bill to promote and regulate Reformatory Schools for Juvenile Offenders in Ireland, *ordered* to be brought in by Mr. Serjeant DEASY and Mr. BAGWELL.

Bill *presented,* and read 1°.

REGISTRATION OF COUNTY VOTERS (SCOTLAND).—LEAVE.

SIR EDWARD COLEBROOKE, in moving for leave to introduce a Bill for the amendment of the law for the registration of County Voters in Scotland, said, he understood the measure was not to be opposed by the Government in its present stage; he should therefore merely observe, that its object was simply to extend to the counties of Scotland the principle of registration which had already been carried out so successfully in the boroughs in that part of the United Kingdom.

COLONEL SYKES seconded the Motion.

THE LORD ADVOCATE said that, when the Act at present in operation was before the House, it contained a clause similar to that which the hon. Gentleman proposed to embody in this Bill, but after the opinion of the House had been taken upon it, it was withdrawn. If the hon. Gentleman were of opinion, however, that the experience of the Act in regard to boroughs justified him in now proposing its extension to the counties, there could be no objection to the introduction of His Bill.

Motion *agreed to.*

Bill for the amendment of the Law for the Registration of the County Voters in Scotland, *ordered* to be brought in by Sir EDWARD COLEBROOKE and Mr. DUNLOP.

GALWAY FREEMEN DISFRANCHISEMENT BILL.—COMMITTEE.

Order for Committee read.

MR. WALPOLE: Sir, before the hon. Gentleman, who has charge of this Bill, proposes that we should go into Committee upon it, I wish to call the attention of the House to the very great difficulties in which this matter stands. [Mr. ROEBUCK: Hear, hear!] The hon. and learned Member for Sheffield, who cheers that observation, took part in the debate on a previous stage of the Bill, and I believe he concurs in the opinion then expressed by my right hon. Friend the Chancellor of the Exchequer that if we dealt with the question at all we must do so judicially, and upon principles of strict equity. My right hon. Friend pointed out that in two respects the Bill does not deal with the question in a spirit of equity. First, it includes in one mass the innocent with the guilty. And among the innocent there are, I believe, 100 who were admitted as freemen subsequently to the inquiry by the Commissioners. The other point in which it is defective and unjust as drawn is, that it disfranchises the bribed, but not the briber. As we are now sitting in a judicial character, I wish to point out all the difficulties surrounding the question, in order that we may judicially determine what is to be done with a Bill so framed. My right hon. Friend the Chancellor of the Exchequer on a former occasion said justly, and I believe the sentiment received the concurrence of the House, that in these two respects the Bill ought to be rectified, if we wished to deal equitably between man and man; and he suggested that on going into Committee an instruction should be moved to the effect that the briber, as well as the bribed, should come under the operation of the Bill. He also suggested —very wisely, I think—that when you go into Committee you will have to consider whether you will disfranchise *en masse* the whole of the freemen, the innocent and the guilty, or make a distinction between them. My object, therefore, in rising before my hon. Friend opposite (Mr. Clive) moves that we should go into Committee is to offer such suggestions as may enable us to deal with the difficulties of the question. Had he made that Motion before I rose I should not have been at liberty to move an instruction to the Committee. I mention this as an apology for intercepting his Motion. We have first to bring before us all the facts of the case, in order that we

may deal fairly with it, and I believe we cannot do so unless we adopt the Motion, which I venture to propose in these words :—

"That it be an instruction to the Committee on the Bill that they have power to make provision therein for the disfranchisement of voters who were guilty of corrupt practices by giving money or other valuable consideration to purchase, or for the purpose of purchasing, votes."

I do not wish to disguise from the House that if they do go into Committee, the question will still be surrounded with numerous difficulties, but by agreeing to this instruction you will make those difficulties less than they are now. There are, I believe, only two courses which you can properly take—that of withdrawing the Bill because it is inequitably framed, or that of agreeing to the instruction which I have suggested. By rejecting the Motion for going into Committee you would get rid of some embarrassment, but I fear that that course would lead the country to believe that you refuse to deal with these corrupt practices when they are brought to your notice. The difficulties to be dealt with in the consideration of this Bill in Committee are these. The Bill, as it stands, will disfranchise all the freemen, amounting to between 500 and 600. My hon. and learned Friend the Attorney General has examined the evidence, and has caused lists to be prepared of the names of those who were found by the Commissioners to be guilty of giving, and of those who were found to be guilty of receiving bribes, and the result shows that 150 of the freemen were found guilty. The Bill therefore would disfranchise some 400 who were not found guilty. I do not at all dispute the fairness of the proposition contained in the Amendments of which the hon. and learned Member for Cork (Mr. Serjeant Deasy) has given notice — namely, that such of the voters as have received certificates from the Commissioners should be exempted from the operation of the Bill, but the adoption of his Amendment would have the singular effect of letting free every voter found to be guilty with the exception of two, while it would punish by disfranchisement those who are innocent. The certificates of the Commissioners exempted the voters to whom they were given from all the penalties and disabilities to which their evidence might subject them. I need hardly dwell any longer on that part of the case, except to say that I think we should arrive with very great reluctance at any such conclusion. But if you were to proceed in Committee with this Bill as it is drawn, and without the instruction which I propose, you would not only disfranchise all the innocent and let free all who received bribes, but you would let free all the bribers also. Such legislation would be so discreditable to this House that I cannot believe the measure would ever be suffered to come out of the Committee in that shape. I may be allowed to point out the different modes in which we have dealt with subjects of this description on previous occasions. The statute under which the Commissioners proceeded is an Act of the 15th and 16th of Victoria, devised for the more effectual prevention of corrupt practices at the election of Members of Parliament; and it empowers the Crown to appoint certain Commissioners to inquire into the corruption alleged to have existed in any borough, and report the result to the Queen and the Legislature. Several constituencies have been dealt with either under this general Act or under special Acts framed on the same principle. The House has declared in two instances — namely, Sudbury and St. Albans — that where the bribery has been proved "extensive and systematic," and to have pervaded the whole borough, you should disfranchise the constituency on the ground of corruption. That course is in my opinion an intelligible one. Supposing, then, you were to regard these cases as precedents, the question would arise whether the corruption in Galway was systematic and general. Now, since the greater part of the voters,—namely some 500 of the £10 householders and between 300 and 400 of the freemen—are not proved to be venal, I think it would be a startling proceeding to treat Galway like Sudbury and St. Albans, by disfranchising it altogether. In the case of the borough of Yarmouth you adopted a different rule. Certain freemen there were shown to have been guilty of bribery, and the House disfranchised the whole of that class of votes, although the greater portion of their body were not proved to be corrupt. This Bill is evidently framed upon the precedent of the borough of Yarmouth; and therefore I would ask whether the House is prepared to say, when a considerable number, though not the majority of any class of voters has been proved to be venal, that the whole of that class shall be entirely disfranchised. Remember, if you are prepared to say this with regard to the freemen you must also say it with regard to

the £10 householders. Now, I am inclined to think that such a mode of proceeding would not be just; and I should be unwilling to see it followed as a precedent, for I do not believe it would be supported either by the good sense or the good feeling of the country. A third mode of proceeding was attempted, but only attempted, to be adopted, on the suggestion of the present Chief Justice of the Common Pleas, when Attorney General. Sir Alexander Cockburn then had before him the cases of Canterbury, Kingston-upon-Hull, Barnstaple, and Cambridge, and in a most able statement he recommended this House not to follow either the precedent of Sudbury and St. Albans, because the bribery was not general in the four boroughs in question; or the precedent of Yarmouth, because, with his legal knowledge and judicial mind, he must have seen that such a course would not be just, but that you should deal with those who had been found guilty, and with those only. A long debate occurred on that occasion, and I was one of those who thought such a proceeding inequitable. I think so still. When you have given an assurance of indemnity to certain voters, provided they furnish the Crown and Parliament with evidence as to the corrupt state of a borough which, except for the indemnifying clause, would criminate themselves, you might be acting within the strict terms of the statute in proceeding to disfranchise such voters, but you would not be keeping the promise made to their feelings and their belief. So stoutly was this view maintained that although Sir Alexander Cockburn had obtained leave to introduce his Bills, he was obliged to withdraw them, and they were never afterwards persevered with. The House, then, will bear in mind the two or three precedents which it has already set. Which of them it should follow in the present instance I hardly know. You cannot well follow that of Sudbury and St. Albans, because the bribery was not "general and systematic." You may, indeed, follow that of Yarmouth, but then you will be confounding the first principles of right and wrong by mixing up the innocent and the guilty. Should you, on the other hand, prefer the course attempted to be pursued by Sir Alexander Cockburn, you will have to consider in Committee the point on which I believe the question will ultimately turn,—namely, whether the indemnity clause extends beyond an indemnity from penal consequences inflicted by a court of law, or, in other words, whether it extends to the *ex post facto* legislation which Parliament may in its wisdom think fit to adopt. I have endeavoured, after much anxious deliberation, to state as clearly and succinctly as I could the difficulties which have occurred to my mind on this subject, and I am constrained to say —although perhaps it may not be deemed satisfactory that I should not have been able to arrive at a more certain and decided conclusion—that there are only two courses which I believe we can properly take. The one is to refuse to go into Committee on this Bill; the other, to adopt the instruction which I shall move *pro forma*, in order that we may consider the step suggested on a former occasion. Having discussed that instruction, you should then postpone the fuller consideration of the whole case with a view to its being equitably dealt with when in Committee. Whichever of these two courses may be thought best by the House, I should like to hear the opinions of others before expressing myself more positively than I have done. Whatever we do, let us in a matter of this nature proceed judicially, without appearing in the least degree to countenance those corrupt practices which we all wish to put down with a strong hand and a firm resolution, as long as it can be done equitably. At the same time injustice will be perpetrated by your proceeding precipitately or indiscriminately; and, rely upon it, if you do injustice in your endeavours to put down a corruption you will not carry with you the support of public opinion, but in the end and by such a course you will probably defeat the laudable object which you have so much at heart.

Motion made and Question proposed,—

"That it be an Instruction to the Committee on the Bill, that they have power to make provision therein for the Disfranchisement of Voters who were guilty of corrupt practices by giving money or other valuable consideration to purchase, or for the purpose of purchasing, votes."

COLONEL FRENCH said, he had already adopted one of the courses suggested by the right hon. Gentleman, and had given notice in the course of the evening that he would move, as an Amendment to the Order of the Day, that the Bill be committed that day six months. It was inconsistent with the honour of the House that the measure should be suffered to proceed further. After the expression of opinion

elicited at a previous stage, he had expected that the hon. Gentleman (Mr. G. Clive) and the noble Lord the Member for Northumberland (Lord Lovaine), who had charge of the Bill, would have abandoned it. There was nothing in the corruption which had taken place at the Galway elections that would justify so extreme a proposal as that embodied in the Bill. If the noble Lord (Lord Lovaine) was determined to punish past transactions, let him turn his attention to his own county; let him look to the borough of Liverpool, where, out of 3,600 freemen, 2,600 were on one occasion proved to have received bribes, not of the paltry amount of £1 or £2, but of the amount of from £10 to £40 or £50. 600 received sums from £10 to £20; 460 from £20 to £30; 209 from £30 to £40; and 25 from £40 to £50. He had expected that the Government would not have been disposed to countenance any proposition so unjust as that suggested by the hon. Gentleman. The occasion of this Bill was the Report of the Royal Commission, appointed to inquire into the practices alleged to have taken place in Galway. The Commission stayed there fourteen days; every facility was afforded to them, and eleven days were spent in minute inquiry; upwards of 400 witnesses were examined. What was the result of their Report? That, though at the election in 1852 corrupt practices existed, yet after the most rigid scrutiny, they were forced to admit that there were no corrupt practices at the election in 1847. The late Attorney General endeavoured to do away with the effect of that statement, by saying that in 1847 there was no contest; but it did not follow that bribery might not exist where there was no contest; money was expended as frequently to prevent a contest as to secure a seat. It was further stated, that the disfranchisement of the freemen would not materially reduce the constituency, because many of the 668 freemen were the occupiers of houses which gave them the requisite qualification, but they preferred registering themselves as freemen. That, however, was not the case, because the Returns showed that a very large number of the houses were occupied by females, by minors, by persons who did not pay the rates, and others. And the Report admitted that not more than forty could possibly register as occupiers. The qualification in Galway was purely an industrial one — practice of a trade and residence—admission by special favour was abolished by the Reform Act. Previous to the Irish Municipal Act the Mayor adjudicated on the claims of those seeking to be placed on the freeman's roll, this duty was now performed by an officer appointed by the Lord Lieutenant, and after he had affirmed their claim they went before the assistant barrister to be registered, the same as the occupiers of houses. It could be proved, moreover, by reference to the Returns, that as a rule the freemen did not vote for reward, of which no proof could be stronger than the fact that Mr. Flaherty, who did not spend one halfpenny, had a larger number of freemen voting for him on one occasion than any other candidate. With all the facilities afforded to the Commissioners they could only make out a list of thirty-two persons who had in 1852 received money, and 179 in 1856. He contended, then, that considering all the circumstances of the case, it would be most unjust to disfranchise all the freemen of Galway for the offence of a few, many of whom considered that they were only being remunerated for the labour they had performed, and this, too, at a time when so many propositions were submitted to Parliament for extending the franchise. By the Act of the 15 & 16 *Vict.* the House pledged itself to every person who might have been engaged in any corrupt practices at elections, and made disclosures of them as a witness before a Commission, that he should be exempt from all punishment, disabilities, and incapacities; and would any one venture to say that it was no punishment to deprive a man of his vote? To say that the indemnity granted by the Commissioners only extended to protection from certain acts touching bribery would be to make the pledge of the State a mockery, a delusion, and a snare. No hon. Gentleman in that House would ride off on a quibble like that, and he trusted that the House would not collectively, because a Corporation was supposed to have no conscience, pass such an unjust Bill as the present.

Mr. G. CLIVE said, the House had now two courses before it, either of which they might adopt. The one was to get rid of the Bill altogether; the other, to adopt the instruction moved by the right hon. Gentleman (Mr. Walpole). The speech of the right hon. Gentleman appeared to him, however, to be founded on the fallacy which had run through the entire discussion on this Bill. That fallacy was, that they could not act lest they should punish

Colonel French

the innocent with the guilty. It was said they ought not to disfranchise the innocent because they were innocent, and they were not to punish the guilty because, although they were proved to be guilty, their offence had been condoned by the evidence they gave. It should be remembered, however, that out of about 550 freemen, the right hon. Gentleman admitted that 150 were guilty. [Mr. WALPOLE: I was wrong; I should have said 250.] Well, that was nearly one-half of the whole number; and if, under these circumstances, the House did not adopt some such Bill as that under consideration, it might as well put the Act for inquiring into corrupt practices behind the fire. Previously to the passing of the Reform Act any persons might be admitted as voters for Galway at the will of the Mayor and Corporation; and there was a tradition, though he would not vouch for its truth, that a whole regiment of soldiers, numbering some 700 men, had carried a particular election. After the passing of the Reform Act the Corporation fell back upon the Act of 4 *Geo.* I. c. 15, and no precautions were taken with regard to the admission of freemen. One of the witnesses, Mr. Michael Morris, a barrister and Recorder of Galway, stated that up to 1832 the freemen were admitted by the Corporation at pleasure, without birth or service; and that afterwards they proceeded under the Act of George I., which had not previously been enforced. Mr. Morris said—

"The new practice then degenerated into the system which I think was never contemplated by the Legislature, and voters are or may be admitted by their popularity; and this state of things arises, or may arise—that, as to an unpopular man who voted on the unpopular side at the last election, if it fall to the gallery to decide, they will decide against the right of admission."

Then came the report in which the Commissioners stated that out of 550 electors who voted at the last election 250 had been actually bribed, and they also expressed their belief that since 1852 the grossest bribery has been practised in the borough. The Commissioners stated that, notwithstanding the difficulties of the inquiry, it had been proved that 250 of the registered freemen had given their votes, either in 1852 or 1857, for a corrupt inducement, a number which did not, however, in their opinion, by any means include all those who had been corruptly influenced. The Home Secretary wished to draw a distinction between the general body of voters and those against whom bribery had been proved; but he (Mr. Clive) believed that if the freemen were disfranchised, the more respectable portion of them would obtain the franchise in another way. When the Bill for the disfranchisement of St. Albans was before the other House of Parliament, the Earl of Derby evidently thought that no distinction could be drawn, and said that in all cases of such a description some guiltless individuals must suffer for the sins of those who had been open to corruption. Some hon. Gentlemen had seemed to suppose that the recommendations of the Committee were prompted by sinister motives, but he could assure the House that they had only sought to discharge a very disagreeable duty to the best of their ability, and that they had endeavoured to follow the precedents set in the cases of Yarmouth, Sudbury, and St. Albans. He might add, that he had received a letter from Mr. Patrick Blake, who was a candidate for Galway at the last election, denying that he had stated that "the bank of Ireland would not stand Galway," and, considering the high character of Mr. Blake, he (Mr. Clive) was sure that statement would have its full weight. He must, however, observe that Mr. Blake said over and over again that he declined to remain a candidate on account of the expense of a contest for Galway, which was saying much the same thing in other words. He was sure the House would not deal with the question in any vindictive spirit, and he would leave it in their hands.

LORD LOVAINE said that, with respect to the accusation of the hon. and gallant Member for Roscommon, he only took the course in the Committee which he thought best. He for one would be no party, under any circumstances, to the punishment of men who had given their evidence under the guarantee of an Act which had promised them protection from legal proceedings if they came forward and made a full disclosure of their conduct as voters at the election. He thought, however, that as the matter must either be passed over entirely, the whole town be disfranchised, or only the class of persons who were proved to be corrupt dealt with, the best course was to accept the proposition of his hon. Friend (Mr. G. Clive) on this Bill and disfranchise the freemen; and he should therefore support it.

MR. SERJEANT DEASY said, that it appeared to him that if the House adopted

the instruction to the Committee proposed by the right hon. Gentleman it would be impossible to proceed with this Bill; for then it would be, not a measure of policy, involving a general disfranchisement, but a Bill of Pains and Penalties against individuals who were protected by a solemn guarantee. When the Act passed under which the inquiry in this case was conducted, it was considered desirable to obtain evidence in the best way possible, in order to proceed against persons guilty of corrupt practices. A clause was therefore inserted by which protection was given to those who gave information by the promise of exemption from all penalty if they got the certificate of the Commissioners under the Act. This provision held out inducements to persons in Galway to give information, and on that inducement they acted; and it was on their evidence alone, given under this guarantee, that it was proposed to disfranchise those very persons. He was by no means favourable to the freemen of Galway, on the contrary, he wished to see their franchise abolished; but he wished it done in a proper manner, and by a future Reform Bill, but not by disfranchising particular individuals. By adopting the instructions to the Committee, the House would be keeping the pledge given to the persons in question to the ear, but breaking it to the sense, and rather than that should be the case, he would prefer the third course suggested by the right hon. Gentleman, that of not proceeding with the Bill.

Mr. MAGUIRE said, that of all the surprising things he had seen in that House, the Motion of the hon. and learned Member for Cork was the most surprising, indeed it was so extraordinary that the only way to get rid of it would be by giving up the Bill altogether. It was a proposition to let the guilty parties go free, and to punish the innocent. Dr. Brown, who knew all about the state of things in Galway, and through whose hands the money passed, was obliged to admit in his evidence that numbers of the freemen would not accept bribes, and yet there was a proposition to disfranchise those who resisted Sir Thomas Burke and Lord Clanricarde, and the magistrates and deputy Lieutenants, and let them go free who had taken bribes. He would maintain that the Bill was unfair and unjust, because it only punished the victims and did not punish those who caused the corruption. According to some of the evidence there was to be no bribery or treating at the election, and the purses of Mr. O'Flaherty and Lord Dunkellin were to be spared; but when Colonel French came into the field, money was given to the freemen, and you had no right to turn on the wretched starving victims of bribery and say that they were to be punished. He held in his hand a petition from 340 freemen of Galway, who declared that they never had received or would receive a bribe; and would the House confound them with the guilty? All the great men of the place were guilty of bribery, and yet they were allowed to go free; and that being so, this was an unjust Bill, and ought to be got rid of. If he voted for it, it would be only on condition that the names of the magistrates and Lord Lieutenant, who had bribed the voters, were also inserted in it. Under all the circumstances he thought the best plan was to get rid of the measure and wait for the Reform Bill which they were to have early next year, and which he expected with the more confidence, inasmuch as the noble Lord the Member for Tiverton (Viscount Palmerston) seemed the other night to stand godfather to the Ministry on this subject, and to vouch for their intentions.

Mr. J. D. FITZGERALD said, that the question before the House was one of great importance, and would, he hoped, be treated in a judicial spirit. The address of the right hon. Gentleman (Mr. Walpole), was inconsistent with itself, because if they agreed to the instruction he proposed, they would imply that no indemnity had been offered to the witnesses. It was therefore evident that the House had only two courses before it. They must either go into Committee on the Bill, or accept the proposal of the hon. and gallant Member for Roscommon (Colonel French) and reject it altogether. He did not think they could make it an instruction to the Committee to include certain names in the Bill, for that would make it a Bill of Pains and Penalties, nor did he think that they could include in it the names of those who were not voters for Galway. If the House rejected this Bill, on the other hand, they would be placed in this position, that having passed special Acts for disfranchising particular boroughs, as the result of the reports of Commissions of inquiry, and having then passed a general Act for the purpose of procuring the disclosure of acts of bribery, they would hold that that very Act had tied their hands, and prevented

them from passing any further disfranchising Acts, however extensive and systematic the bribery might be shown to be. These so called freemen were freemen of a peculiar class. They were freemen of a non-existent corporation. They were admitted without right or privilege, and merely for the purpose of being placed on the electorial list. Since 1832 they had been distinguished for their corruption. Out of 540 freemen in the borough there were cases of bribery proved against 250, and the Commissioners reported that they had reason to believe that further cases existed. Indeed, it appeared from the evidence of one person, that he had lost a list of bribed voters, including 35 names. That was the case they had to deal with; and if the argument of the hon. and learned Member for Cork (Mr. Serjeant Deasy) was good for anything, it was that their hands were tied by the Act of indemnity. Suppose that act did not exist. Could the House doubt in such a case, that if the borough was to be dealt with at all, it could only be by disfranchising the freemen as a class? No doubt, some innocent persons might be thus disqualified as freemen, yet nearly all of them would be eligible for registry as rated occupiers, although they had hitherto preferred the freeman franchise. The number of innocent freemen, therefore, who would be injured by this Bill would be very small indeed. Well, then, did the alleged statutable indemnity protect these persons? The Great Yarmouth case was relied upon as a precedent. In that case a Committee having reported that great corruption had existed amongst the freemen, a Bill was carried by a large majority disfranchising the freemen as a class, although it had been contended by Mr. Stafford that only those proved to have been bribed should be disfranchised. St. Albans and Sudbury had been disfranchised, although similar indemnities had been given in those particular cases, which were afterwards given in general terms by the Act of 1854. In a case which had occurred since that Act, the Bill for disfranchising a borough was withdrawn, not because of the general language of the Act, but on account of certain placards distributed by the Commissioners of inquiry. If the true construction of the Act was not that the indemnity merely extended to the penal consequences of their acts as individuals, for what purposes were these Commissions issued? He believed, therefore, that no valid reason had been given why they should not proceed with the Bill.

Mr. SPEAKER said, that before he proceeded to put the question, he desired to state why it was that the Motion of the right hon. Gentleman the Secretary for the Home Department properly took precedence of that of the hon. and gallant Member for Roscommon—although that hon. and gallant Member had given notice of his Motion in the early part of the evening. An instruction to a Committee was not in the nature of an Amendment, and properly preceded the question that the Speaker do leave the chair; and if the instruction upon the present occasion should either be accepted or rejected by the House, the hon. and gallant Member for Roscommon would equally have an opportunity of making his Motion upon the question that the Speaker do now leave the chair. But if the other course were pursued, and the hon. and gallant Member's Motion were rejected, there would be no opportunity afforded to the right hon. Gentleman the Secretary for the Home Department to move his instruction to the Committee.

Viscount PALMERSTON: I regret I cannot concur in the Motion which the right hon. Gentleman the Secretary for the Home Department has submitted to the notice of the House. I shall, upon the contrary, feel it to be my duty to support the simple Motion of my hon. Friend who has brought in the Bill. There are, I admit, some difficulties in the case with which we are called upon to deal; but, upon the whole, I cannot help thinking that the natural and proper course to pursue is to proceed with the measure to disfranchise a class of voters among whom extensive corruption has been proved to have taken place. I am of opinion that we should be setting a very bad example, and adopting a course calculated to produce a very bad effect upon the public mind, if this Bill were to be withdrawn, and no proceedings taken, notwithstanding that a Committee and a Commission have been appointed to inquire into the subject with which the measure proposes to deal. I cannot perceive the force of the argument that the disfranchisement of a class of freemen is a punishment which is precluded by the indemnity which may have been extended to them. I think that indemnity can fairly and properly be regarded only as a security against any punishment which might attach to them as a consequence of a legal prosecution founded upon the evidence which they may

have given. Indeed, I am of opinion that the Motion of the right hon. Gentleman tends directly to a violation of the indemnity of which so much has been said, because it aims at an individual selection on account of conduct in respect to which this evidence has been adduced, whereas the Motion of my hon. Friend, which, founded upon the suggestion of a Commission, amounts to a legislative dealing with a whole class, cannot with justice be construed as any violation of that indemnity. If, indeed, we are precluded by this promised indemnity from taking proceedings to purify a borough in which great corruption has been proved to have prevailed, all our inquiries might as well have never been instituted. You cannot get at the fact of corruption without obtaining the evidence of those who are parties to it, while you cannot procure that evidence without promising to indemnify them against the consequences of their conduct. If, then, having granted them that indemnity, you thereby preclude yourselves from taking any steps to purify the constituency, you had better forego an inquiry which can have no prospective effect. Entertaining the opinions which I do upon the subject, I cannot, I repeat, support the Motion of the right hon. Gentleman the Secretary for the Home Department.

Mr. WHITESIDE said, he trusted the House would recollect the circumstances that had occurred when the Bill came on for a first reading. His hon. and learned Friend the Member for Sheffield (Mr. Roebuck), addressing the Government, asked if they were about to punish the men who took the bribes, and let the bribers go free. The House seemed to think that it would be unjust to adopt such a course, and his right hon. Friend (Mr. Walpole) had consequently brought forward his Resolution in order to effect the punishment of those who gave the money as well as those who took it. In the noble Lord's (Viscount Palmerston) anxiety to purify the borough of Galway, he would disfranchise the whole of the freemen, the effect of which might perhaps be to confer political influence on the men who gave the bribes. Having been called on by his right hon. Friend (Mr. Walpole) to examine the lists, that they might discriminate as well as they could between the guilty and the innocent, he went through them, and he found that though a great number of the freemen, 200 out of 660, had received bribes, the remainder, although strongly tempted, had the extraordinary virtue to refuse the bribes. While admitting the force of the argument that the Act, under which these proceedings were taken, was passed in order that they might receive evidence on which to legislate, he could not understand the principle on which they were to disfranchise a whole town and were yet to be precluded from disfranchising a few individuals. His right hon. Friend (Mr. Walpole) and the Government were anxious to discriminate between the innocent and the guilty, and he regretted that in the schedule now before the House there were, amongst the bribers, not to be found two names which he thought it would be the duty of the House to deal with on a future and perhaps more fitting occasion,

Mr. PALK moved the adjournment of the House.

Motion made and Question proposed, "That this House do now adjourn."

Mr. ROEBUCK remarked that there was an old saying to the effect that what was sauce for the goose was sauce for the gander, but that it seemed the noble Lord the Member for Tiverton desired to eat those different birds with different sauces. Upon the one side, in the case of Galway, were the bribed—the poor, the many, and the unfortunate. They were to be punished wholesale under the operation of the Bill which the noble Lord had announced it to be his intention to support. Upon the other side there were a set of men by whom those poor people had been bribed. In their behalf, a sense of justice came over the noble Lord, and he was ready to come forward and to say, "Do you not recollect we have given those men indemnity?" That indemnity ought to be extended to the poor bribed; but, exclaimed the noble Lord, "We punish them wholesale; and to punish wholesale is no punishment at all." He should wish to know what was the meaning of a principle such as that? Why, it was as plain as the sun at noon day, when there was no cloud. The fact was that the poor, the many, and the unfortunate were to be disfranchised for the purpose of placing the borough in the hands of the bribers. Now, to take that course would be to commit an act of injustice, not only against the parties concerned, but against the county itself. By a solemn Act the Legislature had given these parties indemnity, not simply from punishment, but from disability, and he should like to know what was the meaning of the word "disability" if it was not to take away

from a man the right of voting for a representative in Parliament. The proper way to deal with the subject was to treat it as a whole, and not piecemeal. It had been suggested facetiously that the House should wait for the Bill of the noble Lord at the head of the Government, but what was meant facetiously might really be very true. The right course was to prevent, not to punish. They ought to wait for a Reform Bill, and not, under the pretence of purity, to commit an act of signal injustice. He was quite convinced that if the House were to pass this Bill it would be committing an injustice under the guise of purity—under the pretence of sanctity they would be thorough-going sinners. They had promised indemnity by Act of Parliament, and persuaded the poor people of Galway to give evidence—they had given them a certificate against consequences, and now those people were to be told that this Bill did not punish, therefore an injustice might be perpetrated by it.

MR. COLLINS observed, that he wished to remind the House that when St. Albans was disfranchised Mr. Bell was permitted to remain a Member of Parliament.

Motion, by leave, *withdrawn*. Original Question put.

The House *divided* :—Ayes 152 ; Noes 121 : Majority 31.

Motion made and Question proposed, "That Mr. Speaker do now leave the Chair."

COLONEL FRENCH said, he should take the sense of the House on the Amendment of which he had given notice, and would therefore move as an Amendment, that the House go into Committee on the Bill that day six months.

Amendment proposed,—

To leave out from the word "That" to the end of the Question, in order to add the words, "this House will, upon this day six months, resolve itself into the said Committee," instead thereof."

VISCOUNT PALMERSTON said, that, although he had voted against the instruction proposed by the right hon. Gentleman opposite, he thought it would be a bad example not to go on with the Bill, and, therefore, he could not support the Amendment of his hon. and gallant Friend.

Question put, "That the words proposed to be left out, stand part of the Question."

The House *divided* : — Ayes, 226 ; Noes, 51 : Majority 175.

Main Question put, and *agreed to*.

House in Committee.

MR. WALPOLE said, he hoped that at that hour (one o'clock) the Committee would think it right to adjourn the further consideration of the Bill to some future day. He moved that the Chairman report progress, and ask leave to sit again on Friday.

MR. ROEBUCK suggested, that it was desirable to consider whether the House ought not to call witnesses to the bar before proceeding further with the Bill.

SIR GEORGE GREY said, the Bill before the Committee proposed to disfranchise the freemen of Galway as a class, but, as the House had just agreed that it should be an instruction to the Committee to distinguish the innocent from the guilty, it would be desirable that the Committee should have the names before them of those whom it was proposed to disfranchise.

MR. WALPOLE said, the Attorney General for Ireland had instituted an examination into the case, and had prepared a schedule of the bribers and the bribed. He (Mr. Walpole) should like to make a further distinction—namely, a distinction between those of the bribed voters who had received certificates from the Commissioners, and those who had not ; and it was with that view that he asked to have the Committee postponed.

MR. P. O'BRIEN said, there was one gentleman who had acted for a party who had not gone to the poll. He hoped that that gentleman would not be included in the disfranchisement.

MR. HENLEY said, he saw no reason why those who had given bribes should not be placed in the same category as the unfortunate persons who had taken them.

MR. ROEBUCK said, he wished to ask the opinion of the right hon. Gentleman in the Chair as to the course that he proposed to take. He wanted to raise the question as to whether they were to take the evidence in the blue book as sufficient, or whether they were to have the witnesses examined at the bar of the House. He wished to know whether it was proper for him to make that Motion to the House ?

THE CHAIRMAN replied, the Motion should be made in the House.

MR. FRENCH said, he hoped the Members of the late Government would not try to upset the decision of the House by a side wind.

House resumed ; Committee report progress; to sit again on *Friday*.

SIR FRANCIS BARING AND THE ADMIRALTY—EXPLANATION.

On the Order of the Day being read for bringing up the Report of the Committee of Supply,

SIR FRANCIS BARING said, he wished to enter into an explanation in reference to a statement affecting him which had been made by the First Lord of the Admiralty on a previous night. It was supposed that in 1850 or 1851, when he (Sir F. Baring) was at the head of the Admiralty, an order was passed extremely injurious, as was alleged, to the public service, in that it directed the preparation of the Estimates for the dockyards to be transferred from the office of the Accountant General to that of the Surveyor of the Navy (Sir J. Graham), contrary to the practice with regard to other branches of the service. He held the Order in question in his hand, and he felt it due to himself to state that it was dated, not in 1850, but on the 30th of October, 1848—a time when he was not in office at the Admiralty. The Order did not apply to the Surveyor's Department only, but extended to all the other departments of the Admiralty. It was made on the recommendation of Sir J. Briggs by Lord Auckland when he was at the Admiralty, and it was in operation under the Duke of Northumberland, the right hon. Gentleman the Member for Carlisle (Sir J. Graham), and the right hon. Gentleman the Member for Halifax (Sir C. Wood), when they were at the Admiralty, as well as under himself.

SIR JOHN PAKINGTON said, the right hon. Gentleman became very angry, and assailed him in a tone that was not usual in that House the other evening, because he (Sir J. Pakington) had simply said the form of a particular Vote was capable of improvement, and because he had not given notice of his intention to make that statement. From what then passed, he naturally thought that the right hon. Gentleman had originated the form of the Vote; but it now appeared that the change was made, not by him, but by Lord Auckland. The right hon. Gentleman, therefore, had no cause of complaint, and had no more reason to expect that he should have given him notice of his intention to refer to the matter than had the Duke of Northumberland, the right hon. Gentleman the Member for Carlisle, or the right hon. Gentleman the Member for Halifax.

Resolutions *agreed to.*

House adjourned at half after One o'clock.

HOUSE OF COMMONS,

Wednesday, April 21, 1858.

MINUTES.] PUBLIC BILLS.—1° Exchequer Bills (£20,911,500); Excise Duties; Registration of County Voters (Scotland); Customs Duties (No. 2); Patent Law Amendment; County Management.

CHURCH RATES ABOLITION BILL.
COMMITTEE.

Order for Committee read.

SIR JOHN TRELAWNY moved that the House resolve itself into a Committee on this Bill.

Motion made and Question proposed, "That Mr. Speaker do now leave the chair."

MR. PACKE rose to move, by way of Amendment, that the House resolve itself into the said Committee on that day six months. He regretted that this question had not fallen into abler hands, though certainly that regret had no reference to the difficulties of the question. On the contrary, he thought that the arguments were all on one side. The hon. Member for Tavistock (Sir J. Trelawny) in bringing forward this measure explained his reason for taking it up on the ground that he had formerly been Chairman of a Committee which sat in this House upon the Church Rate Question. Now he (Mr. Packe) thought that was the very reason why the hon. Member should have been the last man in the House to bring it forward; because, though that Committee was composed of several dissenting Members, and particularly had two members of the Society of Friends in the list, yet it separated without being able to come to any conclusion on the subject. The principal argument urged against church rates was, that the Dissenters were prevented by conscientious scruples from paying them. No man respected conscientious scruples more than he did; but there seemed ground to doubt whether the objection to church rates proceeded from conscientious or pecuniary motives. He could understand a conscientious motive operating when a man who had been insufficiently taxed sent £5 or £10 to the Chancellor of the Exchequer to make up for the deficiency; but when a man, by the profession of conscientious scruples, saved his money, there was room for suspicion whether some other element did not mingle with the purely conscientious objection. The Committe on church rates which sat in 1851 laid the evidence

they had received before the House; but they abstained from making any Report, and it was very clear that they did so abstain because the evidence of Dissenters showed that it was not always a conscientious objection which was entertained against church rates, but that in many cases the objection arose from a very different source than that of conscience. He would not weary the House by reading any long passages from the evidence referred to, but he would quote one or two passages from the statements of Dissenting witnesses, which would show that the refusal frequently arose from anything but conscientious scruples. The first witness called was Mr. George Offor, who described himself as a Dissenter, though not belonging to any particular denomination. Mr. Offor said, "I am a Dissenter, but not attached to any one of the sects. I would be a Quaker but for the 'thee' and 'thou,' and the coat." It appeared that that gentleman had a number of tenants in Whitechapel, and the following was a part of his evidence:—

"Do you suppose that your tenants object to this rate wholly upon conscientious grounds, or do you think that it presses upon their pockets?—I think that in many cases it is a pocket objection; in some cases it is the want of ability, and in some cases it is a conscientious objection.

"Should you think that the pocket objection applies to the majority of cases?—I think it does; I think that there is a total indifference about religion altogether; that they object merely to save their money."

The next witness was Mr. Samuel Courtauld, a Unitarian, who came from a place very much connected with the agitation about church rates—namely, Braintree; and the House might suppose that that gentleman was against every species of church rate; but that was not at all the case. He would give an extract from his evidence:—

"Do you hold any property in any other parish except in the two to which you adverted in the first answers which you gave before the Committee; namely, the parishes of Bocking and of Halstead?—Yes; I have other property.

"Have you any property in the parish of Gosfield?—Yes, a small portion.

"Has any church rate been imposed in the parish of Gosfield?—Yes, it has.

"Have you paid such church rate?—I have.

"Will you be pleased to state to the Committee under what circumstances you feel that you can consistently and conscientiously pay a church rate imposed in the parish of Gosfield, and cannot pay it imposed in the parish of Braintree?—In the parish of Gosfield I have been permitted to construct a family vault and erect a family mausoleum; I am consequently in the habit of resorting to the parish church of Gosfield on the death of any member of our family, and am thereby a partaker of the advantages resulting from the church of Gosfield; under these circumstances, I thought that the argument of social justice which led me to deny payment of a rate to the church of Braintree, of Bocking, and of Halstead, the services and ministrations of which I did not avail myself of, did not apply to the parish of Gosfield, in which I was thus a partaker of the benefits of the Church. Under these circumstances I felt it to be perfectly consistent to pay without scruple the church rate of Gosfield. I should, however, explain that I individually do not partake of what is called the conscientious objection, the religious objection, which is taken by many of my brother Dissenters."

Mr. Pellatt, who occupied a seat in that House during the last Parliament, was one of the witnesses examined before the Committee, and in answer to a question with respect to the proceedings in the parish of Christchurch, Blackfriars, he said:—

"Although the fierceness of the question is a little moderated by a change of the church minister in the parish, Dissenters generally have a very powerful objection to the rate, and almost every year it is more or less contested; but recently, in consequence of the Rector who has lately been appointed being much more popular than the former, the subject has not gone to a poll."

It was evident, then, that in that case the rate had not been refused on the ground of any conscientious objection, but simply in consequence of the unpopularity of the Rector. Mr. H. Terrell, an attorney, who described himself as an Independent, was asked whether, if the distinction which formerly existed of making two rates—one for the support of the fabric, and the other for ornaments and incidental expenses—were revived, any of the objections of Dissenters to church rates would be removed, and he replied,—

"I think it might with some Dissenters, and for two reasons; the first, because they might be disposed to pay a rate for the fabric which would be applied to the parish burial-ground in which they might have graves; and, secondly, because Dissenters look on the fabrics as public property which may hereafter be used by different sects, as in the time of the Commonwealth."

The first of these objections, at all events, did not rest upon conscientious grounds. He had quoted the evidence of witnesses who were Dissenters, and he need only say that a number of eminent Churchmen were examined on the subject, and were strongly in favour of the maintenance of church rates. He thought the slight interest felt in this question by the great body of the electors was evidenced by the fact that several gentlemen by whom it had been strongly advocated in Parliament had not been re-elected by their constituents. The hon. Member for Tavistock (Sir J. Tre-

lawny), for instance, retired from the representation of that borough in 1852, and was only re-elected last year. There had not been in Parliament a more able and indefatigable supporter of the abolition of church rates than Sir William Clay, yet he lost his seat at the last election. That circumstance might be regarded as an indication that the electors of the Tower Hamlets did not entertain any very strong anxiety for the abolition of church rates. There was also another gentleman (Mr. Miall), the editor of the *Nonconformist*, who had, both as a writer and speaker, most strenuously advocated the abolition of church rates, and yet he had lost his seat for Rochdale at the late election. These facts might certainly be regarded as proving that the constituencies of the country felt very little interest in this question. The maintenance of church rates was objected to on the ground that they occasioned litigation in parishes; but he thought such litigation was altogether attributable to the persons who refused to pay the rates, and not to those by whom they were imposed under the existing law. Sir William Clay had proposed that provision should be made for the maintenance of parochial churches by means of pew rents; but was the House prepared to place those churches on a footing with the Opera-house, or with the exhibitions of Mr. Spurgeon at the Surrey Gardens? The effect of such a measure would be to enable the rich—especially in the case of the clergyman being popular—to obtain exclusive access to the churches, which would be almost entirely closed against the poorer classes. It had been said during the recent debate on the subject by the right hon. Member for Morpeth (Sir G. Grey) and by other hon. Gentlemen, that the decision of the House of Lords in the Braintree case had virtually put an end to church rates; and the consequence was that, this statement having gone forth to the public, many persons imagined that they were pursuing a laudable and legal course in resisting the payment of those rates. He (Mr. Packe) would, however, ask the permission of the House to read the language used by Lord Truro in delivering his judgment. That noble and learned Lord said:—

"It is satisfactory that some of the points most material to the decision are not in controversy. It is admitted that the parishioners of every parish are under an imperative legal obligation to provide for the necessary repair of the church, and the expenses incidental to public worship. It is admitted that the only authority by which a valid church rate can be made is the legal majority of the parishioners duly assembled in vestry. And it is admitted that the rate in question was not made with the consent of the actual majority of the vestry. * * * * I cannot help thinking that the circumstance of a number of persons, no doubt respectable in their general character and position, having been so misled as to avow their determination to disobey the law, and to refuse to perform an obligation unquestionably resting upon them, is so extraordinary that it has called forth much energy to overcome such illegal resistance to the law and duty. But I think the means by which that attempt is made, if successful, would produce public mischief much beyond that which is sought to be redressed. The subjects of this country are much too right-minded, and estimate too correctly the benefits that result from a general obedience to a law while it exists, and the enormous evil which may result from persons of the class of the ratepayers of this parish entering into an open and avowed combination to evade or defy the law, to render it probable that the evil example which had been set will be followed to much extent."

This was the opinion expressed by Lord Truro in 1853, but since that period there had been great agitation throughout the country on the subject, and he believed that had the noble and learned Lord now been living, he would have found he had been too sanguine in his expectation that all Her Majesty's subjects were "too right-minded" to pursue a system of agitation which he had so strongly condemned. He (Mr. Packe) begged to move, as an amendment, that the House resolve itself into Committee this day six months.

MR. KER SEYMER seconded the Amendment.

Amendment proposed,—

To leave out from the word "That" to the end of the Question, in order to add the words, "this House will, upon this day six months, resolve itself into the said Committee," instead thereof.

MR. KNATCHBULL-HUGESSEN said, he was somewhat disappointed at the manner in which this question had been brought under the consideration of the House; for, remembering the incidents of the last debate on the subject, he had confidently anticipated that at the accession to power of Her Majesty's present Government, the Bill would have been gracefully handed over to the noble Secretary for the Colonies (Lord Stanley), and would have been introduced by him as a Government measure. The majority which supported the second reading of the Bill would, have afforded an excuse, not altogether without precedent, for the adoption of such a course by her Majesty's present advisers. He consoled himself for his disappointment, however,

with the belief that this subject was one of no inconsiderable number which it was probable the present Government would treat as open questions, and in that expectation he would give his cordial support to the Motion for going into Committee. The Returns which had been produced with reference to church rates on the Motion of the noble Lord the Member for Stamford (Lord R. Cecil) were strongly relied upon by the opponents of this Bill; but he thought those returns weighed very lightly in the scale against the great principles upon which this question should be decided. Hon. Gentlemen opposite, referring to the Returns, said, "Here you find that church rates have been demanded in some 7,000 or 8,000 parishes, and they have only been refused in 300 or 400." He (Mr. Knatchbull-Hugessen) might remind the House that the same argument was used more than twenty years ago, and it was then boasted that a successful opposition to church rates had been made only in some fifty or sixty parishes. The recent Returns proved, therefore, that there had been a growing feeling against the continuance of such rates. Any argument founded upon these Returns had, however, been answered during the last debate by the late Secretary for the Home Department (Sir G. Grey) who showed that the refusing parishes comprised a very large proportion of the population of the whole, and by the noble Lord the present Secretary for the Colonies (Lord Stanley) who enumerated several classes of parishes in which church rates had certainly not been actually refused, but which could not fairly be regarded as in favour of the present system. The Returns, in fact, afforded no accurate criterion of the state of public feeling, for there were many parishes in which, although a strong objection was entertained to the rate, it was not opposed, either on account of its small amount, for the sake of peace, or in order to retain the goodwill of a landlord. In many other parishes the rate was opposed in the vestry, and the objection was carried no further, or all opposition was suspended in the belief that the Legislature was pledged to deal with the question, and that it would be useless to enter upon a contest against a system which had been already doomed. There were three questions connected with this subject which, in his opinion, it was the duty of the House to consider — first, whether there was really a grievance in the system of church rates; secondly, whether, if that were the case, the abolition of the rates would rob the Church of her property; and, thirdly, whether any danger was likely to result from such abolition. When the hon. Member for South Leicestershire (Mr. Packe) said, that so far as the Dissenters were concerned, the grievance was mainly one of the pocket, he must have formed a very low view of the character of many of his fellow-subjects. In his (Mr. Knatchbull-Hugessen's) opinion the grievance of Dissenters was incontestable. He would quote high authority upon this point—he wished he could quote upon this subject the opinion of that right hon. Gentleman who was the corner-stone of the present Government—he meant, of course, the Chancellor of the Exchequer. But, unfortunately, at the time of his re-election, that right hon. Gentleman's mind was so full of "painful misconceptions" that he found no time to allude to the subject they were then debating. But the Attorney General was more composed—he alluded to everything. That hon. and learned Gentleman (Sir F. Kelly) said, on his recent re-election:—

> "I do think that those who do not, and who, upon religious principles, cannot, with propriety, attend our churches, may well complain that they should be obliged to contribute to their maintenance."

There could be no doubt that an Attorney General was not exempt from the frailties of humanity, and might occasionally commit an oratorical indiscretion; but he (Mr. Knatchbull-Hugessen) thought the passage he had quoted expressed the deliberate convictions of a matured understanding, and he hoped that Her Majesty's Government would pay due attention to the opinion of their chief legal adviser. In his (Mr. Hugessen's) opinion, the Dissenter, contributing to the place of worship which he frequents, and thus, in his own way, supporting public religion, was not only compelled to make a second payment to that of which he did not approve, but was so compelled in a most vexatious and annoying manner. No Act of the Legislature defined the sum to be paid, but an arbitrary and uncertain tax was imposed upon him by a majority of his neighbours, often a very slender majority, obtained with difficulty, after an animating discussion and an exciting contest most prejudical to the interests of true religion. But it was urged that the Dissenter buys his property subject to these rates, as he does subject to

tithes, and to other rates, and that, therefore, he ought not to complain. This was the opinion of the right hon. Gentleman opposite—the President of the Board of Trade—(Mr. Henley) who spoke thus in his recent address to his faithful constituents :—

"I inherited my estate, and my father bought his estate subject to these payments, provided the rated inhabitants choose to levy them. If church rates were to be done away with by law that money would go into my pocket. Every tenant when he comes to take a farm says, 'What are the rates and taxes and the rent ?'. Generally speaking, he asks for the amount of the rates the first thing. Now, of course, if the rates are less the rent will be more."

Now, were these rates really a tax upon property or not ? The contrary had been held by high authority. Dr. Lushington, speaking in that House in 1841 said, that this tax was originally levied on individuals by reason of their possessing property, real or personal, and in the same speech he stated very clearly the argument of the Dissenter, that the church rate was first levied when the whole population was Roman Catholic, and when no one dared avow himself anything else — that it was continued at the Reformation, which was but the substitution of a dominant Protestant Church for the Catholic, and that when the Act of Toleration came it ought to have been discontinued. But to take a common sense view of the question. When property was purchased was the amount of church rates levied, or likely to be levied, ever taken into account ? No; because it was impossible to form any calculation as to their amount. Tithes were regulated by Act of Parliament, and the amount of poor rates and highway rates might be calculated with some certainty; but church rates were an occupier's tax, and he did not believe they were taken into account either by landlords or tenants. The right hon. Gentleman said the effect of this Bill would be to put money into the landlord's pocket; but he ventured to say that no landlord would be able to raise his rent a single farthing if the measure were passed. That was a practical test, and if he (Mr. Hugessen) was right, the right hon. Gentleman's argument fell to the ground, and this was proved to be an occupier's tax, and as such was a grievance to the Dissenting occupier which ought to be remedied. Then, if these rates were abolished, would the Church be robbed of any property belonging to her ? He hoped some hon. and learned Gentleman would explain how a thing could be the property of A which B had the power of giving or taking away. How could that be the property of the Church which, by the arbitrary decision of a vestry, might be withheld ? He would ask the House to consider whether any danger was likely to accrue to the Church from the abolition of church rates. As a warm friend of the Church of England, he thought the argument that if these rates were abolished, the fabrics of the Church would be allowed to fall into decay was humiliating to churchmen. If a congregation would not voluntarily support their place of worship, were they worthy of having a place of worship at all ? He knew he should be told that the Church of England was the national Church—the Church of the people—in which persons might worship without any payment. He wished the Church of England could be called a national Church in the real sense of the term; but it was a notorious fact, that more than one-half of the people of this country did not belong to the Church of England; and he did not know how, with one-half the people dissenting from it, it could be called "national." He might be told that there were in that Church many congregations whose poverty would preclude them from maintaining their places of worship; but it so happened that the members of the Church of England constituted the richest portion of the population. He thought, remembering that circumstance, and also bearing in mind that dissent had been occasioned in the first instance to a great extent by the neglect and apathy of those who ministered in the Church in days now happily past, the House ought to proceed very carefully in dealing with a question of this nature. There might be some congregations which were really too poor to support the fabric of the Church, but was there no Church property which might be rendered available in such cases ? He remembered that, during the last Session of Parliament, they were informed by the Home Secretary that the property of the Church, under the good management of the Ecclesiastical Commissioners, was increasing at the rate of £80,000 or £100,000 a year. Would it not, then, be possible to set apart a portion of this property in aid of the maintenance of the Church in those parishes where poverty existed ? In 1834 Lord Althorp made a proposal to place church rates upon the Consolidated Fund. In 1835 the late Sir Robert Peel, after

quitting office, stated that, had he continued in power, he would have endeavoured to settle this question upon the basis proposed by Lord Althorp, and he observed—"This is a practical question, which requires immediate settlement." The question, however, still remained unsettled. Various compromises had been suggested—one in 1856 by the late Home Secretary (Sir G. Grey) for whom he had a great respect, but who must allow him to say that if his name was destined to descend to posterity as that of a great statesman, it would not be that proposed compromise which would conduce to so desirable a result. But the day of compromise was past, and it was essential for the sake of the Church as well as of Dissenters that the tax should be abolished. The Dissenters were entitled to every consideration at the hands of the House. He could not forget how much they were indebted to Dissenters for the civil and religious liberties now enjoyed in England, or how many thousands of the people would never have heard the Word of God, or the name of their Redeemer, but for the voluntary exertions of the Dissenters, penetrating localities to which the labours of the Church had not extended. He had seen, with great regret, the statement made by Lord Derby to a deputation which waited upon him on this subject a few days ago. The noble Earl was represented to have said that, even if this Bill should be adopted by the House of Commons it would be rejected by the other branch of the Legislature. He (Mr. Knatchbull-Hugessen) thought the other House might be left to show its independence of the noble Earl, but in his opinion this premature statement was not very respectful to the House of Commons. For the sake of the Church this Bill ought to be passed. It was essential for the interests of the Church that she should be encouraged to trust and rely more upon the affections of the people. Free her then from the burden of rancour and animosity imposed upon her by this miserable tax. Were they afraid this would be a step towards the separation of Church and State? There were, probably, State reasons (he was not sure that there were Church reasons) which would prevent such a consequence. But whatever might be the result, let them do justly and fear not. For the sake of the Dissenter, let them relieve his conscience by passing this Bill, and for the sake of the Church let them once for all abolish an impost, which, conferring upon her a comparatively small amount of pecuniary benefit, attached to her an incalculable amount of ill-will and bitterness, and existed only at the expense of those feelings of brotherly love and charity which were the life, the soul, and the foundation of all real religion. He would vote for going into Committee.

MR. PUGH (Carmarthenshire): Sir, I wish briefly to state the reasons which induce me to vote for going into Committe on this Bill. By doing so we shall promote that settlement of the question which the decision of the highest judicial authority in the country has rendered now more than ever necessary, and which is more the interest of the Church than of the Dissenter. The House of Lords having determined that a rate cannot be levied without the consent of the majority, the result is, that wherever there are Dissenters there may be a contest; and that being so, if this question remains unsettled, adieu to the peace of the Church, adieu to the peace of the country. How long is this state of things to last? Are church rate wars to be eternal? Is ecclesiastical dissension and discord and theological hatred to reign for ever? No friend of the Church will say so. It is now a quarter of a century since a body of men, no lovers of needless innovation, I mean the Ecclesiastical Commissioners, reported that the church rate question required immediate attention, and that the evils arising from the state of the law were rapidly spreading. If that was a weighty recommendation, then how much more must it be so now, when the House of Lords have declared that to be the law which before was not generally known, but only hidden in the breasts of lawyers, that the majority of a vestry may refuse a rate. Suppose that in those bygone days, in 1833, when a cabinet minister came down to this House, and with all the authority of Government proposed a settlement of the question. Suppose that settlement had then been accomplished. The Braintree case would never have been heard of. What dissensions, what heartburnings would have been spared, what feelings of eternal resentment! How can the interests of religion be expected to prosper in a parish agitated by such passions? How can any good be expected to proceed from such a fountain of bitterness? On the other hand, what beneficent measures might have been achieved? It is no exaggeration to say

that, with the funds expended in the prosecution of that twenty years' suit, whole parishes might have been enriched with the blessings of education for many a long year yet to come. Is this no argument for a settlement of the question? And shall we not grow wiser from the contemplation of the misfortunes of others? And this country, so justly boasting in the administration of its laws, is the only one in the whole Christian world in which these scenes can be witnessed. For by the civil and the canon law, the churches are repaired by the clergy; and it is here alone that by law and custom the parishioners are charged with the repairs of the body of the church. That being the law, it is not for me to wish to take away that which length of time may have given her. It was impressed on the mind of the ancient Roman, that if the temples were not repaired, he would rue the shortcomings of his ancestors. I should be willing to vote for a commuted church rate, fixed upon the land, the Dissenting landowner being exempted altogether. Only let the Church receive a substitute which shall not be liable to the objections to which I have referred. For who that sees her committed to an unseemly contest in the enforcement of a rate purely personal, can wonder that murmurs should be heard, that invidious reflections should be made that she relies too much on worldly welfare. But take this timeworn weapon out of her hand, and replace it by those of better temper and more celestial workmanship, and she will reign in the affections of the people of this country, and wield a sceptre instead of a sword. Who would not applaud the Government, from whatever part of this House they may have come, by whose paternal care a settlement of this question was accomplished? Who would not envy the statesman by whom the consummation was achieved? I beg leave to thank the House for the kindness with which they have heard me.

MR. KER SEYMER said, he was ready to admit the expediency of their proceeding to deal in some manner or another with the question of church rates; it was undoubtedly one which required immediate legislation. *Quieta non movere* was a very good maxim, but he was sorry to say that it did not apply in the present instance. Since the decision of the House of Lords in the Braintree case the state of the existing law in reference to that question was that parishioners were bound to repair their churches, while there was no obvious mode of enforcing that obligation, and a church rate certainly could not be enforced by the vestry without the consent of a majority of the ratepayers. It might be said, "Why not, then, create a simple process by which this legal liability may be enforced upon Churchmen and Dissenters?" Now, considering the antiquity of church rates, and the fact that property was made subject by law to the charge of keeping the parish church in repair, he should be prepared to maintain that as a perfectly just position. Though, however, such a course was a just, he did not think in the present state of public feeling that it was an expedient one, and he would not advise the Government, therefore, to adopt it. Another concession he was disposed to make. In some parishes where Churchmen had it all their own way, many charges were imposed on the church rate which ought not to be borne by it. Though the ornamental performance of Divine service, if he might so term it, was quite proper, in itself, and though the charges necessary in respect to it were legal when sanctioned by a majority of the vestry, he as a Churchman, regretted that they were ever imposed on Dissenters. Without going so far as Dr. Lushington, in asserting that nineteen-twentieths of the opposition to church rates had arisen from this cause, he believed that great part of such opposition was occasioned by the want of a proper definition of the objects to which those rates should be applied. At the same time, he thought in this country we ought to be very careful how we admitted the principle that no man was to contribute towards the maintenance of any institution from which he dissented. For the sake of peace, and in order to avoid those unseemly contests which were so injurious to the cause of religion, he was prepared to modify the law of church rates as regarded Dissenters, but he was not prepared to modify it on the ground that a man ought to be relieved from paying for any object to which he was opposed. If such a principle were once admitted we should not be able to stop there. An inexorable logic would compel us to apply the same rule to tithe-rent charges, and even to the general taxation of the country. The objections of the Society of Friends to war were founded upon conscientious, and even he believed upon religious scruples; and therefore, in such a case as the double income tax, which was strictly a war tax,

his hon. Friend (Mr. Knatchbull-Hugessen) was bound on his own principle to bring in a Bill to relieve two Gentlemen who sat near him (Mr. Gilpin and Mr. Pease) from payment of this impost. They had heard a great deal about the rights of conscience, and he should be very sorry to sneer on such a subject, or to set himself up in any way as the judge of another man's conscience ; but he must say the objection on the ground of conscience showed itself sometimes under very peculiar forms. The Whitechapel vestry entertained a conscientious objection to the payment of church rates, and the result was that they had first of all passed a farthing rate for the purpose of illuminating an ornamental clock, and ousting their local commissioners of their jurisdiction, and that they had afterwards passed a penny rate for the repair of the church, with a view to oust of his jurisdiction the Bishop, who had threatened them with what was called a citation. He would ask the House, however, to descend from the heights of religious liberty and to take a common sense view of this question. A Dissenter being invited by law to say "yes" or "no" to a proposal that he should be rated for the repair of the parish church and the celebration of Divine service there, naturally declined the proposal. He (Mr. Ker Seymer) should probably do the same if he were a Dissenter. But how came it that repairs of the church depended on this sort of vote? At the time when church rates were imposed the Church would have made very short work of anybody who refused to pay them. In point of fact, she did make short work of the Dissenters ; she burnt them. We were now, however, applying a system which worked very well when only one set of opinions was tolerated to a period when happily opinion was as free as possible. In considering the church rate question, therefore, they ought to consider, besides, the whole position of the Dissenters with reference to the church vestry ; and he confessed he thought at the time that the proposal made by Mr. Robert Phillimore on this subject was a fair one—namely, that persons declaring themselves to be Dissenters should be exempt from the payment of church rates, and at the same time should cease to attend the services of the Church and to interfere in the election of churchwardens and in the proceedings of vestries. That appeared to him in principle to be a fair proposal. By it Dissenters would not be deprived of the services of the Church if they chose to avail themselves of them ; but, on the other hand, it seemed only reasonable that they should themselves respect the scruples of any clergyman who might conscientiously object to admit them to the rites of his religion. The Members of that House who represented the views of the Dissenters had opposed that proposal. Mr. Pellatt said he would not submit to the degradation of suing to the churchwarden *in formâ pauperis* for the remission of his rates ; but this gentleman forgot that he was to sue *in foro conscientiæ*. Mr. Miall went still further, and declared that as long as we chose to maintain an Established Church he should assert his right, whether he paid church rates or not, to interfere in Church matters. Now, he (Mr. Ker Seymer) admitted that Dissenters in that House had a right to interfere in these questions, leaving it to their own good taste to decide how far they would carry such interference. But this was a different case from that of a person who claimed exemption from church rates, and then objected to church expenditure and took part in the election of churchwardens. In a particular parish Dissenters might perhaps say, "Vote for Westerton ;" to which he would reply, "Pay your rates like a man and vote for him if you choose." He hoped the time for a compromise upon the question had not yet passed away ; he did not see why the compromise proposed by Mr. Robert Phillimore might not yet be adopted. He was afraid, however, that Dissenters regarded the abolition of church rates merely as an instalment for effecting the separation of Church and State. Now, upon that ground, Churchmen, as it appeared to him, were bound to make a stand. If the Dissenters wished to raise that point, Churchmen were prepared to meet them, and he was sure that, upon that subject, Churchmen would have the aid of the noble Lord the Member for London. But let them raise the point openly, and not keep open an irritating question merely for the purpose of having an instrument whereby to effect by a side-blow the separation of Church and State. He might be asked how he would deal with those numerous and important districts in which Church rates had been practically abolished ; and, in reply to such a question, he should state that he was not prepared to disturb in those districts the existing arrangement, under

which rich Churchmen, and he was happy to say Dissenters also, voluntarily provided for the maintenance of the church fabrics, and for the decent performance of Divine worship. But he would not, on that account, prevent the levying of church rates in those rural districts in which no objection was ever made to the measure, and in which, from the absence of a large wealthy class, the continuance of the existing practice was specially desirable. He did not forget that the principle of that Bill had received the sanction of the House on the occasion of the second reading; but he believed that result was in some measure attributable to an accident. Some hon. Members on his side of the House, who had heard the right hon. Gentleman the late Secretary for the Home Department declare, on the part of the Government, that he disapproved of the Bill, had taken it for granted that his opposition to it would be necessarily successful; they had, under that impression, been absent from the House at the time of the division, and the result was, that the Motion for the second reading was carried. With respect to the general question, he thought they ought to relieve Dissenters from church rates on some such terms as he had mentioned; they ought also to define the objects to which church rates should be applied; and, in the case of Churchmen, there should be a simple remedy for their neglect to provide for the performance of Divine worship and the maintenance of the fabric of the Church. If these three points were attended to, he thought Parliament would have done all that in them lay for the settlement of this question. No doubt, objections might be started to the plan he had suggested; but he believed that plan to be better than standing still on this question, better than either of the two Amendments he saw on the Notice Paper, and far better than a Bill for the total abolition of church rates. For these reasons he should support the Amendment of his hon. Friend (Mr. Packe).

Sir GEORGE GREY said, he thought that considerable inconvenience was usually created by reviving, on the occasion of a Motion for going into Committee, the discussion of the principle of a Bill which had been adopted by the House on the second reading; and it was only in some very rare instances that such a course could with propriety be taken. This Bill had been fully debated some weeks ago, and there was no possible ground for the inference which the hon. Gentleman (Mr. Ker Seymer) apparently wished to be drawn, namely, that the division on that occasion had taken the House by surprise. After a full debate, a majority of 54, in a House of nearly 400 Members, had determined on going into Committee on the Bill, and he thought it very undesirable to continue a debate upon a subject on which the decision of the House had been so unequivocally given. Looking at the numbers present when the second reading was carried, it was not likely that the division was materially affected by the absence of the Gentlemen who, as the hon. Member said, trusting that the Bill could not be adopted in consequence of his (Sir G. Grey's) opposition, had foolishly left the House. He thought, therefore, that the House was bound now to act on the decision at which it had arrived, and to go into Committee on this Bill, dealing there with the various Amendments proposed on either side, by those who supported or opposed the measure. He was not going to repeat now the speech which he had addressed to the House on a former occasion; but he would remind the House that he had then distinctly stated that he could not concur with those Gentlemen who opposed the progress of the Bill on the ground that church rates ought to be universally maintained throughout the country, or that there ought to be a settlement of the question by the adoption of some modified system, by which such rates should be reimposed in those places, comprising nearly half the population of the country, in which they had been for some years practically abolished. When the proposal was formerly made that Dissenters should be exempted from the payment of church rates, he felt that grave objections might be urged against such a course; but, looking at all the difficulties of the question, and considering it as one, not of absolute right or of ancient practice, but as a question of expediency connected with the avowed feelings of a large portion of the community, he had been willing, and had suggested—not that Dissenters should be compelled to register themselves, or declare the denomination to which they belonged—but that any person, upon stating that he was not a member of the Established Church, should be exempt from the payment of Church rates; and he would exclude such persons, not from the privilege of enjoying the rites of the Church, but merely from taking part in

other business transacted at vestries relating exclusively to church matters. With this proposal he would couple another—namely, that with regard to places where there had been a practical abolition of church rates, there should be a statutable recognition of that abolition. If the substance of this proposal had been adopted, a settlement of the question would have been effected, which would remove a practical grievance, and would at the same time prevent that which he thought would be a hardship—namely, a measure which should prohibit the imposition of a church rate in those numerous rural parishes in which no objection was made to its payment. In making this proposal, however, he had received no support from one side of the House, while those who then sat on the other side declared that the time for a compromise had gone by, and rejected his offer to lay on the table a Bill which he had then actually ready, and which would have embodied these provisions. When, therefore, he found that the House had affirmed the principle of the present Bill on the second reading, he had refrained from bringing his own measure forward. The House having come to this decision, he should feel himself compelled now to abide by it, and to vote for going into Committee on this Bill, being prepared to give his best consideration to any Amendments which might then be brought forward.

LORD JOHN MANNERS said, he could not join the right hon. Gentleman in his implied censure upon those who thought that the principle of the Bill ought to be rediscussed upon this stage. On the contrary, he believed it absolutely essential that so important a proposal as the total and immediate abolition of church rates should be further and more gravely considered by this House than it had been upon the occasion referred to. The debate on the second reading was not sustained for any considerable period; and, looking at the momentous interests which were at stake, he was of opinion that further consideration ought to be bestowed upon the principle before they settled the details of this measure. Its supporters, as the House should remember, declared that it was susceptible of no improvement whatever. The simple proposal they made was for the total and immediate abolition of church rates, and they would be the first to repudiate altogether the grounds upon which the right hon. Baronet (Sir G. Grey) had just expressed his readiness to vote for going into Committee. Now, it would be generally admitted, with regard to this question, that whatever idea might be popularly associated with the abolition of church rates, they could only in justice and in equity be complained of as a grievance by the Dissenters. No one would contend that any Churchman had a moral right to complain of the continuance upon that property which he had either inherited or purchased of an obligation to maintain the fabric and support the services of the Church. He believed then, that he might assume that, if the imposition of church rates was a grievance, it was a grievance which affected Dissenters alone. Now, the people of this country were jealously sensitive—and God forbid it should ever be otherwise—on the subject of the rights of conscience, and a man had nothing to do but to say that any particular institution aggrieved his conscience in order to secure for his statement a most attentive and favourable consideration. Thus it was with the church rates. His objection, however, to this Bill—and it was one which went to the root of the proposed legislation—was, that it relieved the consciences and the pockets not only of Dissenters, but that it would also relieve the pocket of the rich Churchmen at the expense of the poorer classes of the community. For his part, he had always, in arguing this question, admitted that Dissenters might fairly object to be taxed for the support of other forms of religion: and the most influential members of the Dissenting body had not, at the commencement of the anti-church rate agitation, sought to extend to Churchmen the change in the law which they advocated. He had before him extracts from speeches delivered at the beginning of this year by Mr. Samuel Courtauld, who might be regarded as the originator of the agitation, which clearly showed that that gentleman had not proposed to himself any such object, and that he admitted that the only claim Dissenters could make was that they should be exempted from paying church rates. He had, therefore, always been ready to meet the grievances of Dissenters in the most amicable spirit, and his complaint against this Bill was that it totally set aside the possibility of entering into any such amicable settlement of the question. What were the grounds upon which it was brought forward? In and out of doors, the great allegation in its favour was that it was necessary in order to set free the con-

sciences of Dissenters. No such allegation, however, was contained in the preamble of the Bill. The first ground there stated was, "Whereas church rates have for some years ceased to be made or collected in many parishes by reason of the opposition thereto." Now, he should have thought that the refusal of church rates in these instances would have put an end to ill-feeling and litigation, and that as their number increased, so the necessity for legislation would have diminished; but, because in 500 parishes church rates by the will of the majority had ceased to be collected, was it, therefore, right to enforce their abolition upon the vast majority of parishes, counted by thousands, in which the inhabitants were willing to be taxed for the support of the fabric and the maintenance of the services of the Church? He could not understand how Gentlemen who in this House stood up for the rights of the majority could answer such a question as this in the affirmative. But the preamble then set forth that "in many other parishes where church rates have been made, the levying thereof has given rise to litigation and ill-feeling." The advocates of the measure having, as he had shown, abandoned the plea of conscience, the question which the House had to consider with regard to the second allegation of the preamble was the amount of ill-will and litigation thus produced. In how many parishes, if any, had it been engendered? What was the counterbalancing advantage which the poor obtained by the continuance of church rates? And what would be the effect of the abolition of that system? Now, he was certainly bound to admit that if the amount of ill-will and litigation were trifling, it was not the fault of those who were engaged in the agitation of this question. There had been a most extensive organisation for the purpose of this agitation, and if the crop of ill-will and litigation had been small, it was owing rather to the sterile nature of the soil than to any want of industry on the part of those who cultivated it. In spite of that agitation, however, he did not perceive that any very successful opposition had been got up last Easter to the levying of church rates; neither did it appear that any considerable number of parishes which heretofore had granted church rates had of late refused them; and, indeed, the result of the best researches he had been able to make into this question was, that during 1857, while church rates had been proposed and carried against opposition in no less than seventy parishes they had been opposed and defeated in no more than twenty-four throughout England. But, whatever might be the ill-will and litigation produced, ought they simply on that account to abrogate the existing system altogether and without inquiry? Why, there was hardly a rate struck for any purpose in any part of the country of which the same might not be said. Could any one say that poor rates, highway rates, sewer rates, did not give rise to a great amount of ill-will and litigation? In 1856 he found that no less a sum than £114,000 was expended in litigation in consequence of our system of poor law management supported by rates. Surely, therefore, it was necessary to penetrate a little more below the surface before they abrogated the system of church rates on the grounds submitted. He should next proceed to ask what were the counterbalancing benefits which flowed from the maintenance of the system of church rates. It was impossible, he should contend, that any one could possess an acquaintance with the various rural parishes throughout the country and not feel that an immense amount of temporal as well as of spiritual good was effected by means of a tax which, without the necessity of imposing the smallest charge upon the poorer classes in the community, provided for the support of the fabric of the Church and the due administration of the ceremonies of religious worship. His chief objection to the Bill under discussion, then, was that it proposed—without creating any substitute for it whatsoever—to abolish at once a system which secured to the 10,000 parishes in England the continuance of a state of things such as he had described, and which he felt assured every hon. Member who had at heart the spiritual welfare of the poor must be anxious to uphold. The hon. Member for Sandwich (Mr. Knatchbull-Hugessen) had said that the Church of England was essentially the Church of the rich man; but from that proposition he (Lord J. Manners) begged most emphatically to dissent. He believed that it was essentially the Church of the poor man, and it was because he was of opinion that it had a just claim to that character that he stood up in his place in the House of Commons to vindicate and uphold, until a satisfactory substitute was proposed, a system under which the fair obligations of the realized property of the nation to con-

tribute to the support of the fabric of its houses of religious worship were maintained; and to assert that before they passed a measure for the abolition of church rates, they were bound to show in what manner they propose to maintain the fabric and services of the Church. The argument drawn from the considerations to which he had just adverted was one, he might add, which was not applicable to the case of the poorer classes belonging to the communion of the Church of England alone, but one which might also be relied upon on the ground that it was a fact perfectly notorious that members of the Dissenting body availed themselves in considerable numbers of the services performed in places of religious worship connected with the Church of England, and that they would regard it as a great religious grievance if, in consequence of any legislative enactment, they should be precluded from the enjoyment of that privilege. Sir William Clay stated in 1854 that a great number of persons went in the morning to church, and in the evening to a Nonconformist chapel; and he (Lord J. Manners) questioned whether, in point of morality, persons who accepted the offices and services of the Church to some extent could reasonably excuse themselves from the payment of church rates upon conscientious grounds. There was scarcely a country clergyman of the Established Church who was not practically aware that the Dissenters in his parish looked up to him not only for support and advice in temporal matters; but also for aid in connection with their spiritual wants. He had had, indeed, a letter from a clergyman residing in the country, in which he stated that he had upon various occasions, during a period of twenty-one years, officiated at the burial of members of the Dissenting body in his parish without any fee or reward; and he naturally inquired whether they ought to be called on to keep the church and churchyard in order for the accommodation of those who systematically availed themselves of the services, and yet refused to pay the moderate amount which the law required for the support of the fabric. The question raised by the Bill was whether property should continue to be bound by those obligations with respect to the support of the fabric of the Church which had been imposed upon it before the Conquest, or should be relieved from them by the adoption of a principle which would not only set free the consciences of Dissenters, but ease the pocket of the landlord. He spoke of the landlord, because he it was who would undoubtedly receive the benefit of that remission which it was the object of the Bill to accomplish. He had not come to that conclusion without the aid of experience, and in support of his opinion upon the point he might state that a Member of that House had assured him that if a proposition for the total abolition of church rates should pass into a law he should feel himself authorized to make arrangements for a corresponding increase in the rental paid by the tenants upon his property, and should put the amount thus realized in his own pocket. The result of such a proposition, in short, would be, either that the landlord, being a pious and conscientious Churchman, would undertake to provide for the maintenance of the fabric of the church, reimbursing himself for any outlay which he might make in that respect by the imposition of an additional burden upon his tenants, or, being a person who was lax and careless in such matters, or a Dissenter, would permit the necessary expenditure for the support of our places of religious worship to be thrown upon somebody else, taking to himself the increased rental. And who, he would ask, was that "somebody else" likely to be in nine-tenths of the parishes of England? Why, in all probability, the very man who would be least competent to bear the burden which would thus be thrown upon him—namely, the clergyman of the parish. Under those circumstances—while reserving to himself the right to give an impartial consideration to any proposition which might have the effect of relieving the consciences of Dissenters from the grievance of which they complained, while it made due provision for the maintenance of the fabric of the church—he should entreat the House not to lend its sanction to a scheme, the operation of which would be to free the property of the country from obligations to which it had for centuries been liable, and which had been imposed upon it for the promotion of the spiritual welfare of the poor, and the free and unfettered worship of Almighty God.

LORD HARRY VANE observed that there was a great difference of opinion upon this question between the noble Lord who had just sat down and the hon. Member for Dorsetshire (Mr. Ker Seymer.) The noble Lord was of opinion that this was not the time for legislation on church

rates, and that it would be better to leave the question as it now stood; while the hon. Gentleman the Member for Dorsetshire was ready to accept the suggestion of the right hon. Gentleman the Member for Morpeth (Sir G. Grey.) For himself, he thought that after the large majority which had been obtained in favour of the second reading of the Bill, it would be much better to proceed with it and argue the different points which had arisen in Committee. He was aware that the question was full of difficulties. The rate in question was an ancient one, but notwithstanding its antiquity it could not be identified with any other species of property. The present state of the law had been clearly declared in the House of Lords, however unpalatable that declaration might be; and he could imagine the case of villages springing up into towns, and a rate being refused where it had always been granted as a matter of course. He was not anxious to relieve landlords from the payment of this liability, but he believed the effect of the Bill would be rather to throw an additional burden upon the owners of property than to relieve them. If, however, landlords were to be made directly liable for the maintenance and repair of churches, all the outgoings would be taken into consideration in letting the land, and the landlord would very soon find out how he could relieve himself of the impost. He was rather inclined to believe, to a certain degree, in the soundness of the doctrine of pew rents, which the noble Lord repudiated. He fully admitted that a certain portion of the church ought always to be placed at the disposal of the public; but the system of pew rents was found to work well in district churches, and it was so entwined with our system of church management that if the money received from pew rents could be employed to defray those necessary expenses for which church rates were now necessary, it would probably be an easy solution of the difficulty. On the whole he should vote for going into Committee, but he thought many of the clauses would require great alterations. He thought it was high time to settle this long debated question.

THE CHANCELLOR OF THE EXCHEQUER: Sir, although I entirely concur in the opinions which have been so clearly expressed by my noble Friend near me (Lord J. Manners), I cannot resist the conviction that this question has now arrived at a stage at which it is desirable that we should fully discuss any practical measure which may be submitted to us for the solution of the difficulty which it involves. Having that object in view, I feel there would be some advantage in assenting to the Motion for going into Committee; though I cannot for my own part, give utterance to any very sanguine hope that the labours of the Committee will have the effect of materially improving the proposition embodied in the Bill under discussion, or of removing those objections which have been urged against it by many hon. Members upon both sides of the House. By going into Committee, indeed, we may have the benefit of being afforded an opportunity of considering those suggestions which were made upon a former occasion in reference to this subject by the right hon. Gentleman the Member for Morpeth (Sir G. Grey), one of which is especially worthy of notice — I mean the proposal which he submitted to our consideration last year to provide for the commutation of church rates by effecting certain alterations in the laws of mortmain. There is, however, an Amendment which stands upon the paper in the name of the hon. Member for Hertfordshire (Mr. Puller), which appears to me to be well entitled to the attention of the House, and which cannot, I believe, in accordance with the forms of the House, be moved in Committee. Now, with all respect for my hon. Friend the Member for Leicestershire (Mr. Packe), I cannot help thinking that it is of more importance that the House should have an opportunity of discussing the Amendment which I have just mentioned than that we should, by putting his Motion, that the House resolve itself into a Committee upon the Bill this day six months, merely repeat a division which has been taken in a similar form upon previous occasions. I trust, therefore, that my hon. Friend will withdraw his Motion, in order that we may be afforded an opportunity of taking into consideration the Amendment of the hon. Member for Hertfordshire, which, I repeat, is well worthy of our notice, and which, I beg the House to observe, cannot be discussed except it be brought before us at this stage of our proceedings.

LORD JOHN RUSSELL: I quite agree with the right hon. Gentleman opposite that it is desirable the hon. Member for South Leicestershire should withdraw his Motion, and that we should attempt at last to arrive at some settlement of this ques-

tion. It is, I think, quite obvious from a consideration of the prospects which, according to the reports which I have seen in the public press, Her Majesty's Prime Minister holds out to us, that this Bill will, if it should go up to the House of Lords, be rejected by that assembly. Now, that is a result which would be extremely unsatisfactory; and I should wish, therefore, to see whether some plan or another might not be devised by means of which we should be enabled to arrive at a settlement of this question, which would prevent the occurrence of the result to which I have alluded. The Amendment of the hon. Member for Hertfordshire (Mr. Puller) seems to me, under those circumstances, to be one which is well entitled to our consideration; but he will, perhaps, permit me to suggest to him that it would be better to confine the objects which he proposes to attain to those for which the church rates are levied under the existing system, and that he should not endeavour to embrace other and entirely new objects within the scope of his Resolution. So far as the Amendment provides for the repair of existing churches, and for the maintenance of churchyards, it lies within the limits to which I refer; but when the hon. Member seeks to make "provision for the building of new churches in popular places" he travels, in my opinion, beyond those limits. The building of new churches is carried out by means of the diocesan funds, and constitutes an object which, however desirable it may be to make provision for it, is totally separated from that which we ought to have now in view, and which might more properly — if, indeed, it should be necessary to legislate with respect to it at all—be made the subject of a distinct proposal. With this exception, I, for one, am certainly disposed to look with considerable favour upon the Amendment of the hon. Member for Hertfordshire. But, suppose that Amendment should not be accepted by the House, what course do you then propose to take? The observations which have fallen from my right hon. Friend the Member for Morpeth (Sir G. Grey) in the course of this discussion tend, I must admit, to do away, to a great extent, with the objections which I entertained to a proposal which he submitted to the House some years ago, and which was to the effect that we should be prohibited by legal enactment from raising church rates in those districts in which they happened not to have been levied for a certain period. That, I think, is a proposition which is open to strong objection upon the score of principle. It is hardly fair, in my opinion, that certain parishes should be subjected, as it were, to a penalty because their inhabitants had complied with the law by levying the necessary church rates, while those should escape with impunity whose only plea was that they had not paid the tax within a given time. The proposition is also open, it appears to me, to objection in point of practice, inasmuch as it has sometimes happened that in districts in which church rates have not been levied for a long period the inhabitants at length come forward, perhaps under the leadership of a clergyman who has gained the good will of all his parishioners, or even under a churchwarden who, though he may be a Dissenter, has the well-being of his parish at heart; it is found that the church is out of repair; a rate is consequently proposed,—it may be by a Dissenter, — in vestry, and is levied with the general assent of the whole body of the inhabitants. Surely, if you keep up a church rate at all, you ought not to prohibit the occurrence of such a proceeding as that; and I am glad therefore to find that the right hon. Baronet does not propose to adhere to the suggestions which he formerly made upon the subject. With respect to another proposal of my right hon. Friend, which is to the effect that those who might be exempted from the payment of church rates upon the ground that they were not members of the Established Church should be deprived of the right of voting at the election of church wardens, I can only say that I think it also is open to serious objection. I have always felt very strongly that in acting upon such a principle as that, you would be taking a course which would tend to separate altogether from the Church a great body of persons, who, although they may not be regular attendants at divine service, yet upon certain occasions, such, for instance, as when a marriage takes place in their family, resort to the Church. Now, that any such result as that should be produced would be, in my opinion, a great misfortune. For my own part, I think if you entail any disqualification at all of this description, it ought to be one extending not to the right of voting at the election of churchwardens, but to the disposal of the money which may be raised by means of a church rate. You might very fairly say to a man, "If you claim

your exemption from this rate you cannot come into vestry and vote upon questions relating to the mode in which the money obtained from it is to be expended." I could, however, consent to the imposition of no other disqualification than that to which I have just adverted. If we can possibly come to any agreement with respect to the Amendment of the hon. Member for Hertfordshire, that, I think, would be the wisest course to adopt. I am told that there has been a large majority of the House of Commons in favour of the proposal for the total abolition of church rates. That is a statement which is undoubtedly true; but, at the same time, I have heard many men say, that while they were prepared to vote for that abolition rather than maintain the existing system, yet they were disposed to give a favourable consideration to any reasonable proposition by which a compromise of the question could be effected. I therefore cannot quite concur with those who think that the majority in favour of the total abolition of this tax, without any provision being made to substitute some other means of securing the maintenance of the fabric of the church in its place, is quite so conclusive as some hon. Members seem to imagine. Be that as it may, however, I think we shall do well to take into our earnest consideration the Amendment of the hon. Member for Hertfordshire, and I trust the hon. Member for Leicestershire will withdraw his Motion.

MR. NEWDEGATE said, he would not oppose going into Committee on this Bill; but in assenting to it did not abate one iota of the claim of every poor man, and among them Dissenters of every denomination, to the full and free benefit of the services of the Church of England. He hoped the House would see the necessity of the parishes continuing the control of the money, because he would never consent to deprive the people of this country of the control over the national Church in the appropriation of its funds. It was their object to preserve the Church of England within the limits prescribed by law, subject to the control of the respective parishes. He trusted that those who represented the Dissenting interest would not lend themselves to the support of any measure which would have the effect of depriving the poor in many parts of this country of the advantages of assisting at the Church of England services. He concurred in the proposition of the hon. Member for Hertfordshire, that if any such Bill as the present should pass into a law, means should be taken to commute this charge into a fixed sum. Those, however, were matters of detail. It was the proposition of his hon. Friend alone that could reconcile him to permitting this measure going into Committee.

MR. PACKE said, that after the appeal made to him by the Chancellor of the Exchequer and the noble Lord the Member for the City of London, he would withdraw his Amendment [*Cries of* No, No!]

MR. BRIGHT said, he thought those who were in favour of the passing of this Bill had some ground for complaint against the hon. Member for South Leicestershire (Mr. Packe) for the course he had just proposed to take. He (Mr. Bright) had listened—he would not say to exactly the same arguments—but to much the same speeches from the hon. Member's lips year after year upon this question of church rates as the one they had heard that day. The hon. Gentleman was not a young Member; he knew when he came down to the House he was going to object to this Bill being proceeded with; he had moved an Amendment, the effect of which, if carried, he knew would be to prevent the Bill going any further, and the House had discussed it for the last three hours; but all that time would be wasted if he was now permitted to withdraw it. The truth was, it was found to be convenient to some Members not to have their names recorded in a division on this subject, and therefore it was that the hon. Gentleman sought to avoid going into the lobby. But he (Mr. Bright) would advise the supporters of the Bill to go to a division on this question. That, at least, was the course he himself was prepared to take. With regard to the observations which had fallen from the noble Lord immediately below him (Lord J. Russell)—whom he was happy to see sitting in that very wholesome part of the House—he did not think the noble Lord could have well considered the points which he had placed before the House. He (Mr. Bright) did not know whether or not the Amendment of the hon. Member for Hertfordshire could be brought forward at all except in Committee, because it proposed to lay a charge on property, which was very like imposing a new tax—a thing that was more in the province of the Chancellor of the Exchequer. At all events, if the hon. Member did move such a Resolution, those who were in favour of the Bill would know

how to meet it. In fact, the noble Lord, who was one of those who were only half-way between the wrong they formerly adhered to, and the right they were now approaching, seemed to forget that those who contended for the abolition of church rates understood their own case, and that they were likely to understand it a great deal better than the noble Lord and those who acted with him. He (Mr. Bright) and those who supported the Bill before the House, had studied this question all their lives. They had submitted much too long to the impediments which had been thrown in the way of its settlement, and had seen themselves constantly treated with injustice and humiliation. Surely the House did not imagine that they brought forward this measure year after year solely for the purpose of getting up a debate on two or three Wednesdays in a Session. By no means. They were determined to get rid of church rates; and if any one thought that by proposing to make the owners pay towards the repair of churches instead of the occupiers, or by calling on persons opposed to church rates to make humiliating declarations of their religious opinions, he would settle this question, he was very much mistaken. Some hon. Members now approached the discussion of this question as they would have done thirty or forty years ago. He was amazed at the extraordinary want of observation shown by hon. Gentlemen when they fancied that any of those palliatives could do anything towards settling this question. There was only one way of settling it. If those were a majority who did not want to abolish church rates, the question would not be settled; but if, on the other hand, they who supported the abolition were in the majority, as well in that House as throughout the country, of which no man could doubt, let them have the settling of it. With regard to what might be done in "another place," the noble Lord the Member for the City of London well knew that the gentlemen who sat in that "other place" did not always take as much notice of the Resolutions of the House of Commons as the noble Lord would wish them to do. Those gentlemen in "another place" had been the people in the drawing-room, while they in the Commons had been the people in the kitchen. That was about the way in which he (Mr. Bright) should characterize the treatment they had received in "another place." He would remind the noble Lord the Member for the city that there were many more persons zealous about this question of church rates than there were about the Oaths Bill; and although it might happen that those in "another place" might reject this Bill once, twice, or thrice, it was desirable to bear in mind that they would never have an opportunity of rejecting it unless it passed the House of Commons. He was therefore anxious that it should pass the Commons. The House was not to suppose that it was Dissenters only who desired to see church rates abolished. The hon. Member for North Warwickshire talked about the "Dissenting interest." He (Mr. Bright) was not one of the Dissenting interest; but if he were a Churchman, he would use much stronger language on this question than he had ever done. It was in the interest of public honesty, of public morality, of public order, and of religion itself, that he asked the House to abolish this unjust and irritating system. If he were a Churchman, he should be ashamed of hon. Members who opposed this Bill. They had evidently no faith in their Church. They had no faith in the zeal of their congregations, nor in the arguments or the eloquence of their pastors. They believed their churches would fall into ruin if this Bill were to pass. He had never said anything half so severe of the members of the Established Church as that. They had been brought up to think that this question was associated with the existence of the Established Church, and therefore it had become a matter of sentiment rather than of argument with them. He had no doubt if church rates were abolished to-morrow, all the parish churches in the country would eventually be in a much better state of repair than they were at present. In the interest of the Church itself, he would ask the House to pass this measure. They who brought it forward understood their wants, their claims, and their rights; and they knew, from what had taken place in that House for years and years, that they would get what they wanted. There was on the Treasury bench a Secretary of State (Lord Stanley) who had written an admirable pamphlet and made several able speeches in favour of the abolition of church rates. Those who supported the existing system, saw continual defections from their side, while those who opposed it had as constantly accessions to theirs; and if there was any Bill passed to extend Parliamentary franchise and to redistribute the seats, they

who supported church rates, and who were already in a minority on the question, would dwindle down to a small fraction. Why should those who supported church rates go on using the same arguments year after year in favour of a system which the general feeling of the country had already condemned? Why should the hon. Member for North Warwickshire (Mr. Newdegate) —whom he always honoured for his sincerity, be making the same speeches Session after Session? No two men could be more opposed on political questions generally than that hon. Member and himself; but he would confess that he had always honoured the hon. Member for the sincerity with which he always maintained and defended the cause which he believed to be right; but why should the hon. Member be repeating Session after Session, arguments on this subject which made very little impression on the House and none whatever on the country? He was glad the right hon. Baronet the Member for Morpeth (Sir G. Grey) went so far with the supporters of the Bill as to desire that it should go into Committee. He (Mr. Bright) would say to him, and to every Member in the least disposed to assist them, "Go with us as far as you can; the further you go, the pleasanter you will find the road; and let us, without further delay, proceed at once with this Bill, the fate of which has been irrevocably decided."

Mr. STEUART was understood to say that he hoped to see some plan proposed in Committee which would meet the views of all parties upon this subject. Under any circumstances, he entertained no apprehensions that the churches would be allowed to fall into decay or ruin. He would certainly oppose the measure on its third reading, if such a plan was not agreed to in Committee as would be acceptable to the members of the Church of England. The hon. Member's observations were rendered unintelligible by repeated cries of "Divide, divide!"

Question, "That the words proposed to be left out stand part of the Question," put and *agreed to.*

Main Question put, and *agreed to.*

House in Committee.

Mr. FitzRoy in the chair.

Clause 1. (From and after the passing of this Bill no church rate shall be levied in any parish in England and Wales.)

Sir ARTHUR ELTON, pursuant to notice, moved an Amendment, to insert the words "expiration of three years from the"—the effect being to postpone the operation of the measure for three years after the Bill should have passed. His objection, he said, to the clause as it stood was a very simple one. He was of opinion that some time should be given to the parochial authorities throughout the country to make due preparation for the great change in the law contemplated by the Bill. This was, perhaps, one of the greatest changes in the law known to modern legislation, and he thought the Committee ought to proceed with all due caution in the matter. While they showed consideration for the feelings of the Dissenters, they ought to treat Churchmen with justice and forbearance. He himself had full confidence in the voluntary principle in this matter if they only gave it time to bear fruit. It was on that ground that he submitted they ought to allow the Churchmen throughout the country a period of three years to make the necessary arrangements in anticipation of the proposed change. The hon. Member for Dorsetshire (Mr. Ker Seymer) thought the landlords would not be able to increase their rents one farthing if church rates were abrogated. He could not agree with that opinion. He believed the effect of this Bill in country parishes would be that a landlord, being a member of the Church, would ask his tenant if he proposed to contribute voluntarily to the necessary repair of the parish church, or preferred, instead, an addition being made to his rent for that purpose. The tenant would then make his election, and if the landlord got the money in rent he would hand it over to the parochial authorities to keep the church in repair. The hon. Member for Birmingham (Mr. Bright) seemed to consider that churches in the agricultural districts and places of worship belonging to Dissenters required much the same amount of money to keep them in repair; but the hon. Member would be of a contrary opinion if he saw some of the splendid mediæval churches in Somersetshire, and compared them with the neighbouring places of worship of Dissenters, usually consisting of four square walls of brick and a roof. He would remind the Committee that they who took an interest in maintaining the existing ecclesiastic fabrics did so, not only in the interest of the present generation, but of posterity. In legislating for the abolition of church rates he had no fear for

the Church of which he was a member; on the contrary, he was convinced, if she were allowed "a fair field and no favour," she would do her duty to those committed to her charge, and confer great and enduring benefits on the people of this country. The hon. Baronet concluded by moving his Amendment.

Sir JOHN TRELAWNY said, he was desirous of adopting every feasible suggestion calculated to put an end to the existing system; but he thought if the hon. Baronet had read the evidence of Dr. Lushington he would hardly have thought it necessary to propose this Amendment, for Dr. Lushington had expressly laid it down that churchwardens were bound to go on disposing of any funds in their hands for the repair of the churches which had been raised for that purpose. The parochial authorities, in fact, had nothing to do but to use the existing machinery in their hands to meet the state of things contemplated by the hon. Baronet. Besides, the Amendment was the less called for, when he (Sir J. Trelawny) found, that in places where it had been left to them as a voluntary matter, the Dissenters had contributed liberally towards the repairing the fabrics of the Church of England. The Amendment, he thought, savoured too much of the old Protectionist spirit, and could have no other effect than that of prolonging the unpleasant controversies to which this question had given rise.

Mr. ROEBUCK wanted to know why the hon. Baronet proposed to postpone the operation of the Bill for three years. This question of the abolition of church rates was not a new one. He (Mr. Roebuck) had been in Parliament for a quarter of a century, and it had been familiar to him as a Member of that House for the whole of that period. What good, he asked, could be derived from keeping open the sore, and from not at once putting an end to all the irritation produced by the levying of church rates? If the thing was good, why not do it at once? Whenever a change in the law was made, great advantage resulted from its coming into immediate operation. The best thing they could do in this case, was to bring the abolition into operation at the very earliest moment, and therefore he opposed the Amendment.

Sir HENRY WILLOUGHBY suggested that there were many parishes which had church accommodation beyond their wants. Why were these to be saddled with a permanent tax?

Sir GEORGE GREY thought it would be very inexpedient to adopt the Amendment, for if the proposed change was to take place, it was very undesirable that it should be postponed for so long a period. The usual practice was to make a church rate at Easter; if, therefore, the Bill passed into a law and came into immediate operation, it would be necessary that some provision should be made to secure the proper application of the rates made at Easter in the present year.

Mr. WIGRAM said, that if the Bill were to pass, the Amendment proposed was only a simple matter of justice. If church rates were wholly abolished, he was persuaded that the only possible fund out of which the churches could be maintained would be one provided by the unanimous efforts of the body of Churchmen at large. That fund, however, must be very considerable to be fully effective, and time ought to be allowed for them to make the necessary preparations, if that responsibility was henceforth to be borne by them alone. Out of the 10,000 parishes, there were many in which the churches were already in a dilapidated condition, and in want of immediate funds for essential repairs.

Sir JOHN TRELAWNY said, he could not believe that the Members of the Church of England would not themselves readily make efforts to meet all the cases to which the attention of the Committee had been pointed. Surely, so large, wealthy, and earnest a body would never suffer their churches to fall into decay for want of funds.

Lord LOVAINE said, it was pretty clear to him, that if this measure became law, by the end of three years afterwards the contest would be one, not of church rates, but of tithes.

Mr. PALK reminded the Committee, that if this Bill passed into a law, the £350,000 hitherto raised for the maintenance of the churches would be lost to the Established Church. They had no more right to deal with this £350,000, provided for the maintenance of the Church, than they had to deal with the interest on the national debt, or any other similar charge; but they had a right to deal with any law that pressed injuriously upon the consciences of Dissenters. This fund was as much the property of the Dissenters as of he Church, and if it was dealt with in an

unjust and inconsiderate spirit, injustice was done both to the Church and to Dissenters. The Dissenters, he admitted, had a perfect right to object to all those embellishments of the Church which had been introduced of late years, and which were offensive to their consciences; but, for the credit of the country, and even of the Dissenters themselves, unless they wished to be branded as spoliators of property which did not belong to them, they ought not to pass this measure before they had provided a substitute in place of church rates for keeping in repair the churches. He would, on the bringing up of the Report, propose a proviso carrying out his views, which in the meantime he would read to the House.

MR. AYRTON spoke to order. The hon. Gentleman was not in form in introducing another Amendment in addition to the one now before the Committee.

MR. PALK did not intend to move another Amendment. He only meant to read a proviso, which he gave notice he would move on the bringing up of the Report.

SIR GEORGE GREY was not prepared to say the hon. Gentleman was out of order; but it would be very inconvenient to bring before the Committee at present any proviso, while there was an Amendment undisposed of.

MR. PALK said, he would not now bring the proviso before the Committee, if it was not the general wish. With regard to the Amendment, the effect of which would be to postpone the abolition of church rates for three years, he did not wish to delay the operation of the Bill, nor to retain the angry feelings which these discussions excited; but he thought it desirable that time should be given for maturing some plan for maintaining the fabric of the Church. There were large funds in the possession of the Church, and it was possible that during the delay these might in some way be made available, or voluntary means might be provided for maintaining fabrics which, apart from religion altogether, were on architectural and scientific grounds worthy of the support of the country.

MR. GLADSTONE: I cannot help observing that, whatever may be the merits or demerits of the Amendment proposed by the hon. Member for Bath (Sir A. H. Elton) it has received no answer from the hon. Baronet (Sir J. Trelawny) of any weight or value. The hon. Baronet said, that the proposition of my hon. Friend savoured too much of the "old Protectionist spirit." I must say I can see no ground or colour for such a charge; but I see a great deal of what used to be considered one of the cardinal articles of Protection in the Bill of the hon. Baronet himself; for a very prominent doctrine of those most versed in the articles of Protection was that a great part of the claim for Protection rose out of the burdens on land, and that some at least of the local rates ought to be remitted and a present of them made to the landlords. And, undoubtedly, this Bill, if it passed, will offer the first instalment of that relief from the burdens on land. The Bill, indeed, presents a very remarkable instance in which the principle of "Protection" that has been long dead has undergone a sort of galvanic revival at the hands of a gentleman from whom it could have been least expected, in that with respect to the whole of the rural parishes of the country he has proposed to make over to the landlords a large and distinct present of several hundreds of thousands a year. I will illustrate what he has now said by a case in point. A gentleman—a friend of mine, whose name, if I were to mention it, would elicit from every one an expression of respect and approbation—applied to his tenants—not in a tone of dictation, of which he is incapable, but as between friend and friend—and expressed his wish that they should support the granting of a church rate in his parish; on which one of the tenants said, "It is surely impossible you can wish us to support a church rate, for if the rate is refused it will be £17 a year in your pocket in this township alone." What is true in this particular case is equally true in other cases. The church rates, if abolished, will go into the pockets of the landlords. I hope, therefore, we shall not again hear it said that the principle of protection is involved in the opposition to this measure. The hon. Baronet (Sir J. Trelawny) proceeded to say that, however magnificent the churches might be in the rural parishes, it would be unfair to the Dissenters to continue, even for a period of three years, to tax them for the maintenance of those fabrics. There is a fallacy in that part of the reply of the hon. Baronet, because in so far as regards many of the opponents of this Bill, they have not the slightest desire that any Dissenter should be taxed against his will for the maintenance of the fabric

of the Church. I do not ask whether a case can or cannot be made out to show that the Dissenters might justly be expected to pay: I say, as a matter of equity, of prudence, and consideration, that I believe it to be for the interests of the Church and the country, that Dissenters should not be called upon to pay church rates; and, believing that to be the sentiment of an immense majority of the House, I protest against the assumption involved in the speech of the hon. Baronet, that whoever supports an Amendment like that before the House does so because he thinks it is right that for three years more Dissenters ought to be taxed for the support of the fabric of the Church. My belief—and it is founded on experience—is that there are large numbers of Dissenters in this country whose position in regard to the Church is an anomalous one, because it is neither complete religious union nor complete religious separation, and that there are many of these Dissenters who do not in the smallest degree object to the payment of church rates so far as some local knowledge goes of that portion of the country which of all others is perhaps the least inclined to the payment of church rates—I mean the Principality of Wales —I may say that there are Dissenters there who would be perfectly satisfied with an exemption in their favour from compulsory payment. However, that is not the question now before us. I only wanted to point out that the hon. Baronet has, unintentionally I am sure, misrepresented the views of those who support the Amendment now before the House. The real question as regards the Amendment appears to me to be something different from that which the hon. Baronet has apprehended it to be. I cannot say I think that even with this Amendment the Bill would be one which it would be wise or just for the Legislature to adopt. At the same time I frankly own that the Amendment of my hon. Friend is not only proposed in a spirit of good faith—because no man would for a moment impute to him the possibility of taking any other than a straightforward course—but that it is a proposition which it is more for the interests of the friends of the Bill than for its opponents to accept. I cannot doubt that this Amendment will improve the prospects of the Bill, for I cannot but be of the opinion, already expressed by an hon. Friend, that it would be a considerable mitigation of the shock which would be felt in many parts of the country if the Bill were to come into immediate operation. On the whole it appears to me to be an Amendment couched in a spirit of equity and fairness — not intended to defeat the Bill, but a truly straightforward, candid proposition. Though it is true you make your arrangements for church rates from year to year, it is also true that there are many arrangements connected with the repair of churches that are not settled by the rate of a single year. It appears, moreover, that the levying of church rates is considerably in arrear of the making of church rates; and an Act of the Legislature declaring that no church rate should henceforth be levied or made would undoubtedly have an effect which the hon. Gentleman does not desire —namely, the effect of breaking up arrangements partially carried out, but not yet completed—arrangements on the faith of which schemes have been sanctioned and liabilities incurred. Then with regard to the effect which the postponement of the operation of the Bill would have in prolonging the religious war in which the country is said to be involved through these rates, surely a great deal too much has been made of the horrors of this religious warfare. I do not think it is half so aggravated as appears to be supposed. In the great proportion of parishes where church rates are made they are levied with general satisfaction, or at least with no ostensible symptoms of dissension. I think the people of England, who generally contrive to solve awkward problems by the exercise of practical good sense rather than by theory, have attained the desirable object of solving even the problem of church rates in such a manner that, though it does not obviate everything disagreeable, yet removes all really unfriendly symptoms; for I commonly see that after there has been a motion for a church rate, an amendment against it, and a poll, the meeting generally breaks up in good humour, and with a vote of thanks to the chairman. I must say, that although this "religious war" figures very well in speeches in Parliament, I should not feel that I had done anything to keep up bad blood by sanctioning the short continuance of the present system proposed in the Amendment of my hon. Friend. But, though I think it fair on the whole to support the Amendment of my hon. Friend, it is a more prudential question for the hon. Baronet to consider than for me; because if the church rates are to be abolished, it should be done in a manner to miti-

gate as much as possible the pressure of the charge. If it were not that I am actuated by the desire of dealing in a spirit of fairness towards the measure, and did desire to secure its rejection, I should say leave the Bill as it stands, and let hon. Gentlemen opposite deal as they can with the difficulties in which they would be involved in passing it.

MR. DILLWYN said, he considered that in the whole of this controversy the connection between Church and State had been too much mixed up. That was not the proper time, however, to discuss that question, but he did not see how the abolition of church rates could have more to do with it than the abolition of the Maynooth grant. It was not fair to charge upon those who were in favour of the Bill that they were opposed to the connection between Church and State. He believed that the present law did not assist the Church at all. Where Churchmen were in a majority in parishes, they ought to feel some shame in putting their hands into the pockets of Dissenters. Where the Church people might ask for a rate was where they formed a minority; but in that case the law did not help them; and under these circumstances he thought that church rates should not be levied at all. As a Churchman he would say to Church people, provide for your own churches out of your own pockets, and before erecting new fabrics, provide a sufficient fund for the necessary support of the old ones. If church rates were abolished, the Church of England would stand in a better position with the great body of the people of this country.

MR. HENLEY said, that any remission of this power of taxing, whether now or three years hence, would be a direct present to the landlord in the rural parishes. Both the church rate and the poor rate were personal taxes, ascertained in amount by the quantity of land held and the value of it to the occupant. Take either off, and the amount of the tax went to the landlord. An incident which occurred while he was managing an estate—which did not belong to himself—illustrated this. The agent came to him and represented that a very respectable person who had taken a farm at a certain rent, with a stipulation to pay all rates, had a conscientious scruple to pay church rates. He said at once, "Ascertain the amount of the church rates for the last seven years, add that to the rent, and let him pay that as the rent, and be relieved from the obligation to pay church rates." For some reason the tenant did not accept that offer. Then, with respect to the Amendment, he did not disagree with the hon. Baronet (Sir G. Grey) on that point. He did not see any advantage in postponing the operation of this Bill for three years. To vote for the Amendment would be a direct admission on his part of the principle, which he did not think sound; and therefore he could no more consent to it at the end of three years than he could now. What would be the working of the Amendment? They had heard a great deal about peace and quietness and good feeling—topics which had been blown up into great dimensions in the course of this debate—and of assertions that disagreeable feelings existed on this matter. But if the operation of the Bill were suspended for three years, did any one suppose that there would be peace and quietness for three years? They could not get rid of the question in that House by shoving it overboard for three years. Both parties would be arrayed against each other to try to upset that Act of Parliament. If such an objectionable measure as this should pass the Legislature—which he believed it would not—that which was necessary to be done and must be done, could be and would be done, just as well at once as in three years. In fact, if the Amendment were carried, people would say, "Oh, I may be dead and buried in three years;" excuses would be made, and, instead of people at once putting their shoulders to the wheel, nothing would be done until the expiration of the three years. It was not then necessary for him to enter upon the consideration of the great difficulties which must arise from passing this Bill. Without referring to the falling down of the fabrics—which might or might not happen—let the House recollect that when persons were appointed churchwardens they were compelled by law to pay certain fees, which amounted to from 15 to 20 per cent. upon the church rates. How would they get this back if the Bill before them were passed? He should vote both against the clause and the Amendment.

SIR ARTHUR ELTON said, though he humbly conceived that his Amendment would tend to bring the question to a more speedy solution, yet he would not press it against the opinion of the Committee.

LORD ROBERT CECIL entered his protest against the principle which he

understood to have been laid down by the right hon. Gentleman the Member for Oxfordshire (Mr. Henley) as one that would be most fatal if acted on by a party defending conservative institutions. He understood him to say that when a Bill was brought forward which he did not like he would do nothing to mitigate its provisions. Now, in his opinion, there was nothing to prevent him voting for an Amendment in a clause and afterwards voting against the clause on the whole Bill.

MR. HENLEY said, the noble Lord had misunderstoood him. He gave his reasons for disliking this particular Amendment, but had not said a single word that could be construed into the meaning now stated by the noble Lord. He would support any Amendment that he thought reasonable in any Bill.

LORD ROBERT CECIL did not wish to attribute to his right hon. Friend anything that he was not willing to accept, but he certainly understood him to say that, if he did not like a Bill, he would not vote for an Amendment upon it.

MR. SPOONER said, he would not consent to do that in three years which he was not willing to do now. The poor of this country would be the chief sufferers, if church rates were abolished.

MR. BRIGHT said, if the noble Lord intended to compel a division, it was desirable that he (Mr. Bright) should offer some explanation as to the reasons for the vote he should give. He was free to confess that, if there were any disposition on the part of hon. Members opposite to accept the solution of the question proposed by this Bill, he should not raise any difficulty upon the point whether it should come into operation in twelve months or three years hence. He did not believe the difficulties into which the Church of England would be plunged by the abolition of church rates would prove to be so extensive as some hon. Members appeared to imagine; but in the settlement of a long-disputed question, if there were any concession which would facilitate that end without interfering with the effect of the settlement, it would be advisable to make it. The tone in which the Amendment had been spoken of on the other side, however, did not lead him to believe that the adoption of this Amendment would be at all an approach to a settlement of the question. The right hon. Member for Oxford University (Mr. Gladstone) had gone round and about the subject, but he had not come at it; and he had sat down without giving the House to understand that he was more favourable to the principle of this Bill than he had been to preceding Bills having the same end in view. The right hon. Gentleman did not say that at the end of three years he would support the Bill, nor did the noble Lord (Lord R. Cecil) hold out any hope that, at the expiration of that period, he would be less opposed to the Bill than he was at the present time. Indeed he (Mr. Bright) did not see how it could be otherwise, for all the arguments of the supporters of church rates were based upon principles which were not affected by time. He did not perceive how any one who favoured church rates could be persuaded by the Amendment to change his views. If he believed the adoption of the Amendment would at all tend to a solution of the question, he would advise his hon. Friend to accept the Amendment; but, as he did not entertain that belief, he thought it better the clause should be passed in its original shape.

SIR HENRY WILLOUGHBY thought the Bill would, if passed, inflict a very heavy burden on many parishes, and he should be glad to know whether the hon. Baronet (Sir J. Trelawny) had taken into consideration the various questions which must arise if they abolished church rates in England and Wales.

MR. WIGRAM hoped that his voting for the Amendment would not be considered as an approval of the clause, and he should think himself still at liberty to vote against the clause.

Amendment, by leave, *withdrawn*.

LORD ROBERT CECIL then rose to propose another Amendment, the effect of which would be to confine the abolition of church rates to towns and cities. The Returns laid before that House showed that the refusals of church rates were almost entirely confined to populous places, and that in agricultural counties the refusals did not amount to more than 2 per cent. If the operation of the proposed Act were limited to towns, it would get rid of those acrimonious contests which all deplored, and would leave the country parishes, where little or no opposition was made, to grant or refuse the rate as at present. The noble Lord moved as an Amendment in Clause 1, before the words England and Wales, to insert "in any city, Parliamentary or municipal borough in."

SIR JOHN TRELAWNY said, he

could not consent to the proposed Amendment. The effect would be to exclude such localities as Chelsea.

SIR GEORGE LEWIS: I hope the Committee will deal with this question with a determination, if possible, to get rid of the grievances which the present system of church rates gives rise to. The difficulty is to ascertain precisely in what those grievances consist. All the information I have leads me to think that the essential grievance of the present system is not that there is a compulsory tax levied for the support of the fabrics of the Established Church, but that it is levied upon property which involves in its operation persons who differ from the tenets of that Church. It is not a statutory rate—it is a common-law rate, dating from a period antecedent to the Reformation, when there was no difference of opinion upon religious matters. Since that event differences of religious opinion have sprung up, and discords have arisen from the imposition of church rates. The rate is a voluntary rate. It is competent for the majority of a vestry to refuse it; and that power has been exercised in a large number of parishes, amounting, I believe, to about 10 per cent of the whole number of parishes, but comprising about one-half of the whole population of the kingdom. It is in large towns where the greatest discords have prevailed, and the result has been, that under the operation of the present system church rates in those towns have practically been abolished. It is also in large towns that there is the greatest accumulation of property, and where are to be found the greatest facilities for raising subscriptions in order to maintain the fabric of the Church. At present it may be said that there are two distinct systems in operation under the existing law. In large towns the parishes have, for the most part, practically abolished church rates and substituted voluntary arrangements, which have been found to answer well. But that state of things only applies to towns. In rural parishes, for the most part, church rates are made without opposition; and even where there have been objections raised they have been overruled by the majority of the ratepayers. In 90 per cent of the parishes of England and Wales the churches are supported by church rates. That is the way in which the present system works; and it appears to me it would be not a compromise, but a reasonable and practical solution of the question, if the House would adopt the plan that was proposed by my right hon. Friend the Member for Morpeth (Sir G. Grey), namely, to abolish church rates in those towns or parishes where practically they had ceased for a series of years—say four or five years—and in those towns where church rates continue to be levied, to allow those who differ from the Established Church, upon a mere declaration or statement of that fact, to be exempted from liability on account of them. By that means church rates would only be compulsory upon members of the Established Church. It would satisfy a real want, and would overcome a real difficulty; for in rural parishes no objection is now made, and the facilities which the aggregation of wealth in large towns affords for raising voluntary subscriptions do not exist in small rural parishes. I am not prepared to share the fears of those who think that if church rates are abolished our churches will be permitted to fall to the ground. I believe that funds would be raised by collection, subscriptions, and other modes which in large parishes would meet the wants of the Church; but in poor, small, and remote parishes, if you do not allow the ratepayers to tax themselves, you will introduce a system far less fair and equal than the present. I am favourable to the principle of the Amendment proposed by the noble Lord, but it seems to me that its terms would not carry out that principle. It is at once too wide and too narrow. It would exclude many cases which the noble Lord would wish to include, and it would include many places which ought to be excluded. For instance, the parish of Chelsea, and other large parishes in the neighbourhood of London, not included in any Parliamentary borough, would not fall within the terms of the Amendment. On the other hand, small Parliamentary boroughs, or parishes included in such boroughs, where no objection has been made to church rates, would be deprived of the power of voluntarily rating themselves. I think the best plan is that of my right hon. Friend to which I have referred, and which I believe would be found the best and most satisfactory solution of this long-vexed question.

MR. BALL begged to assure the Committee that, if he believed the abolition of church rates would be injurious to the Church of England, he would not give his support to any measure having that object In his conscience, however, he believed it

would not have any such effect. He believed the removal of that ground of difference between Dissenters and Churchmen would tend to augment the numbers of the latter, and to diminish the number of the enemies of the Church. If the House relieved the consciences of Dissenters, that was all the Dissenters were entitled to ask. As there was only one great question now dividing Churchmen from Dissenters, he thought the time had come when the Government might devise some fair and reasonable method of settling it; and if there was a disposition to relieve the consciences of Dissenters, he thought the latter ought not to refuse all concession on their parts. He was himself prepared to approach the subject in a conciliatory and temperate manner, and not ask for anything beyond what the Dissenters were entitled to.

Mr. PULLER said, he could not support the Amendment of the noble Lord. If they were to legislate at all upon this subject, it should be in such a manner as would settle the question for ever; but the Amendment, instead of settling it, would give rise to increased discontent and agitation. Upon what principle were boroughs and cities to be exempted? Those boroughs might contain parishes which had never refused church rates, and the Amendment would deprive them of the right in future. The suggestion of the right hon. Member for Morpeth was, that church rates should be abolished where they had practically ceased, and in parishes where the rates were levied to exempt Dissenters. Those propositions appeared somewhat inconsistent with each other. If Dissenters were exempted in the one case, church rates ought not to be abolished in other parishes. He had great objection to drawing any line between Dissenters and Churchmen, especially one which would hold out a temptation to men of no religion to represent themselves as Dissenters. He did not value such men as Churchmen; but, for the sake of their children, he would not offer them a bribe to forsake their ancient Church.

Mr. PACKE, in reference to a remark which had fallen from the right hon. Baronet the Member for Radnor (Sir G. Lewis), cited the case of a church situated in a parish where a rate had been refused, which was falling into decay, there being no means of raising the necessary funds for its repair.

Mr. SPOONER observed that the effect of the Amendment would be to take away all power of voluntary rating from the large towns. It was true that, in large towns, many parishes had refused church rates; but a time might come when the vestries would repent, and would desire to make rates for the maintenance of their churches; but the Amendment would leave them no power to do so.

Sir GEORGE GREY: I cannot support the Amendment of the noble Lord, although I agree with him in principle. What I wish to do is to remove a sense of injustice which exists in all cities and towns, without at the same time causing a feeling of injustice in the minds of a large body of members of the Established Church in the country. The Amendment of the noble Lord is sound in principle; but, if adopted, its terms would not carry out the principle. In nearly all large towns and cities, of late years, district churches have been built, which are quite independent of church rates, those funds being applicable to parish churches alone. I think the experience we have had of these district churches teaches us that, even if church rates are abolished in large towns, the parish churches will not be allowed to fall into decay. I should advise the noble Lord not to press his Amendment upon this occasion, but to consider whether, upon the next stage of the Bill, he cannot propose words which would more effectually carry out the principle which he has in view. I think the plan I suggested would be the best mode of dealing with the matter; but I am not wedded to my own words, and, if he can devise any arrangement by which the same end can be attained, I shall be happy to give it my support.

Mr. HENLEY thought he should be justified in putting to the hon. Member for Birmingham (Mr. Bright) a similar question to that which the hon. Gentleman himself had put to the right hon. Member for the University of Oxford, and in asking him how far he considered the Amendment proposed would settle the question with him? At the same time, it had been clearly pointed out by the right hon. Gentleman (Sir G. Lewis) that the words of the Amendment would not carry out the object that the noble Lord had in view. He should be glad to know from the hon. Members who had charge of the Bill, whether the passing of any such measure would make the slightest approach to a settlement of the question? He should like to know, also, from the hon. Member

for Birmingham, whether any reciprocity would be held out on that side of the House, such as would induce hon. Members on his (Mr. Henley's) side to assent to the general proposition of the Bill?

MR. BRIGHT said, there seemed to be a difference of opinion even amongst those who wished to stop at a half-way house like that now before them. His opinion was, that this was just one of those straws which a man clung to when going down, and that after all the subject was not worth discussing. The noble Lord, the Member for Stamford (Lord R. Cecil), must know that on his (Mr. Bright's) side of the House by those who were prepared to support the principle upon which the Bill depended—his proposition could not be entertained for a moment. Besides this there was another ground of objection to it—namely, that it would not work. These things were contagious, and could the Committee suppose that the parish which had the advantage of being exempted would not become the focus of a yet stronger agitation than that which existed at the present moment? He was not sure that the town of Braintree, which had immortalised itself by its opposition to church rates, would be exempted by the proposal of the noble Lord. In point of fact, the proposition was one of those which met nobody's views—at all events, not of a single human being who was honestly opposed to church rates. He could not, therefore, hold out any hope that the noble Lord's proposition would mitigate hostility in respect to this impost.

MR. GLADSTONE: The sentiment of the Committee, or at least of a large portion of it, appears to be that there is much substantial reason in the proposal of my noble Friend, but that the form in which it is presented to us is inadmissible. My right hon. Friend (Sir G. Grey) embodied his views in a Bill when he was the organ of the Government; but he has now given his opinion, not as the organ of the Government, but as an independent Member. There is, I think, in the proposal of my noble Friend much that might become the basis of an arrangement of this question. But at the same time I do not think that we have to-day made much progress towards any practical result. Motions have been withdrawn one after the other, and the progress of the debate does not give my noble Friend much encouragement to take the sense of the Committee upon his Motion. The proposition, however, is of great importance, because it appears to have the sanction of the Government, and I do not think it can ever be refused or extinguished by a vote of this House. I am certain that my noble Friend will be doing a public service if he puts us in a condition to give a positive judgment upon his proposal. There appears to me to be great common sense in it, and to say the least it offers a less hopeless prospect of a practical result than any other plan that has been submitted to us. I do not think that a question of this kind can be settled by a bargain in this House. But there is a spirit of moderation abroad—a desire for peace—and a disposition to forego extreme views where practical results can be attained, which, independently of any bargain in this House, will insure practical success and permanency to any plan which appears to be founded in moderation and good sense.

SIR JOHN TRELAWNY must adhere to his principle, and could not agree to the Amendment.

LORD ROBERT CECIL said, that having met the usual fate of those who attempted to reconcile opposite parties, and having drawn down upon himself the combined censure of the hon. Member for Birmingham and the hon. Member for North Warwickshire, he had no alternative but to withdraw his Amendment.

Amendment by leave *withdrawn*.

Question proposed "That Clause One stand part of the Bill."

MR. LYGON (amidst calls for a division) moved that the Chairman report progress.

MR. WIGRAM supported the Motion ["Divide, divide!"] If the clause were passed in its present shape there would at once be an end to church rates throughout the country; whereas if the Chairman reported progress it would be open to the right hon. Gentleman (Sir G. Grey) and other hon. Members, to consider whether some middle course might not be adopted that would be satisfactory to all who were desirous of seeing this question settled.

MR. MALINS on rising was greeted with a storm of "ohs," which was redoubled in vehemence when he observed that he threw himself upon the indulgence of the House, never having yet addressed it on the subject of church rates. He would recommend that the Motion for reporting progress should be agreed to, in order to enable the right hon. Gentleman (Sir G. Grey) to re-introduce his former Bill ["Oh, oh!"] He granted that it was in

vain to attempt to maintain the law as it now stood. Some compromise, therefore, must be entered into. There was undoubtedly much force in what had fallen from the noble Lord the Member for Stamford; and for some time he was inclined to give the noble Lord's propositions his support; but upon consideration he saw that they would not settle the question, whilst he owned that there was the prospect of a settlement in the adoption of the views of the right hon. Gentleman the Member for Morpeth.

LORD JOHN RUSSELL said, that as the House had been, in point of fact, discussing the principle of the measure, it would be but fair that the Committee should divide upon the clause which contained the principle of the Bill. Even if the right hon. Gentleman the Member for Morpeth were to propose his proposition, the supporters of the Bill now under discussion might not accept it, though he for one was willing to do so. He was prepared to accept it, because he was against the naked principle of the present Bill.

THE CHANCELLOR OF THE EXCHEQUER: I concur with the noble Lord. It appears to me that there is sufficient time to come to a division to-day, and that would be the fairest, as I think upon reflection it would be the most satisfactory course to all parties.

Motion made and question put, "That the Chairman do report progress, and ask leave to sit again."

The Committee *divided*—Ayes 104; Noes 346: Majority 242.

List of the AYES.

Adderley, rt. hon. C. B.
Alexander, J.
Annesley, hon. H.
Baillie, H. J.
Bernard, T. T.
Bathurst, A. A.
Bentinck, G. W. P.
Boldero, Col.
Bovill, W.
Bramston, T. W.
Bridges, Sir B. W.
Bruce, Major C.
Burghley, Lord
Cairns, Sir H. M.
Carden, Sir R. W.
Cartwright, H.
Cecil, Lord R.
Child, S.
Close, M. C.
Cobbold, J. C.
Codrington, Sir W.
Cole, hon. H. A.
Cooper, E. J.
Cubitt, Mr. Ald.
Dalkeith, Earl of
Dobbs, W. C.
Du Cane, C.
Duncombe, hon. A.
Duncombe, hon. Col.
Dundas, G.
Du Pre, C. G.
East, Sir J. B.
Egerton, Sir P. G.
Elmley, Visct.
Farnham, E. B.
Fellowes, E.
Forde, Col.
Forester, rt. hon. Col.
Gard, R. S.
Goddard, A. L.
Gurney, J. H.
Hall, Gen.
Heathcote, Sir W.
Henley, rt. hon. J. W.
Hill, hon. R.
Hodgson, W. N.
Holford, R. S.
Hopwood, J. T.
Hornby, W. H.
Horsfall, T. B.
Hotham, Lord
Hunt, G. W.
Ingestrie, Visct.
Jolliffe, H. H.
King, J. K.
Knatchbull, W. F.
Knight, F. W.
Knightley, R.
Langton, W. G.
Lefroy, A.
Long, W.
Lopes, Sir M.
Lovaine, Lord
Lyall, G.
Macartney, G.
Macaulay, K.
M'Clintock, J.
Malins, R.
Manners, Lord J.
March, Earl of
Miller, T. J.
Miller, S. B.
Mills, A.
Morgan, O.
Mowbray, rt. hon. J. R.
Naas, Lord
Neeld, J.
Newdegate, C. N.
Nisbet, R. P.
Ossulston, Lord
Packe, C. W.
Palmer, R.
Pevensey, Visct.
Repton, G. W. J.
Robertson, P. F.
Rolt, J.
Scott, Major
Shirley, E. P.
Smyth, Col.
Spooner, R.
Stanhope, J. B.
Steuart, A.
Tollemache, J.
Trefusis, hon. C. H. R.
Trollope, rt. hon. Sir J.
Vance, J.
Verner, Sir W.
Waddington, H. S.
Walcott, Adm.
Warren, S.
Whiteside, rt. hon. J.
Wyndham, Gen.
Wynn, Colonel
Wynne, W. W. E.

TELLERS.
Wigram, L. T.
Lygon, F.

List of the NOES.

Adair, H. E.
Adeane, H. J.
Agnew, Sir A.
Akroyd, E.
Alcock, T.
Anderson, Sir J.
Antrobus, E.
Ashley, Lord
Atherton, W.
Ayrton, A. S.
Bagshaw, R. J.
Bagwell, J.
Bailey, Sir J.
Bailey, C.
Baines, rt. hon. M. T.
Ball, E.
Baring, H. B.
Baring, rt. hon. Sir F. T.
Baring, T.
Baring, T. G.
Barnard, T.
Bass, M. T.
Baxter, W. E.
Beach, W. W. B.
Beale, S.
Beaumont, W. B.
Beecroft, G. S.
Bennet, P.
Berkeley, hon. H. F.
Berkeley, F. W. F.
Bethell, Sir R.
Biddulph, R. M.
Biggs, J.
Black, A.
Blackburn, P.
Blake, J.
Bland, L. H.
Bonham-Carter, J.
Bowyer, G.
Brady, J.
Bramley-Moore, J.
Brand, hon. H.
Bright, J.
Briscoe, J. I.
Brocklehurst, J.
Brown, W.
Browne, Lord J. T.
Bruce, Lord E.
Bruce, H. A.
Buchanan, W.
Buckley, Gen.
Buller, J. W.
Bury, Visct.
Butler, C. S.
Buxton, C.
Byng, hon. G.
Caird, J.
Campbell, R. J. R.
Cardwell, rt. hon. E.
Carnac, Sir J. R.
Cavendish, hon. W.
Cayley, E. S.
Charlesworth, J. C. D.
Cheetham, J.
Cholmeley, Sir M. J.
Churchill, Lord A. S.
Clark, J. J.
Clay, J.
Clifford, C. C.
Clifford, Col.
Clive, G.
Cobbett, J. M.
Codrington, Gen.
Colebrooke, Sir T. E.
Collier, R. P.
Coningham, W.
Conyngham, Lord F.
Cowper, rt. hon. W. F.
Corbally, M. E.
Cox, W.

Craufurd, E. H. J.
Crawford, R. W.
Crook, J.
Cross, R. A.
Crossley, F.
Dalglish, R.
Damer, L. D.
Dashwood, Sir G. H.
Davie, Sir H. R. F.
Deasy, R.
Deedes, W.
Denison, hon. W. H. F.
Dent, J. D.
De Vere, S. E.
Dillwyn, L. L.
Disraeli, rt. hon. B.
Divett, E.
Dod, J. W.
Dodson, J. G.
Duff, Major L. D. G.
Dunbar, Sir W.
Duncombe, T.
Dundas, F.
Dunkellin, Lord
Dunlop, A. M.
Dutton, hon. R. H.
Ebrington, Viscount
Edwards, H.
Egerton, E. C.
Ellice, rt. hon. E.
Elton, Sir A. H.
Estcourt, rt. hn. T. H. S.
Evans, Sir De L.
Evans, T. W.
Ewart, W.
Ewart, J. C.
Ewing, H. E. C.
Farquhar, Sir M.
Fenwick, H.
Fergus, J.
Ferguson, Col.
Fitzwilliam, hon. C. W.
Foley, J. H.
Foley, H. J. W.
Foljambe, F. J. S.
Forster, C.
Foster, W. O.
Fortescue, hon. F. D.
Fox, W. J.
Freestun, Col.
French, Col.
Gallwey, Sir W. P.
Garnett, W. J.
Gaskell, J. M.
Gifford, Earl of
Gilpin, C.
Gladstone, rt. hon. W.
Glyn, G. C.
Glyn, G. G.
Goderich, Visct.
Greenwood, J.
Greer, S. M'C.
Gregson, S.
Grenfell, C. W.
Grey, R. W.
Griffith, C. D.
Grogan, E.
Grosvenor, Earl
Gurney, S.
Hadfield, G.
Hall, rt. hon. Sir B.
Hamilton, Lord C.
Hamilton, G. A.
Hamilton, Capt.
Hanbury, R.
Hankey, T.
Hanmer, Sir J.
Hardcastle, J. A.
Hardy, G.
Harris, J. D.
Hartington, Marq.
Hassard, M.
Hatchell, J.
Hayes, Sir E.
Headlam, T. E.
Heathcote, hon. G. H.
Henchy, D. O'C.
Heneage, G. F.
Herbert, rt. hon. S.
Hodgson, K. D.
Holland, E.
Horsman, rt. hon. E.
Hudson, G.
Ingham, R.
Jackson, W.
Jermyn, Earl
Johnstone, hon. H. B.
Johnstone, J. J. H.
Johnstone, Sir J.
Jolliffe, Sir W. G. H.
Kendall, N.
Kerrison, Sir E. C.
Kershaw, J.
King, hon. P. J. L.
Kinglake, A. W.
Kinglake, J. A.
Kingscote, R. N. F.
Kinnaird, hon. A. F.
Kirk, W.
Knatchbull-HugessenE.
Knox, Col.
Labouchere, rt. hon. H.
Langston, J. H.
Langton, H. G.
Laslett, W.
Legh, G. C.
Lennox, Lord H. G.
Leslie, C. P.
Levinge, Sir R.
Liddell, hon. H. G.
Lindsay, W. S.
Locke, John
Lowe, rt. hon. R.
Luce, T.
Macarthy, A.
M'Cann, J.
MacEvoy, E.
Mackie, J.
Mackinnon, W. A.
Maguire, J. F.
Mangles, R. D.
Marjoribanks, D. C.
Marsh, M. H.
Martin, C. W.
Martin, J.
Massey, W. N.
Maxwell, hon. Col.
Melgund, Visct.
Mellor, J.
Mills, T.
Moncrieff, rt. hon. J.
Montgomery Sir G.
Moody, C. A.
Morris, D.
Napier, Sir C.
Newark, Visct.
Newport, Visct.
Nicoll, D.
Noel, hon. G. J.
Norris, J. T.
North, Col.
North, F.
O'Brien, P.
O'Connell, Capt. D.
O'Donaghoe, The
Ogilvy, Sir J.
Paget, C.
Paget, Lord C.
Pakington, rt. hn. Sir J.
Palk, L.
Palmerston, Visct.
Patten, Col. W.
Paull, H.
Paxton, Sir J.
Pease, H.
Pechell, Sir G. B.
Pennant, hon. Col.
Percy, hon. J. W.
Perry, Sir T. E.
Philips, R. N.
Pilkington, J.
Pinney, Col.
Portman, hon. W. H. B.
Potter, Sir J.
Powell, F. S.
Price, W. P.
Pryse, E. L.
Pugh, D.
Puller, C. W.
Ramsden, Sir J. W.
Rawlinson, Sir H. C.
Raynham, Visct.
Rebow, J. G.
Ricardo, J. L.
Ricardo, O.
Richardson, J.
Ridley, G.
Robartes, T. J. A.
Roupell, W.
Rushout, G.
Russell, Lord J.
Russell, H.
Russell, A.
Rust, J.
Salisbury, E. G.
Schneider, H. W.
Scholefield, W.
Sclater-Booth, G.
Scott, hon. F.
Seymer, H. K.
Seymour, H. D.
Shafto, R. D.
Shelley, Sir J. V.
Sheridan, H. B.
Sibthorp, Major
Smith, J. B.
Smith, rt. hon. R. V.
Smith, A.
Smith, Sir F.
Smollett, A.
Somerville, rt. hn. Sir W.
Stanley, Lord
Stanley, hon. W. O.
Stapleton, J.
Steel, J.
Stirling, W.
Stewart, Sir M. R. S.
Stuart, Lord J.
Stuart, Col.
Sturt, H. G.
Sullivan, M.
Sykes, Col. W. H.
Talbot, C. R. M.
Taylor, S. W.
Tempest, Lord A. V.
Thompson, Gen.
Thornely, T.
Thornhill, W. P.
Tite, W.
Tollemache, hon. F. J.
Tomline, G.
Trail, G.
Trueman, C.
Turner, J.
Tynte, Col. K.
Vane, Lord H.
Vansittart, W.
Verney, Sir H.
Villiers, rt. hon. C. P.
Vivian, H. H.
Walpole, rt. hon. S. H.
Weguelin, T. M.
Welby, W. E.
Western, S.
Westhead, J. P. B.
Whatman, J.
Whitbread, S.
White, J.
Whitmore, H.
Wickham, H. W.
Willcox, B. M'G.
Williams, W.
Willyams, E. W. B.
Willoughby, Sir H.
Willoughby, J. P.
Wingfield, R. B.
Winnington, Sir T. E.
Wise, J. A.
Woodd, B. T.
Wood, W.
Woods, H.
Wyld, J.
Wyndham, H.
Wyvill, M.
Young, A. W.

TELLERS.
Trelawny, Sir J.
Martin, P. W.

And it being a quarter to six o'clock, the Chairman left the Chair.

House resumed.

Committee report progress; to sit again *To-morrow.*

House adjourned at Three Minutes before Six o'clock.

HOUSE OF LORDS,

Thursday, April 22, 1858.

MINUTE.] PUBLIC BILL.—2ª Oaths.

OATHS BILL.

SECOND READING.

Order of the Day for Second Reading read.

LORD LYNDHURST: My Lords, I have to ask your Lordships' indulgence whilst I offer a few words of explanation upon moving the second reading of this Bill. On a former occasion, when a somewhat similar Bill—at least, a Bill directed to the same object—was introduced, my noble Friend near me (the Earl of Derby) objected to the form of the measure, inasmuch as the two questions — the Oath of Abjuration and the relief of the Jews from their civil disabilities—were mixed up together; and my noble Friend was of opinion that these two questions ought to be brought forward in a distinct shape, so that we might take a separate vote upon each; and I think that upon that occasion my noble Friend introduced a Bill for that purpose, which for reasons it is not necessary for me now to mention, was afterwards withdrawn. Now, the present Bill is based upon the principle suggested by the noble Earl. Your Lordships will find that the question as to the Oath of Abjuration stands by itself; and also that the other important question with respect to the disabilities of the Jews stands by itself, so that your Lordships will be able to come to a distinct vote upon each of these separate questions. Now, my Lords, with respect to the Abjuration Oath, the alterations are not very extensive. All that part of the oath which I may consider as obsolete and inapplicable—I mean the provision which alludes to the supposed descendants of the Pretender—all that part of the oath has been taken out, and the remainder of the oath, which relates to the succession, and the Oath of Supremacy and the Oath of Allegiance have been combined, so that these three oaths, in fact, form one oath. The words which are annexed to the oath—"Upon the true faith of a Christian," to which many noble Lords attach so much importance, are retained in the first clause; and I have no doubt, therefore, that this oath as it stands in the first clause of the Bill will be carried, if not unanimously, nearly unanimously, by the Members of this House. So much, then, as to the first part of the Bill. In the fifth clause of the Bill the other question, with regard to the Jewish disabilities, is raised. It is there proposed that, upon the oath being submitted to a member of the Jewish persuasion, the words "upon the true faith of a Christian," shall be omitted. Now, in Committee upon the Bill it will be competent to any noble Lord to move that that clause be omitted, and upon that Motion the whole question with respect to the disabilities of the Jews will be distinctly raised. Thus your Lordships will perceive that the two important questions involved in the Bill—first, as to the Abjuration Oath, and next, as to the disabilities of the Jews, will be separately and distinctly raised. My Lords, having considered this question over and over again—having discussed it several times myself, and noble Lords themselves having also repeatedly discussed it, and being well aware of all the arguments and facts which have been brought forward on one side and on the other, I consider that it would be altogether idle to have two discussions with respect to this important question—namely, that part of the Bill which relates to the Jewish disabilities. It would be idle to discuss it on the second reading of the Bill, because it is perfectly clear, to my apprehension at least, that your Lordships will be of opinion that the Bill must be read a second time now for the purpose of carrying into effect that part of the measure which relates to the Oath of Abjuration. Therefore, I should advise your Lordships that, with the concurrence of my noble Friend near me (the Earl of Derby), and my noble and learned Friend on the woolsack, we should at present postpone the discussion as to the Jewish disabilities until we go into Committee, when the question can be fully discussed, and we can come to a decision upon the subject; for it is quite clear that the discussion of the question at the present moment could by no possibility lead to a decision. Having thus shortly stated my views upon the subject, I submit it to your Lordships for consideration. Since the present Bill has been in the other House of Parliament the great opponent of the measure, my noble and learned Friend on the woolsack—whose opposition was always conducted with the greatest fairness, but, at the same time, with great eloquence and vigour—has assumed a high position in this House, and I confess that I should feel great

anxiety upon this subject, and as to the result of this Bill, in consequence of that, if I had not felt confidence in the strength and justice of the cause which I advocate. Under these circumstances I now beg to move that the Bill be read a second time.

Moved, That the Bill be now read 2ª.

THE EARL OF DERBY: My Lords, my noble and learned Friend has stated this case to your Lordships with that clearness which ever characterises any statement he makes to this House; and I confess that I feel very highly honoured that any suggestions or recommendations which I could take the liberty of making should have had so much weight with my noble and learned Friend, and with those who support this Bill, as to lead them to take a course which the convenience of discussion must recommend to your Lordships. For my own part, I certainly think with my noble and learned Friend with regard to the principal part of the Bill, or that which, whatever the intention of the framers, appears to be the principal portion, and from which the other is, in point of fact, a mere exemption of some part of Her Majesty's subjects, that there is an almost unanimous opinion that these oaths require alteration. I think that there is, on the part of your Lordships, an almost unanimous opinion that some of these oaths have become obsolete and quite unnecessary; and, being unnecessary, ought not to be taken as a condition to sit either in this or in the other House of Parliament. I will go further, and say, that so far as I have been able to consider the question, I do not see any objection to the alteration which this Bill proposes to make in the oaths. The oath, as it is here proposed to be substituted, does appear to me to contain, in much shorter compass, all that is material in the three oaths now taken, omitting that which is irrelevant and unnecessary. Therefore, my Lords, on the part of Her Majesty's Government, I am ready to give our hearty and cheerful support to the second reading of this Bill, so far as it has for its object to do away with oaths which are unnecessary and obsolete, and therefore improper to be taken. I wish, my Lords, I could say also, looking at the long period during which this question has been the subject of difference between this and the other House of Parliament, and more especially looking to the circumstance that among those with whom I have the honour of acting, I believe no less than three of my colleagues in the other House take a different view of the case from that which I entertain—I confess I much wish that I could say, honestly and conscientiously, that I had changed my opinion on this subject; because great inconvenience, to say the least, has resulted from the protraction of this discussion. But, my Lords, not having changed my opinion, not having seen any reason to change it, not being satisfied of the validity of the grounds on which the admission of the Jews to Parliament is supported, and not seeing in the circumstances of the case any reason for changing my course while my opinions remain the same, it is with some regret, but, at the same time, without hesitation, that I am compelled to tell my noble and learned Friend, that for my own part, I cannot this Session take a course different from that which I have pursued on former occasions; and in Committee I shall certainly support any Motion which may be made for the omission of that clause which exempts persons of the Jewish persuasion from taking the oath which, by this Bill, is imposed upon the rest of Her Majesty's subjects. With these few observations, I can only say that I have no objection to the second reading of the Bill, and that, divested of this objectionable provision, I earnestly and anxiously hope it may receive your Lordships' sanction.

EARL GREY: My Lords, I shall say nothing upon the question whether it is desirable or not that Jews should be admitted to Parliament, but I cannot allow the Bill to pass even its present stage without expressing the very great regret with which I heard the noble Earl who has just sat down declare that, retaining his opinion upon the abstract question of admitting the Jews, he sees no reason for changing his course. I cannot refrain from submitting to the noble Earl and to your Lordships, that quite irrespective of the abstract merits of that question, that whatever the views we may take of the propriety or impropriety of admitting Jews to Parliament, there is another question of the deepest importance involved in the measure before us, upon which the noble Earl, retaining his opinions, might consistently alter the course which he has hitherto persued. I must remind your Lordships what are the circumstances under which this Bill is brought under our notice. It is now more than a quarter of a century since the House of Commons, then unreformed, declared its opinion that the Jewish

disabilities ought to be removed. From that time to the present, although the House of Commons has sometimes allowed considerable intervals to elapse without raising the question, it has never in any one instance departed from the judgment which it originally pronounced. On the contrary, it has continued by increasing majorities to declare its opinion that the doors of Parliament ought to be opened to our Jewish fellow countrymen. At last, in the present Session this Bill comes up to your Lordships, in which this most important clause has been carried by a majority of not less than 153, after a debate which exhibited an obviously despairing resistance on the part of its opponents. That decision of the House of Commons has been continued during the long period I have mentioned, not by one House of Commons, but by several, under different Administrations, and has therefore been ratified by the nation at large. We have unmistakable evidence that on this subject the mind of the nation is finally and conclusively made up; and, being so made up, let me remind your Lordships of what is the proper duty of this House. Ever since our constitution has been settled in its present shape, there has been a general concurrence of opinion among statesmen and political writers that this House ought not to oppose an obstinate resistance to the declared will of the country; that the attempt to do so can never in the end succeed, or conduce to the dignity and authority of your Lordships' House. If I do not greatly err, among those who have avowed that opinion as to the principles of our constitution and the proper functions of this House is the noble Earl at the head of Her Majesty's Government, who, I believe, has on more than one occasion expressed this sentiment in both Houses of Parliament. Then, my Lords, if this is indeed the settled opinion of the nation, and if it is acknowledged among statesmen and political writers that this House ought not to offer an obstinate resistance to a measure on which public opinion is plainly declared, I ask your Lordships whether it is not perfectly consistent with retaining the opinion that in point of expediency, and perhaps on higher principles, it is desirable that the Jews should continue to be excluded, that your Lordships should think it undesirable that this question should remain any longer unsettled. I have never regarded this as a very easy or very simple question. I have never thought that every opponent to the removal of the Jewish disabilities should be set down as a bigot, or that every friend of religious liberty must necessarily be an advocate of that measure. I hold quite a different opinion. I admit frankly that there is much to be said on both sides; and the arguments for and against the change at one time appeared to me so nicely balanced, that I am not ashamed to confess it was with some difficulty I made up my mind that, on the whole, the preponderance inclined in favour of the removal of these disabilities. But, granting thus much, what, let me ask, is it that you expect to result from repeating your rejection of this proposal? Do you believe that this House can permanently adhere to its determination to close the doors of Parliament against the Jews in the face of the feeling which is now shown to exist both in the other House of Parliament and in the nation? See, too, how this question has progressed even among your Lordships. Remember what an inconsiderable minority supported the Motion when first introduced, and how steadily that minority has been increasing. Remember, also, that the noble Earl opposite himself is unable to form an united Administration on this subject. Even with him it is an open question, and three members of the Cabinet in the other House of Parliament are in favour of the proposal now before us. You cannot, then, always maintain this line of policy; and, on the other hand, when could you ever find a time at which you might yield with more honour to yourselves, or more advantage to the country? Not to look beyond the present year, if we amend this Bill in the important clause which relates to the Jewish disabilities, we all know that that Amendment will be thrown out by an overwhelming majority in the other House. What shall we do then? Shall we insist on our Amendment, or shall we come to a vote declining to insist upon it? If the latter—if we have not fully made up our minds at all hazards to stand by our Amendment—surely it is more dignified to abstain now from taking up a position which we feel we cannot permanently maintain. But if we are determined that the Bill should be lost rather than allow this clause to remain, then we must be prepared for a controversy between the two Houses of Parliament, for angry discussions, for adverse votes, and ultimately, perhaps, for an open rupture between them. How is that state of things to be met?

Remember, if we have the undoubted right to refuse our concurrence to any legislative measure submitted to us, the other House has rights equally undoubted, the extreme exercise of which is calculated to bring about a collision between this House and the country which may be attended by great disasters. Your Lordships, I am sure, are aware that should the hope of obtaining the assent of this House to the proposed change of the law be finally abandoned the wiser Members of the other branch of the Legislature will not long be able to restrain that House from endeavouring to accomplish its object without us. And what will be the result of that? An immediate conflict between the other House of Parliament and the courts of aw. Is that a contingency to be contemplated without serious apprehension? Your Lordships know to what extreme and violent measures the House of Commons has in former times resorted in vindication of what it supposed to be its privileges. You know it has sometimes been supported by public opinion in these measures, and that when so supported they have succeeded. But, however such a contest may end, it cannot fail to be deeply injurious to the public interest. Whether the House of Commons or the courts of law should be forced to give way, I hardly know which would be the worst alternative. Both of these important authorities in the State would be weakened and lowered in public estimation by the proceeedings to which they would be driven in such a conflict. No man can say to what painful issues it may lead. These are the dangers to be apprehended, and I have purposely stated them now, when the Bill is awaiting the second reading, and before the Bill reaches the Committee, in order that your Lordships may have time to reflect calmly upon the matter previous to arriving at your decision. If, therefore, I have not implicitly followed the advice of the noble and learned Lord, for whose counsels I entertain the utmost respect, and who recommended us to abstain from discussing this particular measure until its next stage, I assure him I do not wish to excite any debate at present, but simply to entreat your Lordships deliberately to consider the consequences that may ensue from the course you are now called upon to take. Let me add that the responsibility which rests upon every one of us for the conclusion to which we must come on this subject is great, that of the noble Earl opposite is peculiarly heavy. It will mainly depend on the advice which the noble Earl at the head of the Government may give to your Lordships, and on the manner in which he may exercise the great influence of his high position, what decision this House may pronounce. The power of the noble Earl in this matter is great, and his responsibility is great in proportion; and if from our taking a wrong step at this crisis the fatal results which I have ventured to describe should unhappily follow, then I say the blame for those results, however grave, will justly fall on that noble Earl. He has told us that, not having changed his opinion as to the propriety of admitting the Jews to Parliament, he sees no reason for changing his course on this occasion. My Lords, I will recommend him to pause and consider what was the conduct of a distinguished man who formerly held the situation which he now holds with reference to a similar question. In 1828 the repeal of the Test Act was carried by a comparatively small majority in the House of Commons. That measure was notoriously opposed to the opinion of the Duke of Wellington, then at the head of the Government, and as notoriously contrary to the opinion of a very large majority of this House. But the Duke of Wellington, without professing to have changed his convictions on the subject in dispute, taking a statesman's view of the consequences that would ensue from asking this House to place itself in opposition to the measure which had been passed by the Representative branch of the Legislature, advised your Lordships to agree to it; and his counsel was adopted. I believe that among men of judgment and experience there never has been any difference of opinion as to the Duke of Wellington having on that occasion taken a correct view of his duty. I recommend the example of that high authority to the noble Earl's imitation, and earnestly trust that he will not commit himself further to-night by anything that he may say, but that on Tuesday evening, when we go into Committee, he will not advise your Lordships to persist in rejecting the clause in this Bill which will admit the Jews to Parliament.

THE EARL OF WICKLOW said he felt sorry to be obliged to oppose this measure, but it was very little of a Jew Bill. He would not have risen to address their Lordships on the subject, only that his noble and learned Friend (Lord Lyndhurst) has expressed his opinion that it would

give satisfaction. He (the Earl of Wicklow) did not believe it would or ought to give satisfaction. If the Bill had been brought in expressly for the purpose of affording relief to the Jews it would have had his most sincere acquiescence; but it appeared to him a most injudicious thing of the framer of the Bill to have confounded together matters that had no connection—to have coupled certain alterations in the oaths with a subject that appeared to him to be totally unconnected with them, namely, the admission of the Jews into Parliament. If a Bill for effecting the latter object were brought in, he would vote for it with pleasure; But even had he come down to the House with his mind undecided, the speech of the noble Earl (Earl Grey) would have decided him to vote against the Bill. His noble and learned Friend said, that if they rejected the Bill they would have frequent conflicts with the House of Commons. If that argument was good for anything, it went to this, that their Lordships must acquiesce in every Bill brought up from the House of Commons; though, as matters really stood, they often differed with the House of Commons, and occasionally to the great advantage of the public. But the noble Earl had alluded further—and he was grieved the noble Earl should have introduced such a subject at all—to the possibility of a collision between the House of Commons and the Courts of Law. No matter what threats might be held out, he believed the House of Commons would long reflect before they came into collision with the Courts of Law, most especially when they knew that the general opinion of the country was not with them. He admitted that he believed the general opinion of the country was not in favour of the measure; but he did not think that should prevent their Lordships from discussing the question of admitting the Jews to Parliament and admitting them if they had good reasons for so doing. However, if the House of Commons were so unwise, so rash, and so inconsiderate as to put themselves into collision with their Lordships' House, he ventured to say that not a single Jew would risk the taking his seat in the House of Commons; because it was against the person so acting, and not against the House of Commons, proceedings would be taken in the courts. With regard to the alteration respecting oaths, if the Bill contained such a form of oath as that embodied in the Bill of 1828, which was introduced by the author of the measure now under discussion, he (the Earl of Wicklow) should have given it his most sincere and anxious support; but the present Bill was framed in a totally different spirit, and, as it was, he should protest against it.

Motion *agreed to;* Bill read 2ª accordingly, and *committed* to a Committee of the Whole House on *Tuesday* next.

House adjourned at Six o'clock, till To-morrow, Eleven o'clock.

HOUSE OF COMMONS,

Thursday, April 22, 1858.

MINUTES.] PUBLIC BILLS.—1° Property Qualification; Registration of Partnerships; Universities (Scotland); Public Health Act (1848) Amendment.
2° Chancery Amendment; Exchequer Bills.

CASE OF DR. BERNARD.—QUESTION.

MR. ROEBUCK, seeing his hon. and learned Friend the Attorney General in his place, would put to him the question of which he had given him notice. He wished to ask if he could inform the House whether it was the intention of Her Majesty's Government to proceed with the indictment found against Dr. Bernard for conspiracy?

THE ATTORNEY GENERAL: The subject to which the inquiry of my hon. and learned Friend relates is one of great importance, and it involves an ulterior question, which, as it appears to me, may form a matter for the very serious consideration of the advisers of the Crown. The prosecution against Dr. Bernard was commenced by the late Government. [Sir G. GREY: For conspiracy.] The prosecution against Dr. Bernard was commenced by the late Government. [Sir G. GREY: For conspiracy.] The right hon. Gentleman will pardon me for a single moment. I was about to say that the prosecution was commenced under the late Government. In adopting that course I not only say it was a course which it was their duty to adopt, but I further say, that had they hesitated or shown any delay in adopting it they would have exposed themselves to just censure and animadversion. Certain circumstances had come to the knowledge of the advisers of the Crown in the time of the late Government which rendered it expedient, in their opinion, that an inquiry

should take place, and that such facts as were then capable of proof in the due and ordinary course of law should be submitted to a magistrate of this metropolis. Counsel on the part of the Crown, under the direction of the late Government, attended before the magistrate, and in the course of the proceedings, as evidence accumulated upon evidence, the case assumed a form which led the learned counsel for the Crown, and the magistrate before whom the case had been brought, to entertain an opinion that it was the duty of that magistrate to commit the prisoner upon the capital charge of felony. At the time that commitment took place the case had come under the consideration of the present Government. The case for the prosecution was carried on in strict conformity with the laws and constitution of this country, and has now been brought to a conclusion. Dr. Bernard was put upon his trial under circumstances, to say the least, of strong suspicion that he had been a party to a great crime, attended by the most disastrous consequences, which was committed in a neighbouring country. He has undergone his trial, and he has been acquitted by a jury of Englishmen. It would not become me now to comment upon the verdict of acquittal; but since that verdict was pronounced it has been the duty of the law advisers of the Crown—at least I have felt it my duty as the law officer who conducted the prosecution against Dr. Bernard—to consider with great attention the remaining charge, with reference to which the proceedings at first commenced, and upon which, the grand jury having found a true bill, it would be the ordinary course that Dr. Bernard should be put upon his trial. In consequence of the similarity of the charge on which Dr. Bernard has been tried and acquitted and the charge on which he yet remains to be tried—the bill of indictment which has been found against him being a charge of conspiracy to assassinate the Emperor of the French—it has become my duty to consider, with most minute attention, the whole body of evidence adduced upon the late trial, and also what evidence it would be necessary to adduce, and what would be the substantial nature of the entire case if Dr. Bernard should be put upon his trial upon the indictment for conspiracy. Now, almost at the outset of this inquiry, and upon the first view of the case which I have felt it my duty thus maturely to consider, a maxim of our criminal law which has ever been held sacred by all who, in times past, have taken part in its administration in this country, forced itself upon my attention—"*Nemo debet bis vexari pro eâdem causâ;*" and having very attentively and minutely considered the charge upon which Dr. Bernard has already been tried, and the charge upon which, in the ordinary course of law, he might yet be tried—namely, that of a conspiracy to assassinate the Emperor of the French—it appears to me, that although the two crimes as laid in the indictment may be different in name, yet the evidence in support of both is the same, and they are substantially identical. Under these circumstances, after very fully considering the whole of the evidence adduced upon the late trial, and the whole of the evidence which it is within the power of the Crown to bring forward upon any future trial, inasmuch as it appeared to me that the evidence would be the same, and that the question to be left to the jury by the Judges who tried the case would be the same, I have come to the conclusion that to proceed further with this prosecution, and again to put Dr. Bernard upon his trial, would be to violate the maxim to which I have adverted—a maxim which I, in common with all who are entrusted in any degree in the administration of the criminal law of this country, desire to hold sacred. I have, therefore to answer the question of my hon. and learned Friend by informing him and the House that the prosecution against Dr. Bernard for conspiracy will be no further proceeded with, and that he may, consequently, consider himself entirely discharged.

SIR RICHARD BETHELL: I desire to put to my hon. and learned Friend a further question; but, first, the House will perhaps allow me to say one word—that although proceedings with a view to the indictment of Dr. Bernard for conspiracy were taken by the late Government, proceedings with the view of indicting him upon the charge of murder, or of being an accessory to the crime of murder, were not only contemplated by the late Government, but they had decided that there was no reasonable ground upon which any man could expect that such a charge could be maintained successfully. I beg to ask my hon. and learned Friend, it having been stated in the public papers that after the accession of my hon. and learned Friend (the Attorney General) to office, Mr. Bodkin, the junior counsel for the prosecution, was

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instructed to state that he no longer intended to proceed upon the charge of conspiracy, but upon the charge of murder, whether that course was taken under the opinion, and by the direction, of the then and present Attorney General.

THE ATTORNEY GENERAL: In answering the question of my hon. and learned Friend, I may, in the first place, be permitted to doubt the accuracy of the statement that my learned Friend Mr. Bodkin—who originally attended before the magistrate, I presume, under the instruction of my hon. and learned Friend (Sir R. Bethell), who was then Attorney General, ever intimated that it was not his intention or that of the Crown to proceed with the charge for conspiracy against Dr. Bernard. I should be exceedingly surprised to hear that Mr. Bodkin, of whose discretion and accuracy in all respects I have had long and satisfactory experience, should have taken upon himself to declare the intention of the Government upon a point on which it was utterly impossible that he or any other person could possess any knowledge of their intention, inasmuch as the question to which such alleged declaration refers had never even been raised for the consideration of any of the law advisers of the Crown. It is quite true, as I have already stated in answer to the hon. and learned Member for Sheffield, that when this case was originally brought under the consideration of a magistrate at Bow Street, the prosecution proceeded, and the evidence was dealt with, entirely as upon a charge for conspiracy. At a later period, and when the evidence which was ultimately brought forward in relation to the part taken by Dr. Bernard in certain transactions (which evidence possibly, and I will believe most probably, was unknown to Her Majesty's legal advisers when the first measures were adopted against Dr. Bernard, but which came out in the course of examination) became known, it was perfectly manifest to my learned friend, Mr. Bodkin, who appeared on the part of the Crown,—and I am sure I may say it also became manifest to the learned magistrate who committed Dr. Bernard for trial,—that those to whom had been assigned the province of carrying on the prosecution, and the magistrate to whom the case was submitted, would have ill discharged their duty if proceedings had not been taken, and if the prisoner had not been committed upon the capital charge. I have heard with indignant astonishment the observation—the comment—just made by my hon. and learned Friend upon the nature of that charge. Not only was no doubt entertained by the learned Gentleman who attended before the magistrate, instructed by my hon. and learned Friend himself, on the part of the Crown,—not only did no doubt occur to the magistrate who committed the prisoner upon the capital charge—but I must remind my hon. and learned Friend and the House, that upon the trial of Simon Bernard before the Lord Chief Justice of England, the Chief Baron of the Exchequer, and two other learned and eminent Judges of the land, the prisoner being defended with great zeal, ability, learning, and eloquence by my learned Friend Mr. James, with the assistance of other learned Gentlemen, so little was it thought that there was no substantial ground for the capital charge upon which the prisoner was indicted and placed upon his trial, that my learned Friend Mr. James, instead of immediately claiming an acquittal as a matter of right, thought it wise and expedient simply, and in very few words, to state to the learned Judges the nature of the objections which might be afterwards raised in point of law to the application of the statute in the case of the prisoner; and the learned Judges, whose names I have mentioned, again, without one moment's hesitation, considered these questions of sufficient gravity, difficulty, and importance, at once to reserve them for the opinion of the fifteen Judges; and accordingly, without further discussion, without a suggestion of any other course on the part of the learned and able counsel for the prosecution, these points of law were reserved, and for six entire days before these learned Judges the trial proceeded upon the capital charge. All that my hon. and learned Friend can say or suggest on the subject of the criminal law, or of any other branch of the law of this country, is entitled to weight, attention, and respect; but whatever may be the opinions which he has formed upon this question, I venture to say that no law officer of the Crown, no adviser of Her Majesty's Government at all connected or interested with the administration of the law of this country, would have done his duty if, under the circumstances which existed, he had hesitated for one moment to put that individual upon his trial on the capital charge.

SIR RICHARD BETHELL: We desire to have a plain answer to a plain ques-

tion. The question is simply this:—Was the proceeding by Mr. Bodkin, altering the charge from one of conspiracy to that of being accessory to murder, a proceeding taken under the direction of Her Majesty's present Attorney General?

THE ATTORNEY GENERAL: I have no other answer to return than that which I have already given. I add—not by way of answer, but from a feeling of respect towards this House—that for what was done either before the police magistrate, or at the Old Bailey, or elsewhere, from the hour when the present Government came into office, and from the time that I had the honour to become Her Majesty's Attorney General, I stand here personally responsible, and I shall be at all times, and upon every fitting occasion, ready to vindicate the line of conduct I have taken.

At a somewhat later period of the evening,

MR. SERJEANT KINGLAKE, who had a notice on the paper in the usual manner, rose to ask the Secretary of State for the Home Department whether the late prosecution of the Queen *v.* Simon Bernard, charging him as an accessory before the fact, and also as a principal to the murder of Nicholas Battie, was instituted in pursuance of advice given by the law officers of the Crown, to the effect that, assuming the alleged facts to be true, the offence charged was punishable as a felony under the existing law of the realm; and also, whether the Secretary of State for the Home Department will lay any opinion which may have been given by the law officers of the Crown relative to the said charge on the table of the House?

MR. WALPOLE, after observing that his hon. and learned Friend had put the question in a somewhat different form to that of which he had given notice, said, that any one standing in the position he had the honour to fill would agree with him that the effect of the advice given by the law officers of the Crown and the opinion given by those officers, were not a matter which it would be proper for him to communicate; for that advice and opinion the law officers of the Government were alone responsible. But as his hon. and learned Friend had put his question in a somewhat different form, he wished to inform him and the House, in answer to the question with reference to the proceedings in Dr. Bernard's case, not one was taken without the assistance and advice of his learned Friend the Attorney General, and he should be ashamed of himself, if in any matter of public prosecution, he should give any directions of any kind whatever without such assistance and advice. Perhaps the House would forgive him for making an addition to that statement, because it appeared from the way in which the question was put, that his hon. and learned Friend at least thought there was some holding back on the part of the Government in this matter. He (Mr. Walpole) assured the House there was none; and he also wished to assure them, in vindication of the course taken by his hon. and learned Friend the Attorney General, that before the present Government came into power, the late Government, acting no doubt under the advice of the law officers, and in his (Mr. Walpole's) opinion acting most properly, issued a notice of reward as against Allsop, not for misdemeanour, but for felony, which must have been proceeded with in precisely the same manner as that in which the present Government had deemed it expedient to proceed against Dr. Bernard. He was anxious that there should be no mistake in this matter, and he made these observations as he saw that the House was a little distrustful of the communication made. He hoped not; but perhaps he might be permitted to add, that two legal questions would have arisen under the Act of Parliament in the case of Dr. Bernard—one, whether Dr. Bernard was one of Her Majesty's subjects within the meaning of the Act; the other, whether a person, either Her Majesty's subject or not, could be tried for a murder committed abroad, either as principal or accessory to that murder. The only difference between the cases of Bernard and Allsop was that Allsop was a natural-born subject, and Bernard owed only temporary allegiance to the Queen, but was not a natural-born subject of Her Majesty. As they had failed in that conviction, the questions of law which it involved was untried; but, after the statement made by his hon. and learned Friend the Attorney General, the House must see that since the failure of that trial was a failure on the facts, it would be a most improper thing to proceed further on the trial for misdemeanour on the same evidence.

COURT OF DIVORCE—QUESTION.

MR. AYRTON said, he wished to ask the Attorney General whether it is the intention of the Government to introduce any Bill to facilitate the taking of affidavits

in the Court of Divorce and Matrimonial Causes, and also to correct an error made on this and some other points in the Statute of last Session?

THE ATTORNEY GENERAL said, he would take an early opportunity of communicating with the learned Judge at the head of the Court of Divorce on the subject alluded to by the hon. and learned Gentleman. He had no doubt that some mischief had resulted from an oversight in the Act of last Session, and, when he had procured the necessary information, he would without delay take steps to put an end to the difficulties which now impeded the proper administration of justice in that Court.

SCOTCH PROBATE—QUESTION.

MR. COWAN said, he would beg to ask the Lord Advocate if it be his intention, with the essential co-operation of the other law officers of the Crown, to introduce one or more Bills, whereby, by one operation, Probates or Letters of Administration in England or Ireland, and a Confirmation of Executors in Scotland, whether of testate or intestate succession, may be rendered valid and effectual throughout Great Britain and Ireland, so that the benefits partially obtained by the Act of last Session may be placed within reach of all the subjects of Her Majesty?

THE LORD ADVOCATE was understood to say that there were difficulties in the way of legislation, but that he was at present engaged in the preparation of a Bill upon the subject.

CHELSEA NEW BRIDGE—QUESTION.

SIR JOHN SHELLEY said, he wished to ask the First Commissioner of Works what are the intentions of the Government with reference to the Foot Toll on Chelsea New Bridge?

LORD JOHN MANNERS said, he had given instructions for the preparation of a Bill, which he trusted would meet the approbation of the House, and he hoped in a short time to be able to introduce it.

THE MARBLE ARCH—QUESTION.

SIR JOHN SHELLEY said, he also wished to put a question in reference to the proposal to place a clock on the Marble Arch at Cumberland Gate,—namely, whether the First Commissioner really intends to go on with that, which has been so much disapproved of?

LORD JOHN MANNERS replied, that it was not intended to place a clock upon the Arch. The paper face that had been alluded to had already been ordered to be removed, and he believed it had been removed that day.

DECIMAL COINAGE—QUESTION.

MR. BLAND said, he would beg to ask the Chancellor of the Exchequer if he can state what progress has been made by the Decimal Coinage Commissioners since their preliminary Report, presented last May, and when their final Report may be expected?

THE CHANCELLOR OF THE EXCHEQUER said, that since the preliminary Report of the Commission had been presented they had proceeded to take further oral evidence, and in December last had submitted to Her Majesty the answers which had been received to certain questions drawn up by Lord Overstone, and replied to by Sir John Herschel, Professor de Morgan, and other distinguished persons. Some of the answers to those questions had not as yet, however, been submitted to Her Majesty, and it was the intention of the Commissioners, he might add, to take further oral evidence. With respect to the second question, he could only say that he was not in a position to state when the final Report of the Commissioners might be expected.

HUDSON'S BAY—QUESTION.

VISCOUNT BURY said, he would beg to ask the Secretary for the Colonies whether any answer to Mr. Labouchere's Despatch of the 22nd day of January, 1858, on the subject of the Hudson's Bay Territory has been received by Her Majesty's Government, and whether it is the intention of Her Majesty's Government to introduce a measure for the settlement of the Hudson's Bay Question during the present Session of Parliament?

LORD STANLEY said, that no answer had as yet been received to the despatch to which the question of the noble Lord referred, and that as in that despatch a plan emanating from the Government of this country, and assented to by the authorities of the Hudson's Bay Company, had been submitted to the Legislature of Canada for their opinion, he deemed it better to wait for that expression of opinion before stating the course which Her Majesty's Ministers proposed to take in reference to the question.

THE "CAGLIARI"—QUESTION.

MR. KINGLAKE said, he would beg to ask the Chancellor of the Exchequer when the opinions of the present law officers of the Crown in relation to the capture of the *Cagliari* will be laid upon the table of the House? He would also like to know whether a despatch demanding compensation for the English Engineers had been framed, and officially or unofficially communicated to the Sardinian Government?

THE CHANCELLOR OF THE EXCHEQUER said, the papers to which the hon. and learned Gentleman referred, as well as some further documents, were at hand, and would immediately be laid upon the table of the House. With respect to the second question, he could only say that the hon. and learned Gentleman had given him no notice that he meant to put it, and that, although he was generally acquainted with the subject to which it related, he should not wish to make any statement to the House in reference to it without further consideration. The House would therefore, perhaps, permit him to defer his answer to a future occasion.

RECEIPT STAMPS—QUESTION.

SIR EDWARD BUXTON said, he wished to ask the Chancellor of the Exchequer what number of Penny Bill and Receipt Stamps were issued during the last financial year? Also, what number have been issued during each year since the penny stamp had been adopted?

THE CHANCELLOR OF THE EXCHEQUER said, the questions were of a nature which ought rather to form the subject of a Motion for Returns than of an inquiry addressed to a Minister. In reply to the first question he might, however, state that 660,000 penny bill stamps and about 73,400,000 receipt and check stamps had been issued during the last financial year. As the hon. Gentleman had not given him notice of the other question which he had put, he was not, he regretted to say, in a position to give the House the information which they might desire to have upon the subject.

STADE DUES—QUESTION.

MR. HUTT said, he wished to ask the right hon. Gentleman the President of the Board of Trade when he proposed to move the nomination of the Committee upon the Stade Dues, and what the special subjects were that he proposed to refer to that Committee?

MR. HENLEY said, that it was his intention to move the Committee alluded to, and to place the terms of reference upon the table of the House within one or two days, and his hon. Friend the Under Secretary for Foreign Affairs had been in communication with the noble Lord at the head of that Department with a view to a settlement of the shape which those terms should take.

DIPLOMATIC SALARIES AND PENSIONS.

RESOLUTION.

MR. WISE, in rising to move the Resolution of which he had given notice upon this subject, said he wished to impress upon the House the necessity of revising the system upon which our diplomatic service was conducted, and of placing it upon a more efficient footing than that upon which it now stood. The evils arising from mistakes committed at home were limited in extent, but if our foreign representatives committed mistakes, the consequences were unlimited, and might prove dangerous to the interests of the empire and fatal to the peace of the world. He thought, therefore, he need not apologize for introducing this subject to the notice of the House. In taking up such a subject a Member always exposed himself to the charge of making personal attacks, but he begged to repudiate such an imputation. He only desired, as a representative of the people, to obtain such information and to propose such measures as should be for the public good. He had also strong sympathies with a portion of the diplomatic body, and regretted much to hear that such able men as Lord Stratford and Sir Hamilton Seymour were about to quit the public service. Even in asking a question on a former day which might appear to be tainted with personality he had only been actuated by a desire to elicit information to which he conceived the public had a right:—when despatches were laid upon the table raising charges against public servants he should be wanting in his duty were he not to do his best to ascertain the real facts. As far as the British Minister to Sardinia was concerned, he gave him every credit for being a useful Minister and a firm supporter of constitutional government; and with respect to the other gentleman, Mr. Erskine, he was known to be an energetic and able public servant, who he hoped, notwithstanding his one error, would be soon again employed. Having said so

much as to his motives, he would address himself to the merits of his Motion. Until the death of George IV. all diplomatic salaries were charged upon the civil list; but at the accession of William IV. the subject was investigated by a Committee of that House, who recommended that the diplomatic charges should be paid out of the Consolidated Fund, but the salaries of the consuls were to be subjected to the annual vote of Parliament. He mentioned that fact, as he might be met by a statement that there had been a bargain with the Crown; but that argument was unfounded. The salaries of the Chancellor of the Exchequer, the First Lord of the Treasury, as well as of the consuls, were, during the reign of George IV., paid out of the civil list; but a Committee of the House of Commons thought proper to transfer them to the annual vote of Parliament. If the House had power to do that with respect to one class of salaries, he apprehended it had the same power now to act with regard to diplomatic salaries. He thought the present state of things showed there was a kind of financial caste existing. He never could see the distinction between the consular and diplomatic bodies, and could not imagine why the expenses of one should be charged upon the Consolidated Fund and those of the other class be dependent upon an annual vote. The Estimates for the military and civil services were laid before Parliament, and there was no reason why the diplomatic service should be otherwise dealt with. Were the duties discharged so irreproachably—was the patronage so admirably distributed that no Parliamentary supervision was needed? When he remembered certain events which had happened in Spain, America, and elsewhere, he thought it was most desirable that there should be more frequent opportunities of discussing in that House the duties and salaries of our Ambassadors abroad. Another reason for the change he advocated was, that, if our diplomacy was to become more national, the representatives of the people must take more interest, exert more influence, and acquire more information in all that concerned it. He fancied that the tendencies of the Foreign Office of late years had been of too secret and confidential a character. Those tendencies he believed to be mischievous, as he held publicity to be in all public affairs the best guarantee for tranquillity and order. Many of our diplomatic difficulties had arisen from secret correspondence. The Secretary of State wrote a private letter and also a public despatch; but when he retired from office there was no record of the former. Such a practice appeared to him to be fraught with danger in these times. He did not undervalue true diplomacy—he thought every attempt should be made to maintain peace and concord throughout the world; but, unfortunately, the history of the Foreign Office and the annals of diplomacy led him to the conclusion that, instead of being the promoters of harmony, they had rather been the causes of misunderstanding. He did not know whether the new Foreign Office was begun to be built; but, if it had, he hoped the windows would be very large, so as to admit the air of public opinion, that the door would be kept permanently open to the public in the shape of the patronage, and that the secret system would not be continued any longer or the patronage distributed to a select few. He would next advert to the financial part of the subject, but before he did so he might be permitted to remind the House of a saying of the celebrated Talleyrand. "Happy the nation," said he, "which had no frontiers." He (Mr. Wise) believed that this country would be much happier than even Talleyrand anticipated, if we could get rid of that mischievous industry and irresponsible activity which existed in all the Courts of Europe in the shape of "Missions," which formed a perpetual hot-bed of strife. His desire would be to promote as far as possible the efficiency of the gentlemen who had to discharge those important duties; he thought, therefore, the House ought to call for such an investigation as would lead to a revision, if not a reorganization, of the system; and as we could not keep our diplomatic corps in quarantine, we ought at all events to endeavour to have a clean bill of health. He came now to the financial part of the subject. By an Act passed in the early part of the reign of William IV. the Government of the day was empowered to take £180,000 a year from the consolidated fund, and to pay out of it the salaries of Ambassadors, Chargés d'Affaires and other such expenses year by year. It must not, however, be supposed that £180,000 a year was the full extent of the expenditure occasioned by the diplomatic service. On the contrary, he found scattered about among the Estimates various other charges connected with the service, and amounting

in the aggregate to an enormous sum. Last year the charge on the Consolidated Fund for Ambassadors was £159,530; the miscellaneous expenditure amounted to £37,500; the outfit to £7,390; and the cost of repairs of embassy houses to £6,912; making a total of £211,332. The Foreign Office expenditure was £67,169; and that of the consular service £205,089, which, with the £211,332 he had just mentioned, amounted to £483,590. The average of seventeen years was £320,258, and therefore the expenditure of the last year was considerably above the average. In 1792 the total cost of the two services was £113,927, showing a very great difference in the expenditure between that time and the present. Again, independently of the £9,000 or £10,000 a year paid for house rent, we had paid for our Paris embassy house £89,000, and the House was told last year that it was in a bad state of repair. The house at Constantinople had cost £90,000, the estimate being £33,000. Then at Paris, Vienna, Madrid, St. Petersburg, the Netherlands, Constantinople, and Berlin, we found services of plate for our Ambassadors. Again, "the extraordinary expenses" were gradually increasing. In 1851 they amounted to £16,000, and last year they had increased to £37,500. And independently of the salaries charged on the consolidated fund during the last ten years the expenses had been as follows:—Miscellaneous, £208,099; outfit, £52,973; special missions, £91,915; rent, £98,000. It appeared also there were eighteen foreign service messengers, and, as if they were not sufficient, there was an item for three extra ones. He might add that if all he heard of one of these messengers appointed last year was true, if such an appointment was made it was a disgrace to the man who made it. Then, in these days of railways and telegraphs there was a sum of £32,000 put down in respect of couriers, and another item in connection with that part of the service of £6,564, making together £38,564. For Foreign Office postage there was a charge of £9,500, and for Ambassadors' postage of £4,013. There was another item still more extraordinary perhaps than any of the preceding ones—namely, £8,113 for interpreters and translations. When he saw that, he asked what the secretaries of legation did? Then there was a charge of £42,000 in respect of the secret service, £32,000 of which was voted by that House, and the remaining £10,000 was paid out of the Consolidated Fund. Why one portion of that charge should be paid out of the Consolidated Fund, and another portion be placed upon the annual Estimates he could never understand, and he submitted that it would be much more simple and desirable if the whole charge were made to appear annually in the Estimates, and voted in one sum. To continue his statement—last year the Government asked that House to expend £10,500 in the purchase of the English Protestant chapel in Paris. He was glad that the House did not accede to that proposition; notwithstanding, as he had been informed, their decision had been characterized by the Ambassador as being excessively absurd. Since the reign of George IV. this country had expended no less a sum than £218,820 on the chapels of our embassies abroad. In 1844 the expenditure under that head was £4,000, but in 1857 it amounted to £8,000. Then, again, the salaries of the chaplains of embassies amounted to upwards of £1,500 a year. If he were to put all those items together they would amount in the aggregate to a sum which would astonish the House. But after the speech of the Chancellor of the Exchequer the other night, in which the right hon. Gentleman said he was sincerely disposed to economize the public expenditure, he (Mr. Wise) hoped he was in safe hands; and that the right hon. Gentleman would begin with the Foreign Office, where there was such ample scope for retrenchment. In 1850 the House appointed a Committee to inquire into the matter of official salaries. That Committee, which consisted of, among others, Lord John Russell, Mr. Wilson Patten, Sir John Trollope, Mr. Ellis, Sir W. Molesworth, Mr. Ricardo, Mr. Bright, and Mr. Walter, reported very strongly in reference to this diplomatic expenditure, and made a great number of recommendations; but nothing had been done. Why? Because the amounts being charged on the Consolidated Fund were only laid on the table of the House twelve or fifteen months after the money was spent. In 1854 he called the attention of the House to this very point, and asked for a confirmation of the Resolutions of the Select Committee of 1850. He carried his Motion by a majority of 55, and among those who voted with him were the present Lord Chancellor and the Attorney General for England, and the Se-

Mr. Wise

cretary of the Board of Control also acted with him as teller on the occasion. The noble Lord then at the head of the Government stated that some of the recommendations of the Committee would be carried into effect, and that a change was going on at the Foreign Office by which many improvements would be effected. He was free to acknowledge that some beneficial changes had taken place, and that there were at this moment in the diplomatic service men of whom the country might well be proud. The Report of the Committee of 1850 contained the following Resolutions, which were passed unanimously—

"First. That it be recommended to the Government to propose to the Government of France and Turkey to convert the Embassies now maintained between those countries and England into missions, and that our diplomatic establishments at Paris and Constantinople be put on the footing of first-class missions; secondly, that it be recommended to the serious attention of the Government that a single mission at some central point in Germany may be substituted for the several missions now existing at Hanover, Dresden, Stutgard, Munich, and Frankfort, without detriment to the public service; thirdly, that it be recommended to the Government to make arrangements for uniting the mission at Florence with one of the Italian missions; fourthly, that no diplomatic salary shall exceed £5,000 per annum exclusive of an allowance for a residence; fifthly, that it be recommended to the Government to revise the salaries of the whole diplomatic service, regard being had to the relative importance of the various missions, and that in certain cases a union of missions might take place, or a Consul or consular agent be substituted for a mission, whereby considerable saving might be effected without injury to the public service."

Now, he asked the House to consider what had been done with this Report of the Committee of 1850. In 1851 there was a Treasury Minute, ordering that the Ambassador at Paris should have a salary of £8,000 a year; but a short time afterwards the Foreign Office made another order, raising the salary to £10,000. He was not saying whether £10,000 a year was too much or too little. Paris was an expensive city; the Ambassador was called on to give many dinners, and they had the authority of one of their diplomatists for saying "that dinners were the soul of diplomacy." The salary of £10,000 was given during the war, but he had never heard of the additional £2,000 being taken off after the war ceased. At Constantinople the salaries were £14,000 and £8,000 for allowances. This was a large sum, but if there was one establishment to which more than another he would consent to give a liberal expenditure it would be to that of our Embassy in the East. Nothing could be more important than our mission there. The Eastern question was only adjourned. There could be no doubt that Russia, France, and England looked to the East as a kind of Naboth's vineyard, and nobody could say what events might occur; therefore, if we would maintain a good position in the East, we must keep able and energetic men in that part of the world, and especially in Egypt. In Egypt we had great interests. Mr. Bruce, our Consul General, received a salary of £1,800 a year, and he had been to China, discharging the duty of secretary to our Ambassador in that country. Surely Egypt should not be dealt with after this fashion. Our trade with Egypt had greatly increased, our exports to that country being £2,500,000, and our imports £1,000,000, while our transit trade was of the greatest possible importance. To carry on our business in the East we required not only men of great energy, but men instructed in the languages of the East. We paid not less than £6,000 a year for dragomans, and let the House only consider what our position was at Constantinople and elsewhere when we had to depend on the fidelity of these men. In one case we employed a man as dragoman whose brother was dragoman to other Powers. In this respect we acted in a manner totally different from other countries. France, Austria, and, of course, Russia had their own countrymen taught in the Oriental languages, while we alone did not employ our own subjects. It was a great misfortune that £6,000 a year should be spent in native dragomans. He was aware that young men had been sent out from Oxford or Cambridge, but he believed that the experiment did not succeed, and he thought the most likely mode of getting good interpreters was to train up the young sons of consuls for the work. Turning from the East to the West, what did we find in Germany? At the important Court of Hanover our Minister had more than £4,000 a year; at Bavaria, £4,500; Saxony, £3,000; and Wurtemburg, £3,000, the kingdom of Wurtemburg not even thinking it worth while to send a Minister here in return. It was said these envoys at small Courts were the eyes and ears of the Foreign Office; but he thought the maintenance of Ministers at Frankfort, Vienna, and Berlin was quite sufficient for the service of Germany. With regard to Belgium, Sweden, Denmark, and

one or two smaller missions the Committee of 1850 had a right to say that it was worthy of consideration whether a great deal of money might not be saved by revising these missions and leaving Chargés d'Affaires to manage the business. In Italy we had usually three Ministers, with the following salaries:—Naples, £5,000; Florence, £3,200; and Turin, £4,850. He generally found that some of these smaller missions, such as Florence especially, were held either by influential incapacity or incompetent patricans. They were places for men rather than men for places. They were in fact a kind of disguised misappropriation of the public money. You could not go to the Treasury and put your hand in the national sack, but it was easy to create a place that was not wanted and to create a salary. The present Emperor of the French told a story of his great uncle, who getting up very early one morning in the middle of summer, and taking a walk through the apartments of the Tuileries, found a little boy in one of the drawing-rooms heaping up a mass of beechwood upon a roaring fire. When asked what he was doing, the boy replied—"I am making ashes for my father; they are his perquisites." Many of these diplomatic places were in like manner what Napoleon called in the case of the ashes "*consommation inutile.*" Then there was a double expenditure going on, only a part of which came before the House. At Lisbon we had an Envoy at a salary of £4,000, a Secretary of Legation at £500, an Attaché at £200, making a total of £4,700. There was a convenient item of sundries of £457; but we also paid a Consul £600 a year, and a Vice Consul £300, and they also received fees to the amount of £400. When Sir Hamilton Seymour, who had been Minister at Lisbon, was examined before the Committee, he gave the following evidence:—

"I understand you to say that you are frequently engaged in attending to applications from Oporto and Madeira. Are those from English merchants at those places?—Yes, constantly.

"Are they for the redress of grievances as against the Government of Portugal? If any Englishman have a cause of complaint he will write to me immediately.

"Would not his application, in the first instance, be to the consul?—There seems to be no rule on the subject.

"Are you aware of the salary which is paid to our consul at Oporto?—I am not.

"Nor at Lisbon?—No.

"But it is understood to be their duty to attend to the merchants and shipowners who have business in those ports, and to see that they have justice done them in their ordinary transactions?—Yes, that is their business.

"They are paid for that?—Yes.

"Are the Committee to understand that, notwithstanding the consuls are paid for performing that duty, the duty really devolves upon you?—I really do not know why it should be so, but there appears to me to be a very decided preference in general for having recourse to the Minister instead of the consul; so it is, that I have constant applications of all descriptions.

"I suppose those are matters which could be arranged by the consuls?—In many case I have no doubt about it, and with great advantage.

"Is it not irregular that we should first pay consuls high salaries, and that we should pay an embassy with a large establishment to do the work of the consul?—The consul has business in which the mission does not take any sort of part."

It thus appeared that there was no regular division of labour in the diplomatic service. He would recommend to the attention of hon. Members a little book published by Mr. Cavendish, *précis* writer to the Foreign Office. If Mr. Cavendish had wished to break up the present system he could not have done it more effectually than by writing this book, because it contained an *exposé* of the whole system, and enabled him to allude to the mode of patronage prevailing at the Foreign Office. The staff of the diplomatic corps consisted of 136 noblemen and gentlemen. This was not a question between patricians and plebeians. He should be the last to desire that the aristocracy should not participate in all the honours of the State. He wished, on the contrary to see them struggle with other classes for the possession of political power, the situations of ambassadors and any other posts for which they might be qualified. He should be sorry to see the young nobles of this country like those of Italy and Sicily. From the advantages they possessed, however, in regard to wealth and education they would, under any circumstances, have the very best chance of getting the most desirable places and appointments. It appeared from Mr. Cavendish's book that out of 136 diplomatists more than 100 were either Peers or the sons, nephews, and near relations of Peers. It was singular, also, to find that, from the year 1740 to 1858, the five missions of Austria, Prussia, France, Russia, and Spain had been filled by 146 ambassadors and Ministers, 115 of whom were Peers. The missions to Frankfort, Persia, Denmark, and the Hanse Towns being inferior posts and not so pleasant, only furnished 10 Peers out of 98 diplo-

matists. Under a well devised system of competition, all England might have an opportunity of entering into this department of the public service. The best linguists and those who possessed the best knowledge of international law might then have a share in the prizes of diplomacy. He held in his hand a work written by a gentleman who had long taken an interest in the diplomatic service, and who had himself been in the service of the Crown. This writer said—

"In France, in Prussia, in Russia, in America, and in most of the other countries in the world, men rise in the diplomatic service by the mere force of great merit, of singular aptitude and ability. But in England, high birth, considerable fortune, Parliamentary connection, or aristocratic influence are the chief passports to the best employments in embassies and foreign missions. In the most commercial country in the world—in the country with the largest number of colonies and with the greatest interests at stake in every quarter of the globe, in a country in which ten years hence the chief business likely to be conducted will be principally commercial—we select for ambassadors, secretaries of legation, *attachés* and *précis* writers, men of title and Parliamentary connection—scions or younger brothers of great houses just escaped from college. We appoint not men as judges, or confide our fleets and armies to admirals and generals because they are the sons of this duke, the cousin of that marquess, or the sons-in-law of that peer. Why, then, it may be asked, in the selection and nomination of ambassadors, ministers, and envoys do we pay such homage to the influence and recommendations of great houses,—to Parliamentary influence,—to backstair patronage and support?"

So that the country was well served he was indifferent who was appointed, and whether they were the sons of Barons or burgesses. But the great blot was in the organization of the staff, which was at the very commencement unjust. A youth of 19 was, perhaps, launched, without salary, as an unpaid *attaché* upon one of the most extravagant capitals of Europe. He was in principle opposed to any public servant being unpaid, and he thought it would be a wise course to consider the expenditure at some of the minor Courts, to determine the number of *attachés* required, and to pay them all proper salaries. England begrudged nothing which was proper, and all she sought was efficiency; but he was quite certain that the principle of not paying *attachés* was mischievous to the country and injurious to the young men. The diplomatic service became a fashionable and ornamental employment. There was no inducement to study; and it was deeply to be lamented that a great number of gentlemen, several of whom were Members of that House, who, had they remained in the service, would have arrived at a distinguished position, left it because they felt disappointed that, in fact, there was no prospect of promotion. To have a good service they must encourage those who were in the service. There were occasions when the rule should be broken; but, generally, when vacancies occurred the claims of those in the service ought to have the first consideration. The noble Lord at the head of the Foreign Office had most judiciously and wisely acted upon that rule, and in the recent selections which he had made he could not have appointed more proper persons than had been appointed to Vienna and Madrid. The paying no salaries was a bar to entering the service, because, unless a young man was allowed a comfortable income by his parents, however qualified he might be, he had no chance of living in Paris, Vienna, or St. Petersburg. Many men went into the diplomatic service just as others went into the Horse Guards, with no intention of remaining in it. They did not look forward to being ambassadors, as law students looked forward to being Lord Chancellors. They were often the eldest sons of men of fortune, who, upon their fathers' death, succeeded to vast estates and quitted the service. He also thought that *attachés* left this country a great deal too young. With views unformed, and their education scarcely completed, they were sent abroad at nineteen or twenty to be *attachés*, with no salary and very little to do. It would be a great deal better for them that they should be brought up for some years in a public office, especially the Foreign Office. But if the Executive intended to have a real reform, they must consider whether they could not in some way amalgamate the diplomatic and consular services. A young man who had entered the diplomatic service would jump at a good consulship, and if he were qualified he ought to have it. There were consulships of £1,500 or £1,600 a year at Constantinople, Tunis, and Tangiers, and no end of consulships through the East, varying from £700 to £500 a year, which would be a great inducement to young men to qualify themselves and to join in competition for those appointments. He did not see why, to some extent, the two services should not be united. He was satisfied that our Ministers and envoys ought to have a knowledge of the commercial interests of the country. He could conceive no degradation, dishonour, or loss of caste in a

young man having been for a year or two at Hamburg, or any other port. Having important duties to discharge as secretary of legation he would know the meaning of commerce, whereas now a great many *attachés* and secretaries of legation looked down upon all trade, and thought it degrading. He did not see why we should not encourage a knowledge of Oriental languages, by establishing scholarships in connection with our colleges after the French system. A wonderful future was destined for the East, and the more our representatives knew of the Eastern languages the better it would be for our diplomacy. Under the French system, no less than seventeen gentlemen, who had been Ministers and Ambassadors, commenced as pupil consuls at some humble consulate. They learnt their business, and obtained the promotion which they deserved. Such a system would infuse life and energy into our diplomatic and consular services, and lead to the young men who held those appointments receiving a far wider range of instruction. What with railways and telegraphs, the Cabinets of Europe, at all events, might correspond directly as well or better than by writing so many despatches; but he was afraid he should receive very little support in advocating the abolition of permanent embassies. He was quite convinced that they must get rid of what was called secret diplomacy. The system of not giving information to Parliament, until the time was passed for Parliament expressing any opinion, must be given up. Papers presented by command, usually, did not give half so much information as the "second edition" of *The Times;* and he was sorry to say they were, very often, not half so well written. We had no chance with foreign diplomatists. We were too truthful and too sincere, and he hoped we should always retain those diplomatic faults. Some people might talk of the prerogative, the right of the Crown to nominate Ambassadors, and to throw all the charges on the Consolidated Fund. He wished there were no charges at all on the Consolidated Fund. It was a mischievous system. The whole public service ought to come before the House, and his object was to bring before the House every year the Votes relating to the Diplomatic Service. He believed that (if he might use the expression) it would purify the air and be of immense advantage, by giving an opportunity to have all those matters discussed. He had laid before the House his reasons for the Motion. He thought many would agree with him that reform, revision, and reorganization were necessary. He was convinced the country thought so; and he should, therefore, ask the House to sanction the Resolution he was about to propose, which had for its object to remove the charges of the Diplomatic Service from the secret recesses of the Consolidated Fund to the more constitutional folios of the Civil Service Estimates.

MR. KINNAIRD seconded the Motion.

Motion made and Question proposed,—

"That it is the opinion of this House that the Diplomatic Salaries and Pensions now charged upon the Consolidated Fund should be brought under the more immediate view and control of Parliament, and be paid out of a Vote annually provided by the House of Commons for the purpose."

MR. SEYMOUR FITZGERALD: Although it is not my intention to follow the hon. Gentleman who has just addressed the House through the various points of the very wide question to which he has called our attention, I am quite willing to admit that the question itself is one of the utmost interest and importance, not only for the reasons advanced by the hon. Gentleman, but because it affects a body of men whose services are of the greatest importance to the country, and whose mistakes or misconduct too often result in the most serious consequences. It is important, also, not only because the amount of money annually paid in respect of diplomatic services is large, but because it relates to a service which, to use the eloquent words of the right hon. Gentleman the Member for the University of Oxford (Mr. Gladstone) is one of the highest triumphs of civilization, inasmuch as its object, in the disputes of nations, is to avoid the necessity of the last appeal to arms, and to bring to the settlement of the contests of peoples and of nations that spirit of conciliation and calm deliberation which we desire to see maintained in private life. The hon. Gentleman, it is fair to say, has manifested a singular constancy of purpose with reference to this subject; and I am free to say that in that respect his efforts have been extremely praiseworthy. On this occasion, however, he has somewhat narrowed, in terms at least, the question which he has introduced to our attention, because the present Motion has reference only to the method adopted in the payment of salaries and pensions for diplomatic ser-

vices. I certainly, therefore, did not expect that on this occasion we should have heard any of those sweeping accusations with respect to the extravagance of Ambassadors, of their houses, chaplains, and outfits, to which on former occasions the hon. Gentleman has so frequently referred. All those observations with respect to the expense of the ambassadorial establishments, and the extravagant scale on which our foreign political missions are carried out, really have nothing at all to do with the question before the House. But, Sir, constant as the hon. Gentleman has been in his endeavours to bring the House to bear upon this question, I am afraid that I can only express the same dissent to his conclusions, the same opposition to his views, which upon various occasions have been expressed by those who have preceded me in the office which I have at present the honour to hold. I do not complain of the manner in which the hon. Gentleman has brought the subject forward, or question the accuracy of the account which he gave of the way in which this charge was placed upon the Consolidated Fund. Up to 1832 it was a charge upon the Civil List; and when the hon. Gentleman expresses his fear that some opposition might be raised to his Motion, on the ground that it trenched upon the prerogative of the Crown, I assure him that—although I think it is a point which should be touched with great delicacy, and one which should not be undervalued or overlooked—I should be the last person to interfere with the just claims of the House to deal with the expenditure of any portion of the public funds by making an appeal with respect to the strict prerogatives of the Crown. In 1831 the reformed House of Commons appointed a Select Committee to take this subject into consideration; and, after giving it their fullest attention, after discussing the question in all its bearings, after availing themselves of every aid, and by the best evidence they could procure to enable them to arrive at a sound conclusion, that Committee of 1831—came to the following conclusion, upon which the whole of the present system rests. In their Report, they say:

"The next branch of expenditure which your Committee proceeded to examine was that of the diplomatic service; and on this subject their inquiries were aided by the Secretary of State for Foreign Affairs, who attended for the purpose of giving any explanations that might be required from his department; but, before they applied themselves to the examination of the details of this Estimate, it appeared a matter of serious consideration to examine in what manner it might be most consistent with the public interest to provide for the diplomatic servants of the Crown. Hitherto this branch of expenditure has been borne on the Civil List; and at the accession of His present Majesty it stood as follows:—£196,950 for the effective and non-effective diplomacy. The Select Committee of 1831, having excluded this charge from the Civil List, the first point to be decided by your Committee was, whether the diplomatic expenditure should be hereafter charged on the Consolidated Fund or should be voted annually in Supply."

That is the exact question which the hon. Gentleman has now brought under the notice of the House. I will now proceed to read the decision of the Committee:

"In either case, the expenses of foreign missions would be brought under the full knowledge and control of Parliament; but it appears to your Committee, after the fullest information upon the matter, that it would not be expedient to introduce charges of this character into the annual Estimates."

So that that the Committee, appointed by the House specially to consider this question, after hearing every argument which could be urged either on the one side or the other, came to a deliberate conclusion, which the hon. Gentleman now asks the House to reverse. The Report proceeds:

"Your Committee, therefore, recommend that a provision should be made for this service, chargeable on the Consolidated Fund. This arrangement will insure that all savings which may be made shall at once go to the public account, and will enable Parliament at all times to take cognizance of, and pronounce a judgment upon, any diplomatic expenditure which may properly be made the subject of inquiry or animadversion. In order to afford an additional security against abuse, it is the opinion of your Committee that a statement of these accounts should be annually laid before the House."

That recommendation was afterwards embodied in an Act of Parliament, and has been substantially adhered to by the Foreign Office down to the present time. The next recommendation of the Committee is worthy of remark:

"These arrangements appear to your Committee to be at once calculated to protect the public interests in the foreign relations of the State, and to guard against improvident or lavish expenditure."

The result of this recommendation of the Committee was, that an annual charge of £180,000 odd was placed on the Consolidated Fund, with a view to the discharge of all diplomatic salaries and pensions, and the result of that, far from being, as the hon. Gentleman has tried to persuade the House, conducive to an extravagant expenditure, was the very best means of securing

economy; for, although the amount of £180,000 was by law chargeable upon the Consolidated Fund for diplomatic services, yet at the end of every year since 1842 a very large sum, amounting in some instances to nearly £20,000, had been returned and made available for the general services of the country. The hon. Gentleman has advocated that the salaries and pensions connected with the diplomatic service should be submitted every year in the same manner as the ordinary Estimates, and in illustrating the question he alluded to the case of the extravagant expenditure of £87,000 for an ambassadorial residence at Paris; £90,000 for that at Constantinople; £10,000 for a chapel at Paris, and other items. Why, Sir, is the hon. Gentleman aware that every one of those items is dependent upon the annual Vote of Parliament? It is in fact in the fixed part of the expenditure of the Foreign Office which is thrown on the Consolidated Fund — the salaries and pensions—that the most careful economy is displayed; while those very charges which the hon. Gentleman brought under its notice as points of extravagance, are those very items which are annually submitted to the House, and the expediency of allowing which it is open at any time to any hon. Gentleman to question. But, Sir, I ask whether our experience of annual grants is not that year after year they have a tendency to expand, and whether it is not the fact that many an annual grant which in its origin was insignificant —or at least trifling—has, owing to the way in which the Estimates are voted in this House, become so large that it has been the subject of general attention and animadversion? So far from increasing economy by obtaining additional control over the expenditure for diplomatic services, which is the course recommended by the hon. Gentleman, experience shows that it would be likely to lead to the most extravagant expenditure. The hon. Gentleman has referred to one subject of considerable importance. He has stated that the result of bringing the question of the salaries of the diplomatic service under the control of Parliament would be, that it would be perfectly within the power of the House to discontinue certain small missions, more particularly those in the smaller German States. He stated that he thought all our relations with Germany might be satisfactorily carried on by Ministers at Berlin, at Frankfort, and at Vienna. Now, upon that point I will quote the opinion of the noble Lord the Member for Tiverton (Viscount Palmerston)—and I will say that whatever may be the opinion of hon. Gentlemen with respect to the general Foreign policy of the noble Lord, there is but one opinion in this House, that as regards everything concerning the administration of the Foreign Department, and particularly that portion of it to which the hon. Gentleman has drawn the attention of this House, there is no man in this country who is capable of giving so authoritative an opinion as that noble Lord, who has so long and so ably presided over the Foreign Office. The noble Lord in 1853 expressed his opinion in this House to this effect:—

"Having had several years' experience of these matters, he could assure the Committee of the value and importance of this means of diplomatic intercourse with the members of the German States, and that those means could not be supplied by our Minister at Frankfort, because he was accredited to the Diet there, and the representatives of those several Courts had no authority to deal with the general policy of their respective Courts, but were only charged with relation to the aggregate functions of the Germanic body. Besides, it was to be remembered that the smaller States often acted an important part in the affairs of Europe, and it often happened that we got important information through diplomatic intercourse with those States with regard to the proceedings of more important States."—[3 *Hansard*, cxxvii. 460.]

Now, I do not pretend myself to have much experience with reference to this matter; but what little I have leads me, especially with respect to the States of Germany, to agree most cordially in that opinion expressed by the noble Lord. The hon. Gentleman would be very much astonished if the right hon. Gentleman the Member for Wells (Sir W. Hayter) did not pay any attention to the vote of an individual Member of the House because he was not a frequent speaker or so important as some others. That, however, if I am rightly informed, is not the policy which is pursued by the right hon. Member for Wells; and in my opinion it would be the height of folly in any British Government to disregard the opinions and the policy of the minor Courts of Germany, when at Frankfort as individual members of the Diet they can exercise such an important influence. It is not at Frankfort that you can learn the opinions and policy of the smaller Principalities to which the hon. Gentleman has directed attention; that knowledge can only be acquired by direct intercourse carried on through the accredited representatives of the Sovereign. There

is another point upon which I wish to say a few words. The hon. Gentleman thinks it desirable to bring the diplomatic establishments under the direct control of the House, because he says it would bring popular opinion to bear upon the subject; and that, having hitherto been the refuge of incompetent patricians, the diplomatic service would be thrown open to other classes of greater knowledge and ability. Now, I should like to ask the hon. Gentleman to state what he thinks of the present representatives of the Sovereign in foreign Courts. Who is our Minister at the Court of St. Petersburgh? Sir John Crampton, who is certainly not an incompetent patrician, but a man who has fairly earned the distinguished position he occupies. In Spain, our Minister is Mr. Buchanan—is he again an instance of patrician incompetence? Lord Stratford, our Minister in Turkey, I admit is a nobleman; but why is he so? He is a nobleman, because the brilliant services he has rendered to the country have raised him to that position. Who have we at Vienna? Sir Hamilton Seymour; and where will the hon. Gentleman find a more distinguished Member of the diplomatic service than that Gentleman: then Lord Cowley, our Ambassador at Paris, is a nobleman; but his peerage was conferred for diplomatic services rendered by the first Lord. Any attempt, therefore, to cast odium on the diplomatic service, by saying that it is the refuge of incompetent patricians, and to upset a system established on the recommendation of a Committee of this House, after the greatest deliberation, on the plea of throwing it open to able plebeians—for that, I believe, is the term which the hon. Gentleman used—is, to say the open truth—and I do not mean to speak disrespectfully in the least—nothing more nor less than clap-trap, which I am sorry should have been used. Another advantage which the hon. Gentleman thinks would be gained, by bringing these appointments under the direct control and sanction of Parliament is, that the merits and sufficiency of any one of the Ambassadors might be brought under review, and that a ready means would thus be obtained of controlling the expenditure of the country in this department. It seems to me that nothing could have been more invidious, nothing more injurious to the public service than the adoption of such a line of argument. When we send a man to represent us at a foreign Court, we do so because he has distinguished himself by a particular knowledge of the bearings of questions likely to arise, and is presumed to have peculiar claims to public confidence and respect; but if, according to the proposition of the hon. Gentleman, the services, merits, and salaries, of our diplomatic agents are to be made year after year the subject of public discussion and objection in this House, I believe no more ready course can be taken to impair the efficiency of our diplomatic service and lower the position of those engaged in it. The hon. Gentleman stated, that it was not only to the smaller missions in Germany that he objected, but also to foreign missions to such States as Naples. I must frankly express my opinion, that the hon. Gentleman could not have referred to a more unfortunate illustration of his argument than that of the Neapolitan States, for I sincerely believe that, if at the time of the seizure of the *Cagliari* we had had a regular accredited representative at Naples, the whole course of events would have been altered; we should not have had to regret the lengthened imprisonment of our fellow-countrymen, and to regret equally, if not more, a state of circumstances which, up to the present moment, has tended to produce most embarrassing, if not most dangerous questions. For these reasons, which I have very shortly stated, I venture to hope that the House will not give their sanction to the Motion of the hon. Gentleman. If I do not follow him into the other subjects to which he has drawn the attention of the House; if I do not refer to the question of unpaid *attachés;* to that of the necessity of a training for the consular office; if I do not refer to the importance of the study of Oriental languages, or enter into a discussion with him as to the merits of our system as compared with that adopted by France, I beg to assure the hon. Gentleman that it is from no disrespect, from no wish to undervalue the importance of these questions, but simply because the Motion has reference solely to the payment of the salaries and pensions of Ambassadors, &c., and as to the expediency of placing the charge in the Estimates instead of upon the Consolidated Fund. I do not think that those other matters come within the scope of the Motion, or can be properly the subject of discussion under it, I hope that the House will refuse its assent to this proposition. I do not believe that it would conduce to greater efficiency or

greater economy; and there are so many evils to which it would, in my opinion, be likely to conduce, that the House ought to pause before it introduces a change in the system under which services so important and so distinguished are rendered, and with reference to a department in respect to which this nation is as well, as efficiently, and as honestly served as any country in the world.

MR. WHITE said, he could not consent to give a silent vote upon a subject of so much importance as that now under the consideration of the House. He saw no reason why the diplomatic expenditure should not be placed among the Estimates, so that it might be brought under the annual cognizance of Parliament. If it was necessary that our Ambassadors at foreign Courts should give expensive entertainments, and thus keep up the reputation of the country for hospitality, he would not begrudge the necessary funds; but as for maintaining what were called ambassadorial functions, he had been quite unable to discover any necessity for it whatever. In this age of telegraphs and railroads he could not but regard the diplomatic service in any other light than as a snug retreat admirably adapted for the scions of the aristocracy. He adopted the view taken by an ancient writer, who maintained that an Ambassador was "a man sent abroad to tell lies for the good of his country;" but we did not want anything of that kind. The appointments of Ambassadors at foreign Courts enabled them to get up quarrels, and when things had gone a certain length we sent out Envoys Extraordinary to make peace. The differences which last occurred between America and England arose from the fact that Mr. Crampton never read the despatch which he had received from the Earl of Clarendon. He had acted in utter ignorance of the facts and of the intentions of Ministers in this country, and hence the misunderstanding which so nearly embroiled two great nations in war. Then as regarded treaties, he should like to know when were treaties ever kept? It had been said by Voltaire, and with some truth, that the only treaty he had ever known to be kept was that in which the name of the Deity had not been invoked—namely, Penn's Treaty with the Indians. He should support the Motion, because he believed if the ambassadorial services were voted by Parliament in the Estimates, and the state of our diplomacy in every quarter brought annually in this way under the notice of the House, we should speedily get rid of that exclusive and aristocratic policy which was the curse of the country, the source of innumerable difficulties and of incalculable expense. He would, moreover, remind the House that it was the dictum of a Premier (the late Lord Melbourne) that, in order to secure perpetual peace, it was required only to shut up the Foreign Office.

MR. HORSMAN said, he would not trespass long on the attention of the House, but he did not think they would be treating the subject with the respect due to its importance, if they did not express their opinions upon some of the points involved in the Motion of the hon. Member for Stafford. His hon. Friend had made a very simple proposal, which he (Mr. Horsman) considered it would be very difficult for the House upon any sound principle to refuse. That proposal was, that the same principle which had been so beneficially applied to our home expenditure should also be applied to our foreign expenditure, and that as the home expenditure came annually before the House of Commons, the same sound and wholesome principle should be adopted in regard to our foreign expenditure. The hon. Gentleman the Under-Secretary for Foreign Affairs (Mr. S. FitzGerald) had rested his opposition—which he (Mr. Horsman) confessed he heard with some regret and surprise—upon the Report of a Committee appointed nearly thirty years ago, and nominated, as he said, by the reformed House of Commons. Now, as the hon. Gentleman attached so much importance to a Report proceeding from a Committee of the reformed House of Commons, he begged to assure the hon. Gentleman that he was quite in error with regard to the source from which the Report emanated; and as it had, in fact, proceeded from a Committee of the unreformed House of Commons, he was bound to suppose that the hon. Gentleman would not attach any importance to it. The speech delivered by the hon. Member for Stafford was, it should be remembered, made after considerable experience and much consideration of the subject. He had illustrated it with great ability, and the hon. Gentleman opposite had made as good a reply as he could be expected to make to

a speech in itself so unanswerable. But the hon. Gentleman had used similar arguments to those which were used in opposition to the changes made in the year 1831. Amongst the changes then made was one with reference to the payment of the great officers of State; and the Duke of Wellington in reference to the change, and using the same arguments of which the hon. Gentleman opposite had availed himself, declared that it would be dangerous and degrading to make the salaries of those persons dependent upon the caprice of Parliament. The hon. Gentleman opposite, following in the wake of the Duke, declared that it would be degrading to our Ambassadors to have their remuneration included in the annual Votes; but surely it would not be more degrading to them than to the hon. Gentleman himself, or to the First Minister of the Crown, whose salaries were voted annually. What, he asked, was the distinction between voting the salary of the Head of the Foreign Department, and that of the gentlemen nominated by that Minister? The objection, in his opinion, would not hold good for a moment, because experience showed that the House of Commons had never been niggardly in rewarding known and acknowledged services. Since the year 1831 the salaries of all the great officers of State had been annually voted by Parliament, and no inconvenience had arisen from the practice, neither had there been any reason to regret the change. On the contrary, there was, he believed, no class of public servants who felt that their salaries were safer than those who depended upon the Votes of that House. His hon. Friend the Member for Stafford had said that the system of keeping permanently from Parliament any circumstances connected with our foreign administration was unwholesome. He (Mr. Horsman) entirely agreed in that observation, as he considered that great injury arose, and much distrust was created, by the secrecy in which our foreign transactions were involved. Everybody would admit, that while diplomatic negotiations were being carried on, great injury might result to the public interest from publicity being given to them; but, on the other hand, under the present system our ignorance with respect to foreign affairs was, he thought, inconsistent with the principles of constitutional government. There were diplomatic transactions which had been carried on for years, but which never met the eye of any one out of the Foreign Office. The arguments used by the hon. Gentleman opposite in favour of the principle of secrecy might have been equally well applied thirty, forty, or fifty years ago. In this respect, at least, we had made no progress and no improvement. He was of opinion that the same principle of improvement which had been carried out at home of late years should also be applied to our administration abroad. The hon. Gentleman (Mr. Fitz-Gerald) had read to the House rather unnecessarily the names of four or five eminent diplomatic servants; but his hon. Friend the Member for Stafford had no wish to impugn the character of our agents abroad—he merely said, and truly enough, that while foreign governments had men trained and educated for this special service, this country took no pains to secure the requisite attainments. There were, it was true, high political and personal morality, and great integrity of character, among our diplomatic officers, which served as a safeguard; but they had not those special attainments which were found in the diplomatic servants of other Governments—they had not even in many instances a knowledge of the language of the countries to which they were accredited. For these reasons he thought the House ought to feel indebted to the hon. Member for Stafford for the pains with which he had addressed himself to the subject. It was only occasionally, and, as it were, by a lucky accident, that the House was enabled to penetrate the mystery in which our foreign relations were enshrouded; and if the House did not avail itself of the opportunities thus afforded, it would be impossible to make any progress in the reform of our foreign administration. Holding these views, he tendered his personal thanks to the hon. Member, and he hoped the House would not concur in the objections taken by the hon. Gentleman the Under Secretary for Foreign Affairs, which were not based upon sound or constitutional principles, and which he did not think had been supported with anything like solid argument.

VISCOUNT PALMERSTON: I wish to state very briefly the reasons which will prevent me from concurring in the Motion of the hon. Member for Stafford; and I trust that the House, in dealing with this question, will not found its decision upon any preconceived opinions or upon any party views, but will regard the subject simply as one involving a material point of national importance. It is upon that

ground only that I wish to address to the House a few observations. In the first place, I must remark that the Motion tends to reverse a decision which was adopted deliberately by this House after full consideration, as to the manner in which diplomatic salaries and retired pensions should be paid. It is, I think, incumbent upon those who propose to alter that arrangement to show that public inconvenience arises from it, and that public advantage will accrue from the change which is recommended. My right hon. Friend (Mr. Horsman) has said that the hon. Gentleman opposite, who has opposed the Motion (Mr. S. FitzGerald), did not rest his objection upon any constitutional grounds. Now, I do rest my objection to it upon constitutional grounds. My hon. Friend (Mr. Wise) diverged in his speech far beyond the limits of his announced Motion—he wandered into topics upon which those who were prepared to resist his proposal have had no opportunity of informing themselves, so as to be able to deal with the very extensive range of his observations. One of the main arguments of the hon. Gentleman, and which has been repeated by my right hon. Friend (Mr. Horsman), and which we have often heard, is, in my opinion, founded upon a complete fallacy—namely, an objection to what is called the secret system of diplomacy. My hon. Friend (Mr. Wise) desires that the diplomatic transactions of the Government should be brought under the constant supervision of this House. Now, I hold that to be a most unconstitutional doctrine, and one totally at variance with the interests of the country. There appears to me to be no medium between these two courses: Parliament must either place confidence in the responsible Ministers of the Crown with regard to our foreign relations, holding those Ministers answerable for the result of their conduct of such relations; or it must appoint a Standing Committee of diplomatic relations, and thus take the administration of those affairs into its own hands. It is almost unnecessary for me to say that the latter course would be neither consistent with the principles of our constitution nor compatible with its interests. Why, there could not by any possibility be a worse machine for conducting diplomatic transactions than a popular assembly. Two nations whose diplomatic relations were conducted by popular assemblies would inevitably be involved in perpetual difficulties and disputes. We had an instance of this not many years ago in the case of France and America. A question arose between the Governments of those two great countries; that question was taken up by the popular assemblies on both sides of the Atlantic; and had it not been for most earnest exertions on the part of friendly powers, a very serious rupture might have occurred between the two nations. When the secrecy of diplomacy is objected to, I would quote the admission of my right hon. Friend who last addressed the House, that while diplomatic transactions are in progress, it is impossible that they should be made public. How, then, is this House, whose transactions must be public, to deal with diplomatic relations? If the doctrine of my right hon. Friend is just—and just it is—that diplomatic transactions must, as a matter of obvious State necessity, be secret until a result is arrived at, we all know that under the present system the result of diplomatic arrangements is always made public. When the result is attained, Parliament has the power—and the exercise of that power is its constant practice—of calling upon Ministers to afford information with regard to questions of national interest, and to lay upon the table the papers necessary to enable it to understand the details of a particular transaction. We need not go further than a recent event for an illustration of this fact. I will venture to say, that if there had been at the present moment a popular assembly in France, exercising the same right of political discussion with regard to public affairs which takes place in this House, the recent occurrences would have led to a very different state of relations between England and France from that which now happily exists. I say, then, that the proposal of my hon. Friend to transfer these charges to annual Votes, instead of leaving them upon the Consolidated Fund, and thus to give Parliament the opportunity of detailed and constant intervention in the transactions connected with our diplomatic relations, would lead to consequences which I think there might be great reason to regret—would tend to the disturbance of all order, and to the constant disquietude of our foreign relations. My hon. Friend, going far beyond the limits of his Motion, dilated at great length upon Votes of this House for diplomatic expenses, which he considered to have been improvident and extravagant; and he then argued that because he had shown that the House of Commons, by its annual

Votes, had sanctioned expenditure which he thought improvident and unnecessary, a Resolution ought to be adopted transferring that portion of the diplomatic expenses now chargeable upon the Consolidated Fund to annual Votes, although, as he contended, the House had not exhibited a due regard to economy of the public money in assenting to such Votes. Why, my hon. Friend must either abandon his opinion. or he must admit that one portion of his arguments answers and refutes the others. My right hon. Friend (Mr. Horsman) says it would be no degradation to the diplomatic body if their salaries were voted by this House; and he observed that no degradation attached to Ministers of the Crown in whose case that course is pursued. In one respect I perfectly admit that my right hon. Friend is quite right in that opinion ; and so far as regards the feeling and impression in this country, instead of being deemed a degradation, it may be rather satisfactory to any officers employed by the Crown that the salaries awarded to them should receive the annual sanction of Parliament. But as the hon. Gentleman opposite (Mr. S. FitzGerald) well observed, I think it would have an injurious effect on the position of our diplomatic relations generally, that the question of the salaries of our reprentatives abroad should be made the subject of an annual Vote by this House. The hon. Gentleman opposite evidently did not allude to the impression which such a practice would make here, but to the impression it would be likely to make abroad. I think it is manifest that such a system would impair and weaken the influence of our diplomatic servants abroad if every year the observations and criticisms, which would no doubt occasionally arise in respect to those salaries, were to be published in the newspapers, and to be read at those Courts where our representatives resided. He must be a fortunate diplomatist who succeeds in performing his duties without giving unintentional offence to some of his wandering countrymen that are to be found in the different cities on the Continent. A traveller whom he had, perhaps, unintentionally offended would be sure to write home a volume of abuse to some Member of this House, who, knowing nothing more of the matter than what he reads in the letter, would nevertheless feel it his duty when the Estimates came on to repeat in the House all the criticisms and fault-finding which were contained in the written communication. The diplomatist whose conduct was impugned would have no opportunity of defending himself, and the Ministers of the Crown in this country could not know whether there was or was not any foundation for the charges ; but these charges would go forth to the Court at which the diplomatic agent was stationed, and must tend to lower him in the estimation of the society in which he moved, and with the Court to which he was accredited, and must impair his means of rendering useful public services. I need not refer to the other objection, that those who were dissatisfied with the political action of a particular Minister would naturally, when his salary came to be voted, express their opinions upon his conduct, and that is, I think, a strong reason for not adopting the Motion of my hon. Friend. Having had considerable experience with regard to questions of this kind, I do entreat and conjure the House not to sanction a proposal which, I believe, would be attended with most serious and injurious consequences to the public interests as connected with our foreign relations. I will not follow the hon. Gentleman into many of the topics not immediately connected with the Motion which he introduced into his speech ; but I may make one observation. We have been told that this House ought to do certain things because they are done by other countries. Now, I think that argument falls short of a legitimate conclusion. Those who tell us that the arrangements which exist in other countries ought to be introduced in our own should prove that such arrangements are more beneficial than those which we have already adopted. My hon. Friend has used an argument on this subject which I think is somewhat contradictory. In the first place he would reduce very materially the salaries, and impair therefore the position of the missions and embassies that we have abroad. And then, on the other hand, he says that the diplomatic service ought to be improved and reformed ; that young men ought to be induced to enter into it with an expectation of promotion. So that while, on the one hand, he wants to bring young men in with this expectation, on the other hand he advises us to diminish their temptation to enter by rendering the chief positions such that it would answer no man's purpose to fill them with the salaries which he wishes to confine them to. It was stated by the hon. Gentleman (Mr. S. FitzGerald) that, so far from the diplomatic

service having been prodigally administered, there was a limit of expenditure which could not be exceeded. In fact, it will be found that many of those who hold offices under this department are obliged to economise their expenses to the amount of the salary attached to their office. That, in itself, I think, is a sufficient proof that the Foreign Office has limited the expenses of those functionaries to a reasonable amount. And I would ask, which department is the most able to judge what is the proper salary to be paid to Ministers—that department which is in daily correspondence with such Ministers, and which knows all the circumstances on which the decision as to the amount of salary depends; or this House, which cannot by possibility possess the requisite information? It is perfectly clear that it is the responsible Government alone which ought to be left to determine the amount of the salary in each post, varying that salary according to circumstances, and according to what they consider should be the proper amount for each specific place. My hon. Friend says there ought to be a fusion of the diplomatic and consular appointments. To a certain extent that has taken place—not that there are instances, as far as I remember, of consuls being brought into diplomatic situations; but there are many cases in which men have been transferred from diplomatic to consular appointments, where the functions of those consular appointments have partaken in some degree of a diplomatic character. I will not, however, weary the House by dwelling upon details which are, perhaps, more suitable for the consideration of a Committee upstairs; but I entreat the House not hastily and rashly to agree to a Resolution which, in my humble opinion, founded on considerable experience, I think would be extremely detrimental to the interests of the public service.

MR. KINNAIRD said, that it might be presumption in him to attempt to answer the noble Lord, but he hoped that his noble Friend would not be dissuaded by the arguments of the noble Lord from taking a division. The noble Lord founded his opposition to the Motion on constitutional grounds. Why, if the expense of the consular establishments were submitted to the House in the Estimates, should there not be Votes for the diplomatic service? He thought that neither the Government nor the noble Lord had answered his hon. Friend. His hon. Friend had been accused of bringing forward extraneous matter in making his Motion; but he was sure that when the speech of his hon. Friend was read out of doors the country would feel that they owed a deep debt of gratitude to him for the information he had brought forward. He should cordially support the Motion.

LORD JOHN RUSSELL: I think, with regard to the particular Motion before us, the answer of the hon. Gentleman (Mr. S. FitzGerald) proved that, in all probability, if these Votes were submitted to the consideration of the House instead of being paid out of the Consolidated Fund, it would tend rather to confusion than to economy. I believe that to be a sound argument, and I am therefore contented with the present mode of paying the salaries of Ministers. At the same time I do not like to vote, as I shall vote, against the Motion of my hon. Friend without saying that I think there are many of his observations, having no immediate reference to this Motion, which are well worthy of attention. In the first place, with regard to the service itself, I think the plan of having unpaid *attachés* is a bad system, inconsistent with our usual practice, and that every person who enters the service (perhaps he should not be admitted so young as is at present the case) should have a certain salary apportioned to his position and duties. In the second place, it seems to me that it would be useful to have a general revision of our diplomatic services; for while, on the one hand, there are men in high posts who do not receive salaries proportionate to the stations which they occupy, there are posts or many minor places which might well be abolished. The result of such a revision might not be to effect any great economy, but I think the service generally would be the better for it. In the last place, although I do not agree with all that my hon. Friend has urged upon the subject, I think if diplomatic papers were more frequently submitted to the House of Commons, that, instead of being injurious they would be useful to the public service; because very often false rumours are current which might be removed by the production of those papers. While, therefore, I shall think it my duty on these grounds to vote against the Motion, I must say that my thanks are due to my hon. Friend for the important subjects which he has brought under our consideration.

Question put.

The House *divided:* Ayes 114; Noes 142: Majority 28.

DESTITUTION IN DONEGAL.

COMMITTEE MOVED FOR.

Mr. BAGWELL rose to move for a Select Committee to inquire into the destitution existing in the Guadore and Cloughanelly district, county of Donegal. The hon. Member said that his Motion had particular relation to the northern part of that county, with a wild mountainous district with large tracts of barren land, where the people were living in a state of wild poverty. The state of that part of the county was brought under the notice of the Devon Commission, and Lord George Hill, one of the great proprietors of the county, in his evidence before the Commission, gave a graphic description of the condition of that part of it. He showed that the people were in the habit of living on very small farms, eking out their subsistence by means of grazing a few cattle upon the neighbouring mountains. Mr. Nicholls, a gentleman engaged in the Poor Law inquiry, corroborated the statements of Lord George Hill, as to the condition of Donegal, especially in its northern and western parts. Latterly, the proprietors of this mountainous district were anxious to get rid of the cottier system, and introduce sheep farming, and they had brought in a number of Scotch tenants and Scotch sheep. This did not meet with the approbation of the native inhabitants, who were thus reduced from a state of rude plenty to one of destitution. Lord George Hill stated that each inhabitant had three dwellings, one in the mountains, one on his farm, and another on the sea-shore; and families were always changing their residences according to the means of obtaining grazing; the people were quiet and inoffensive, and naturally of kind manners; many of them, especially the women, did not understand English, and among their peculiarities they disliked living in detached houses, which they considered to be lonely. In the same year Lord George Hill gave evidence before another Commission, which went to Ireland to obtain information, with a view to the establishment of the poor law; and Mr. Nicholls, in his report to Lord John Russell, said of Donegal that the people congregated where the soil was most easily cultivated and no exertion was necessary; while, in order to get their rent, they depended on a few cattle. It must strike every one that the system lately introduced into Donegal was only a repetition of that which had been done in Scotland a few years ago, when Sutherlandshire and the mountainous parts of the country were almost entirely depopulated in order to make room for sheep, and the people either sent to America or located on the sea-shore. His (Mr. Bagwell's) feeling and opinion was against any one's having the power to deal with his fellow-creatures in that way. He believed, indeed, that the Duke of Sutherland had carried out the system on his estates with all the humanity that was to be expected from him; but he (Mr. Bagwell) wished to know how such clearances would be regarded abroad? All the world looked up to the institutions of this country, and when it was possible to find a flaw in them republicans and the friends of despotism were equally ready to pick holes in them. Sismondi said—"This driving away of people from their firesides may be legal, but will any man dare to say that it is just?" and a writer in the *Quarterly Review* declared that the Highland clearances were a scandal to a civilized country. He did not think the plan of transporting the people from a country and replacing them by cattle at all calculated to improve the condition of that country. As an instance of the consequences, he might state that a short time ago the nation was startled from its propriety by a statement which appeared in the newspapers, signed by ten of the Roman Catholic clergy, in reply to which a resolution was drawn up by a board of guardians. The Government sent down an inspector (Mr. Hamilton) to investigate the matter, and the report of that gentleman was so much at variance with that of the clergymen, that if the case rested on that alone a further inquiry was necessary in order that the blame might rest on the parties who were in fault. The taxation that had been imposed on the district was most frightful. In one part the police tax amounted to £490 4*s.* 11*d.*, and the sheep tax to £864 12*s.* 7*d.*, making a total of £1,354 17*s.* 6*d.*, being considerably over the property valuation. The total valuation of the district was £2,080 11*s.* 8*d.*, whilst the taxes raised amounted to £2,000 15*s.* 4*d.* The payment of these taxes proved that the people did not wish to evade the law, but had paid them to the utmost. In consequence of the address issued by the clergymen to whom he had

alluded, a committee was formed in London for the purpose of raising subscriptions, and similar committees were formed in different parts of Ireland. The contributors included many landed proprietors who had made inquiries into the matter, and amongst them he might mention Mr. Sharman Crawford, who stated his belief that the complaints which had been made were well founded; and many other persons of name and station also contributed, thus affirming their conviction of the existence of destitution. He thought it due to the charitable individuals who had contributed to the relief of these poor people that some means should be devised for ascertaining the truth of the statements which had been put forward, and trusted the House would agree to the appointment of a Committee for that purpose. He demanded this in the name of justice, in the name of humanity, and, above all, in the name of the Irish landlords, many of whom believed that property had its duties as well as its rights.

MR. M'MAHON seconded the Motion.

SIR EDMUND HAYES, as one connected with that part of Ireland to which reference had been made, begged to say, that the statements issued by the Roman Catholic clergymen were without foundation and without truth; and he would further add, that those gentlemen had in their power the means of ascertaining that they were not justified by facts. The hon. Gentleman opposite had passed over far too lightly the evidence taken before Mr. Hamilton, who, as a Government officer, had no motive for bias in the inquiry which he had conducted, and who had reported, after hearing evidence, and going personally through the districts which were represented to be plunged in a state of destitution, that the statement of the Catholic priests was unfounded. He denied that Lord George Hill had ever ejected a tenant from his estate at Guadore, and he believed that he might say the same of almost every landlord immediately connected with that part of the country. When the noble Lord to whom he referred came to that part of the country fourteen years ago, there were no roads, no sort of cultivation. Now there were good roads, a corn-mill, post office, schools, a model farm, and a great many carts where there were none before. He did not know whether the noble Lord the Secretary for Ireland would assent to the appointment of this Committee, but he wished to say on behalf of the owners of that district, that they not only were willing, but wished to have a Committee to inquire into the real state of that district, to test the truth of the contradictory statements which had been made in respect to it, and to report upon the manner in which they had discharged their duties to the poor of that district.

MR. MACARTNEY said, that he thought the hon. Gentleman who had moved for this Committee could not have visited the district in question, or he would not have made the Motion, for in that case he must have known that the statements upon the authority of which he had moved for it were unfounded. He must protest against the attack upon Mr. Hamilton, who was one of the most able and zealous of the poor-law officers in Ireland, and whose report he believed to be entitled to entire credit. And with respect to the amount of contributions which were said to have been collected for the poor of this district, he did not believe that one-tenth part of the money raised by charity was appropriated to the poor of this district. For his own part, he knew the county of Donegal well, and he must say that he had never seen a county progressing more rapidly than this had lately been. It was true that a great outrage had been committed by a section of the community who had taken possession of property to which they had no right, and that the Government had thought it right to lay on an impost to protect property. But the fact that that impost was paid was a proof that the district was not in such a state of poverty as had been represented. He objected to the appointment of a Committee of inquiry of this kind, which, not having the power to examine witnesses on oath, could end in no good, and would not attain the object of ascertaining the truth of the contradictory statements which had been made on this subject.

MR. P. O'BRIEN wished to know whether the hon. Gentleman who had last spoken had visited the district in question, as he asserted that the hon. Member for Clonmel (Mr. Bagwell) ought to have done? He did not wish to attack Mr. Hamilton or the integrity of his report, for he had no doubt that that gentleman had reported what he believed to be the fact; nor did he wish to say one word against Lord George Hill (knowing what that noble Lord had done for that district) nor against the landlords of Donegal

generally: but they had the statement of ten Roman Catholic clergymen that such a state of things existed in that district as no man could wish to exist, supposing it to be true. Nor was the evidence taken by Mr. Hamilton inconsistent with this statement, because most of it was given as matter of opinion; and he believed that a feeling of pride led many of the witnesses to endeavour to conceal those privations which the clergymen, with their larger opportunities of investigation, were able to detect. On account of the discrepancy which existed between these two statements, and of the reasons which existed for doubting that of the witnesses examined by Mr. Hamilton, he thought there should be an inquiry by a Committee of that House. It had been said that a large quantity of sheep had been destroyed in this district, for which the grand jury had assessed a compensation upon the district, and that therefore any burden which might have resulted from that was justly inflicted. But it was certain that several of the sheep supposed to have been destroyed had been afterwards found, and that their disappearance was a case, not of wanton destruction, but of felony. A very strong feeling had been excited on this subject, and, therefore, without impugning the conduct of the magistrates, or the poor law authorities, and merely contending that the inquiry which had already taken place was incomplete and inconclusive, he thought there ought to be another before a Committee of the House of Commons, which alone had the power of arriving at the real facts of the case. He should therefore support the Motion.

LORD NAAS felt it his duty, from the position which he held, to state briefly to the House the opinion he entertained on this subject, and also to place before them the information at his command with regard to the condition of the district in question. When the House had heard his statement, they would perhaps agree with him that this was one of the most extraordinary cases that had ever been submitted to their consideration. The representations made on either side had been directly contradicted one by the other, and it would be for the House to form their own conclusions as best they could from such conflicting testimony. The hon. Member for Clonmel (Mr. Bagwell) had not made out a very strong case for a Committee; he had abstained from entering into specific details, confining himself merely to general statements, and giving the House to understand that a system of depopulation was now going on in parts of Donegal similar to what occurred some years ago on the estates of the Duke of Sutherland in Scotland. But as the hon. Mover had given few facts, he would call their attention to the statement which had been published by ten Roman Catholic clergymen of the districts of Guadore and Cloughanelly respecting the conduct of the landlords and the distress among the population. This was the statement on which this Motion is founded. Before proceeding with these gentlemen's allegations, he ought to state that the people of this part of Donegal were, and always had been, very poor; they had been rarely visited by strangers; and perhaps there was not in Ireland, or in the western islands of Scotland, a wilder district, or, he might add, a wilder population. It was asserted that all the landlords of that locality, save one, had simultaneously deprived these poor people of their mountain grazing, and given them to Scotch and English graziers; and that in other cases they had doubled, trebled, and even quadrupled their rent. He held in his hand a statement put forth on the part of the proprietors which declared that no tenants had been evicted; that the landlords had not sold any goods by distress warrant for rent; and that they had not interfered with the tenants' right in any case. That alone ought to convince the House of the doubts and difficulties that hung over the case, owing to the contradictory statements put forth on both sides. Up to a recent period there was a large tract of waste mountain in that district which was occasionally used by the population as a run for their cattle. This property seemed to have been held very much in common by the inhabitants, who paid their rent more according to the number of cattle they possessed than according to the actual quantity of their land. It went by the name of the "rundale" system. That was a state of things which nobody would say was satisfactory. Numberless disputes among the tenantry arose under this system, which were productive of the worst results. Some years ago certain of the proprietors took up a considerable portion of this mountain waste land and let it to Scotch and English graziers for the purpose of its being turned into a sheepwalk; the proprietors alleged, however, that they still left in the hands of the poor people a

sufficient extent of land for depasturing the number of cattle they possessed, the remainder being surface drained and otherwise improved. In one district, where there were 2,000 acres of this mountain land, which the landlord let, reserving 700 acres for the people, the greater part of it never had been used by them. In another case, a landlord gave his tenants 500 acres, at the same time paying his tenantry to dig a ditch for the purpose of separating the 500 acres from the 1,200 that had been let for a sheep walk, though he believed that since then the landlord added the 500 acres to the rest. Lord George Hill reserved 9,500 acres of mountain land for his old tenants, besides paying for them their poor rates and their income tax. If these waste lands were thus used for grazing, while the land of the poor tenants was cut off and reserved for their separate use, surely such conduct ought not to be held up to opprobrium in that House, and represented as though it were accompanied by wholesale eviction. The statement of ten Roman Catholic clergymen, in their appeal for charity for the peasantry of these districts, was certainly very startling. They said :—

"There are at this moment 800 families subsisting on seaweed, crabs, cockles, or any other edible matter they can pick up along the seashore or scrape off the rocks. There are about 600 adults of both sexes, who through sheer poverty are now going barefooted, amid the inclemency of the season, on this bleak northern coast. There are about 700 families that have neither bed nor bedclothes, but are forced to lie on the cold damp earth in the rags worn by them during the day. There are about 600 families who have now neither cow, sheep, nor goat, and who, from the beginning of the year to its close, hardly ever know the taste of milk or butter."

This statement was published in newspapers both in England and Ireland. The Poor Law Commissioners, acting under the direction of the late Government, very properly ordered an inquiry to be instituted into the truth of these allegations. The officer selected to conduct the investigation was Mr. Hamilton, a public servant of great experience and ability, who had been employed under the Poor Law Board throughout the whole of the famine. There was no public servant whose character stood higher. Before Mr. Hamilton arrived in the district, the Board of Guardians of the union in which it was comprised, namely, the Dunfanaghy Union, met and agreed to the following resolution :—

"That having seen with regret and astonishment in the newspapers an appeal signed by ten Roman Catholic clergymen setting forth a dreadful state of destitution at present existing in this union, we consider ourselves called on, as the guardians of the poor, both from our own local knowledge and upon inquiry, to say such a statement is quite false and without any foundation; and we think we are borne out in this by the fact of having only twenty-two paupers in the workhouse from the entire union."

As an additional proof of the incorrectness of the statements that had been made as to the destitution of the people, the guardians asserted that in the month of February last there were only twenty-two paupers in the workhouse from the entire union; and they recommended that, as the "appeal" had been published for the purpose of raising money, the Poor Law Inspector should be instructed to inquire into the facts on the spot. Mr. Hamilton proceeded with his inquiry, and examined on oath as many persons as he could find likely to give evidence. Among these was the clerk and master of the workhouse, and he stated that only twenty-seven persons had applied for relief since the late harvest, they were all admitted, and no applications for provisional relief had been made at the workhouse. The master went on to say that—

"If distress 'such as is described' in the appeal he has read existed in the Gweadore and Cloughanelly districts, he is satisfied people would seek relief in the workhouse, as they did during the famine years. He swears that the dietary table at present in use in the workhouse is quite sufficient for the several classes."

According to Mr. Hamilton the Dunfanaghy Union contained an area of £125,667 acres, was valued at £10,715, and by the census of 1851 had a population of 17,320. What did the House think the number of inmates in the workhouse was? In February, 1856, they were 41; in February, 1857, 28; and in February, 1858, 22. That he (Lord Naas) thought would show the extraordinary character of these misstatements. Mr. Hamilton called on the only four Roman Catholic clergymen who resided in the union who had signed the document, for the purpose of getting information as to the particular localities in which distress existed, but did not find any one of them at home. He said, however—

"I met the Rev. Mr. M'Fadden, P.P., and I told him I was making inquiry respecting the destitution described in an appeal which he had signed, and asked him to mention the localities in which the greatest destitution existed. He said 'it was general,' and attributed it to excessive taxation, and to the landlords having raised their

rents. I asked Mr. M'Fadden why the people did not apply for relief in the workhouse if destitution existed to the extent described. He said, that in consequence of the 'Gregory Clause' they could not be relieved under the Poor Law."

Mr. Hamilton visited the poorest villages in the Guadore district in company with Collector Gallagher, and he stated that in almost every house he visited during the early part of the morning he found from two to five or six head of cattle lying in the same apartment with the people. Their beds appeared to be very wretched, principally straw, but they all seemed to have bed clothes. He went on to say—

"I visited one house in Crossroads electoral division, and I was credibly informed the owner of it had twenty cows, nine pigs, two horses, and forty sheep, and I think the inmates of this House were as dirty, as badly clothed, and had as few comforts as the majority of the Guadore people."

Mr. Hamilton added, he found potatoes at every house, either stored inside or in pits outside the premises; and he saw an abundance of the potatoes pitted in the fields throughout the whole of the district, and there were unmistakeable marks of cattle in almost all the dwellings. He also said—

"In the course of my walk I did not see a delicate looking person, nor did I meet with a case of sickness in any of the houses; and I think the population were as well if, not better clothed than the peasantry along other parts of the west coast of Ireland. I saw no person without sufficient covering; the majority of the people had no shoes, but that is not an unusual circumstance in the county Donegal."

Mr. Hamilton then quoted the testimony of Mr. Foster, agent to Lord George Hill, who said—

"As to the rents, every shilling due to Lord George Hill on the 1st of November was paid me before the 10th of November; and the tenants came to the rent office in such numbers to pay their rents I was obliged to get an extra hand to assist me in receiving the rents, and several paid me £5 notes in mistake for £1 notes. They had a most extraordinary fine summer to make kelp, and they also got a great price for it. The sale of kelp alone brings several thousand pounds to the district; and the lobster fishery lately established has also been of great assistance, as the average sale is 500 dozen a week. They had a good crop of potatoes last year, and I am certain they never were so well off; of course the payment of the extra police tax, and for the destruction of sheep, has taken a very large sum from them, but I am not aware of any tenant in Guadore having sold a cow, horse, or sheep to make those payments. It is most difficult at present to get labourers in the Guadore district, except at exorbitant wages, and when there was really distress there was no end of the persons coming to look for employment.

"It is quite impossible to judge of the state of the people from their appearance, or the way they live in their houses, as they have not the least idea of either cleanliness or comfort, nor do they wish to be improved, or that strangers should come and settle in the country. I know numbers that have at this moment several hundred pounds, and you would not suppose from the appearance of themselves, houses, and families, that they were better off than any of the rest."

It was a painful thing for him (Lord Naas) to be obliged to contradict statements made by Roman Catholic clergymen. He feared the only object for which those extraordinary statements had been put forward was the collection of money; and holding the position he did, he should have been wanting in his duty to the House if he had not shown them that those statements were to a great degree exaggerated. But there was another painful feature in the case to which he must direct the attention of the House. He was sorry to say that for some time past most extraordinary and serious outrages on property had been committed in the Guadore district. Mr. Hamilton stated that,—

"In the year 1855 Lord George Hill set a portion of his mountains to an English sheep farmer, and I am informed by his agriculturist that in setting this mountain he did not deprive his tenantry of any right they had hitherto been entitled to. In December, 1855, sheep were first put on the mountains, and for one year they remained there unmolested. In January, 1857, about 200 of the sheep were maliciously destroyed, and from that date to the present time the malicious destruction of sheep has gone steadily on. On Lord G. Hill's mountain about 1,130 sheep have been destroyed; and on the estates of Mr. Olpherts and Mr. Woodhouse about 425, making in all 1,555 sheep destroyed. The tax called the sheep tax is levied off the district for the purpose of paying the owner of those sheep the value of his property thus maliciously destroyed. There is but one English sheep farmer in the district; he has still about 1,300 sheep on the mountains. No later than last Saturday 21 sheep were destroyed, the carcases of some of which were discovered while I was at the hotel."

An attempt was made to show that the sheep were lost in the snow and from other causes; but that could not be, for numbers of them had been found buried in bogs, with stones round their necks; and it was only at the last assizes for Donegal that two persons were convicted for the offence of maliciously destroying sheep. [The noble Lord then read extracts from the charge of Baron Pennefather, the Judge who presided at the last spring assizes—in which this wanton and malicious destruction of property was characterized in fitting terms.] He had submitted all those facts to the House and he now left the matter in their hands. He

doubted that the Committee contemplated in the Motion before the House would be of any use. But as ten Roman Catholic clergymen had signed a statement asserting, in the most decided terms, that the people of this district were suffering severely from the oppression of their landlords, and as charitable people in England and Ireland had contributed largely to their relief, he felt that a Committee might be appointed to inquire further about the matter; and if the labours of the Committee should elicit the truth neither their time nor that of the House would have been wasted.

MR. LEFROY said, he had been gratified by observing during his absence from the House, that there had been a cessation of discussions of this kind; which he had the satisfaction of imputing to the improved circumstances of Ireland; and he was proportionately grieved that such a debate should have arisen immediately that he returned to Parliament. He felt it his duty, however, to say a few words. It appeared to him to be very questionable whether the Committee now asked for would be productive of any beneficial results. He had been very much struck by some of the remarks of the hon. Gentleman who introduced the Motion, and if his statements had gone unanswered, he should have felt it his duty to support the appointment of the Committee; but he thought that in the course of the discussion which had since taken place his allegations had been satisfactorily disposed of. Ten or eleven clergymen had made statements of a most serious and alarming character, and he was not about in any way to question their veracity, for they might have been assured of the accuracy of these allegations, and yet be much mistaken. Upon the alleged distress being made known to the guardians, they instituted the fullest inquiry, and the conclusion they came to was, that the allegations were not correct, and besides, the House had before them the sworn evidence of four persons to the inaccuracy of the statements set forth in the appeal. Those gentlemen stated the people were well off and that their rents had been punctually paid. So that the case stood thus—ten clergymen made a statement, and four sworn witnesses gave an entirely different version; but these latter had made their statement before a competent gentleman, Mr. Hamilton, sent for the special inquiry by the Irish Government. Under such circumstances, he asked whether the House was disposed to nominate a Committee, and thus waste the time of hon. Gentlemen who had many most important public duties to attend to. He contended that there was not a single circumstance to justify the appointment of such a Committee.

MR. MAGUIRE said, he entirely disagreed with the hon. and learned Member who had just spoken. He could not conceive how the time of hon. Gentlemen could be wasted by serving on a Committee such as that which was now asked for. They had had Committees upon such trumpery matters as turnpike gates, and now that a whole population was plunged into misery he thought the least they could do was to admit that the circumstances was worth some attention on the part of the Government and a Committee of the House. He (Mr. Maguire) saw some time since a series of letters written by a gentleman who was personally known to him, and whose honour and honesty of purpose were only equalled by his ability. He alluded to Mr. Holland, the conductor of the *Ulsterman*, published at Belfast. That gentleman went into those districts to which the appeal referred in order to judge for himself, and the conclusion at which he arrived was that he had never seen a more horrible picture of misery. Upon the experience he had gained, and the facts he had elicited, he wrote those letters; wrote upon his legal responsibility to all those who had property there; and yet not one statement of Mr. Holland's had been brought under the notice of the House. If it were only for the purpose of having Mr. Holland examined, he thought an immense deal of good would arise from the appointment of the Committee. There were ten or eleven Catholic clergymen publishing to the world that these wrongs were inflicted and that these miseries existed; but, on the other side, certain members of the poor law board of guardians said there was not a particle of truth in their statements. He (Mr. Maguire) believed every word that had been uttered by the clergymen was true, and he believed that a great deal of the evidence which had been cited against them was not true—that it could not in any way be relied on. Mr. Hamilton himself said that the people were lying on straw, and the relieving officer admitted that some of them

were in great distress. He was sorry that the noble Lord (Lord Naas) did not read that portion of Baron Pennefather's charge which stated that the people of the districts referred to were in a condition of opulence. Mr. Holland had described what that state of opulence was. He had taken his readers from Lord George Hill's splendid mansion, from the perpetual curate's house, and from the hotel at Guadore, to the mountains, and to the miserable hovel, to get at which he had to jump down a ditch. There was in that house a man with his wife and four children, and the mountain cow. They had a small deal table in the room, no chair, and only an old stool to sit upon. For their bed they had a heap of rags. For their dinner they had stinking potatoes and miserable seaweed. So horrified was Mr. Holland with this state of things, that he recommended any one who witnessed them to go back to the Guadore hotel and to get a strong tumbler of punch. Mr. Holland expressed it as his deliberate opinion that the landlords had combined and taken from the people the mountain commonage, and raised the rent of the land which remained to them, in order to exterminate them; and was not this, he asked, a case worthy of serious inquiry on the part of a Committee of the House of Commons. One circumstance which pressed heavily on these poor people was what was known in Ireland as "the Gregory clause," a most iniquitous piece of legislation. That clause provided that if a man held more than a quarter of an acre of land, he should not get relief. It was not that relief which was obtained in England, it was imprisonment, it was social extinction. There was no hope of redemption for a man who was placed in that position. A small farmer, if he once quitted hold of his land and capital and went to the workhouse, became to all intents and purposes socially extinct. In the time of famine, the people, under the most horrible misery, died in their houses rather than surrender their places, in the hope of ultimate redemption. The Irish poor were not treated as the English, for the workhouses of Ireland were the most terrible engines of cruelty, the most horrible oppressors of the poor. He believed that the clergymen who had signed the appeal would come well out of any inquiry that might be instituted; but, at the same time, as a Catholic Member, he had no hesitation in saying, that if it should be proved that they had stated what was not true, they would be worthy of the strongest and most solemn condemnation of that House.

MR. WHITESIDE agreed in all that had been said as to the duty of inquiring into the causes of destitution, but he did not like the notion of inquiry being instituted under false pretences. If this was to be an inquiry to investigate in what way landlords in Ireland dispose of their property, he warned the House of the consequences of consenting to such an investigation. It was proposed to inquire into destitution in Donegal, and to that he was willing to subscribe; but the hon. Gentlemen who asked for this inquiry first assumed that great destitution existed, and then ascribed it to the misconduct of the landlords. He could not forget that twelve months ago grave charges were brought against a Scotch gentleman who had bought large estates in Ireland, and at first the House was disposed to grant a Committee of inquiry; but a statement was afterwards made by one of the friends of that gentleman which showed that there was not the least pretext for an investigation. It appeared from the papers before the House that the tenants in the part of Donegal referred to, paid their rent to a day. What did the late Government do when ten clergymen signed a paper which not only justified but demanded inquiry? They deputed a Poor Law Inspector to make an inquiry on the spot. He did make an inquiry, and stated the facts which had been noticed by his noble Friend. Those who spoke of destitution should bear in mind these facts. The petition for inquiry which had been presented to the House had 2,039 signatures of persons calling themselves "farmers, occupiers, and inhabitants" of the district. The Committee on Petitions, however, in giving their opinion of it, stated that there were three signatures attached to it which appeared to be different, but that all the subsequent names seemed to be in the handwriting of one and the same individual; there were also many marks, and these wholly unattested. Such was the character of the petition for inquiry. The fact was admitted by the last speaker, that the object of the Committee was to investigate the conduct of the landlords. The Member for the county and the gentlemen of the county were all anxious for a Committee, conscious that their conduct would bear investigation, and under such circumstances it was not for him to object; but he begged to remind the House that

the precedent now set might be applied to England and Scotland. Several prosecutions had been raised against those who had destroyed the sheep on these mountains, and the law allowed to the owner of the sheep, a Scotch gentleman, full compensation for his loss. The people of the district had to pay for the sheep a sum of £1,354 17*s.* 6*d.*; and the Lord Lieutenant, on hearing what was going on, sent down a sufficient force of police, which they were also called on to pay; and he must say that the tax for the sheep and the tax for the police were both paid with the greatest readiness. It should be recollected, too, that there were not more than 22 persons in the poor-house by the last accounts from the district. It seemed to be the wish of the House that there should be an inquiry, but he must repeat that he thought it might prove a dangerous precedent.

Mr. ROEBUCK said that, as it appeared to be the opinion of the House that the Committee should be appointed, he should not oppose the Motion; but he wished to make one or two remarks upon some of the arguments that had been advanced. They had been told that there was great destitution in the country, and that it was borne testimony to by several Roman Catholic priests. He was ready to give perfect credence to their statements; but he would ask hon. Members whether they thought that by any general law they could remedy this evil, and what they thought, if they granted this inquiry, it could possibly result in? He would grant that great misery existed, as had been alleged; but how did that misery arise? He was told that it arose in certain parts of Donegal from certain persons having been excluded from their runs upon mountain districts, that the landlords let their property there for more money to Scotchmen, and that the people consequently suffered. Proprietors had found that by letting their mountain lands to Scotchmen they could get more from them than by keeping them in their old state; and hence it is said arose the destitution of the people on the property. Well now, he wanted to know if the House was prepared to meet that difficulty? He had, he would say, for the purpose of argument, a wild district in England, and he found that certain persons were prepared to take that district from him, to farm it, to make it productive to themselves and remunerative to him. But there were certain persons living upon it who did not pay him anything, and from whom he derived no benefit of any kind. Could those persons step in and prevent him making use of his property? The hon. Gentleman said the poor people were eating sea-weed in the districts he had mentioned; but at the same time they were told that there were only 27 or 29 people in the workhouse. Why was that the case when there was a law which said that if a man had six children, and sent three of them to the poor house, he must go there also? Was the House prepared to alter that law? When that appeal was made to the Irish Members, they said, "Oh, dear me, no; for that would increase the poor rates." What could the House possibly say to arguments of this kind? He, as an Englishman, was, perhaps, like a man thrusting his hand into a beehive in meddling with Irish questions, but what was he to do? We were a United Kingdom, and an injury done to Ireland thrilled through England, and he felt as much sympathy for an Irishman as for an Englishman. But again he asked, what could they do by general legislation for this subject?—and that was the real inquiry before them. It was not enough to paint a picture of great disasters—it was not enough for eleven Irish priests to propagate a statement in reference to great distress and great disasters—they might get charitable persons to support them; but in coming to that House they could do nothing more than ask for a general law; and he asked therefore, what was really intended by that inquiry? Even should the inquiry make out all that the priests insisted upon, what was the House to do? It could do absolutely nothing. This was a mischief belonging to human nature—not to Ireland but to the world—and they could not by any general law, provide against that mischief. He was quite convinced that the result would be, after this Committee, that the House would be compelled to lay by its hand, and to say that for this mischief there was no remedy.

Mr. M'MAHON said, he was quite sure that if the hon and learned Gentleman who had just sat down had been aware of the difference between the laws of England and Ireland, he would not have made the statements he had done. It was true that 1500 sheep were lost; but it was true that although a few were maliciously killed, the great bulk were not; and if such things as had occurred in Donegal had taken place in England, the law would have been appealed to in the usual way, and all the

necessary formalities would have been gone through; but in Ireland the grand juries had all the power and acted upon their own free will. There were no summonses of any kind, but they placed their warrents in the hands of the constables, who went at once and seized everything they could get hold of, made a complete *razzia* amongst the people, and spread desolation and ruin around. In the late cases the inquiry would prove that persons sat upon the grand jury who investigated their own claims, and decided the amount of compensation which was due to them. Some of the owners of the sheep alleged to be destroyed actually adopted that extrordinary course. If this Committee were appointed such facts would be clearly established, and a great deal of good would be done for Ireland by such an exposure before Parliament. He (Mr. M'Mahon) condemned the Gregory clause, which he held to be productive of the greatest distress in Ireland, and believed it had been enacted for the purpose of exterminating the people. There was nothing like it in England or in any other part of the civilized world. The grand jury law was equally open to objection. He hoped that one of the results of the inquiry would be to assimilate the laws of England and Ireland in this respect. He was quite certain that if the grand jury law were altered and the Gregory clause abolished they would never have to appeal again to the House of Commons for the appointment of such a Committee.

Mr. DRUMMOND said, that the hon. and learned Gentleman who had just sat down seemed to deny the destruction of the sheep. ["No!"] Then he admitted it—any way the hon. and learned Gentleman liked. Whichever assertion was true equally contradicted the statement of the ten priests, for they declared that these Scotch sheep were so averse to Irish grass that they would not live there. Now, he believed Irish grass to be the richest in Europe, and Scotch sheep to be as wise as any other kind of sheep. No doubt a statement had been made by ten most holy and most reverend priests. Now, it happened in the case of Mr. Pollok that a most awful case was made out by hon. Members opposite; but when he got the petition into his hand he found it signed by only two priests. There was a long paper, not affixed to the petition, which contained the names of a great number of people, who it was said could not write; but on inquiry almost all of these turned out to be mythical persons. The experience they gained in that case ought to make the House a little shy in believing any assertion upon the faith of these rev. gentlemen. It was curious that they were told that several sheep were taken to market and sold—so that sheep would live and would fatten, notwithstanding all the priests, and they did live and did fatten, and, moreover, were stolen and were sold. In this awful Bill of indictment there was not a single fact which was not contradicted *totisdem verbis* by respectable people on their oaths. But then it was sought to impeach the veracity of these persons, because they were officials—that was to say, because people whose duty it was to inquire did their duty and did inquire, they were to be held up as persons wholly unworthy of credit. Let the House observe how this thing (the petition) was worded. It was said that "the inhabitants of these wilds were Celts of the pure old race, with the pure old faith." If they were of the pure old faith, it was not the Roman. Every theological term came from the Greek, and the pure old faith was Greek. It complained of Englishmen and Scotchmen grazing their sheep in Ireland. Surely they had as much right to graze their sheep in Ireland, as the Irish had to come over to graze in England? That was part of the offence. Then it was said there was a great deal more behind. He believed there was a great deal more behind. He believed that this exaggerated inflammatory petition was nothing more than a mask by which it was endeavoured to foment discord between Irish landlords and their tenants. The hon. Gentleman was equally wrong in his law. The law of England was that a man should not receive relief out of the house. The hon. Gentleman said, "But he does receive relief out of the house." When a man with a large family applied for relief it was a question whether the rates would be more saved by giving him a small pittance to keep him out of the house or by taking him in; but that did not alter the law of the land. Then, it ought to be remembered that those who were pressing for this Poor Law and complaining that relief was not given were the very same persons who denounced the Poor Law from one end of Ireland to the other, Dr. M'Hale declaring that the intention was not to relieve the poor, but to make the lands of Ireland pass into the hands of foreigners. An hon. Gentleman, not then in his place, was the leader of the opposi-

tion to the Irish Poor Law, and it was only carried by a majority of English and Scotch Members. Every charge in the petition had been answered *verbatim* upon oath. They were going to examine people not upon oath, and he, for one, would not believe one word they said.

MR. MACEVOY said, that these rev. gentlemen had never had an opportunity of confronting Mr. Hamilton, upon whose evidence so much stress had been laid by the Irish Secretary and the Attorney General for Ireland.

MR. BAGWELL, in reply, expressed his opinion that the noble Lord the Secretary for Ireland had done wisely and rightly in agreeing to the Committee. The hon. Gentleman altered the words of his Motion, limiting the inquiry into the destitution of the districts of Guadore and Cloughanelly.

Motion made and Question put,—

"That a Select Committee be appointed, to inquire into the destitution alleged to exist in the Guadore and Cloughanelly district, in the county of Donegal."

House *divided:*—Ayes 147; Noes 111: Majority 36.

PROPERTY QUALIFICATION BILL.

LEAVE.—FIRST READING.

MR. LOCKE KING, in rising to move for leave to bring in a Bill to abolish the Property Qualifications of Members of Parliament, said, that it would be in the recollection of the House that last Session he introduced a Bill upon the same subject, which was rejected upon the second reading solely because the noble Lord the Member for Tiverton, then at the head of the Government, thought fit to make the excuse that, as he had promised to bring in a Reform Bill this Session, it would be unwise to deal with this portion of the general question *per se*. He did not agree with the view then expressed by the noble Lord, and he divided the House upon that occasion; but the noble Lord being then in the zenith of his power caused the Bill to be rejected. Seeing that at this time there was no probability of any Reform Bill being introduced he thought that it was a very fitting opportunity for bringing in his Bill again—especially as recent disclosures in the court of law with reference to property qualifications rendered it essential for the character of the House that something should be done, and that an end should be put to that conventional understanding by which Members evaded the Act of Parliament, and made a declaration that they were the actual *bonâ fide* possessors of property, when, in point of fact, they were not so. There were many topics connected with the anomalies and injustice of the existing law which, if it were desirable, he could urge; but, as he had been officially informed that no opposition was to be offered to the introduction of his Bill, he thought that he should best consult the convenience of the House by deferring any lengthened statement upon the subject to a future time. He should content himself, therefore, with simply moving for leave to bring in a Bill to abolish the Property Qualifications of Members of Parliament.

MR. COLLIER seconded the Motion.

Leave given.

Bill to abolish the Property Qualifications of Members of Parliament, *ordered* to be brought in by Mr. LOCKE KING, Mr. HENRY GORE LANGTON and Mr. COBBETT.

Bill *presented* and read 1°.

UNIVERSITIES (SCOTLAND) BILL.

LEAVE.—FIRST READING.

THE LORD ADVOCATE rose to move for leave to bring in a Bill to make provision for the better Government and Discipline of the Universities of Scotland, and improving and regulating the course of study therein; and for the Union of the two Universities and Colleges of Aberdeen. The hon. and learned Lord, who was very imperfectly heard, was understood to say that the Scottish Universities sought to provide a liberal education for a larger proportion of the inhabitants of Scotland than any corresponding system in any other country in Europe; and it was possibly to this distinguishing peculiarity—which had gained for them the high character they had obtained—that were to be attributed some of the defects which the proposed measure was calculated to remedy. The admission of students into those Universities had never been trammelled by any religious distinctions, and although it had originally been the policy of the Universities to require every professor to be a member of the Established Church, a measure had been passed about four or five years ago for relaxing that rule, and the consequence was, that any man who was properly qualified to be a professor might be admitted to a chair without regard to the religious community to which he belonged. The result of the system was, that these Universities had been open

to the whole youth of Scotland, and that the scope of the education imparted there had been very liberal. At the same time, he was bound to say that certain imperfections had arisen from the system which it was indispensable to remove. It was one of the consequences of their seeking this very wide field of operation that the Scotch establishments had lost sight of the main objects of the Universities, and their educational standard had descended below the requirements of the age. From this it had resulted that great excellence in any department of science was no longer one of the distinguished characteristics of the students of those Universities. That which appeared to him to lie at the root of the existing evil was the want of value which was attached to the degrees in arts, and any measure, therefore, which should have the effect of enhancing the value of those degrees and of creating an intelligent body of graduates, would prove very advantageous. He was bound to say, however, in justice to the professors, that within the last ten years a great improvement had taken place. There was nothing novel in the Bill which he proposed to introduce. It was founded, in a great measure, upon the Report of a Commission which had been presented to Parliament so far back as 1830. That Commission was appointed in 1826. The Commissioners conducted a most elaborate inquiry into the whole system of the Universities. They were persons of the highest weight and ability; and the Report which they presented contained a mass of valuable and instructive matter upon this most important subject. He should further state, that in framing his measure he had been under great obligations to his hon. and learned Friend the Member for Leith (Mr. Moncrieff), who, having had himself a measure on the subject in preparation, had furnished him with his materials and the sketch of his plan; and he (the Lord Advocate) had endeavoured to put in the form of a Bill such provisions as he thought would introduce into the Scotch Universities those improvements which were desirable. In the first place, in order to enhance the value of a degree in art, and at the same time create a body of enlightened men in connection with the Universities, he thought it essential that some means should be adopted to associate the graduates more intimately with the Universities by conferring on them a certain share in the administration of their affairs, and thereby to attach them to the Universities after the course of education there was brought to an end. He trusted that by this means it would be possible to improve the standard of qualification, and greatly to increase the aggregate amount of learning in the Universities without interfering with what was a most important element in respect to the efficiency of the Universities—the instruction and education of what were called "occasional students," who went to the Universities, not for the purpose of going through the regular course, but only for instruction in those particular branches of education which might be valuable to them. The raising of the qualification for degrees in art—the raising of the standard of excellence in all departments—would not prevent the Universities from affording instruction, as heretofore, to that class of occasional students. But it seemed indispensable, with a view to improvements in the Universities, that some change should be made in the government and administration of their affairs. As the matter stood at present, the whole administration, as well as regarded property and revenues as other matters, was vested in a body called "the body of teachers," composed of the Principal and professors of each University. The single exception from this arrangement was in the University of Edinburgh, where a great deal of the power, if not the whole, was lodged in the town council of the city, a body of whom he would venture to say that they were not better qualified for the purpose than the governing bodies of the other Universities. He thought that the way to improve the administration of the Universities was to adopt another most valuable suggestion contained in the Report to which he had already referred, and to institute what might be called a "University Board." It was important that a considerable amount of control should be placed in the hands of such a board, when it was considered what sort of questions were likely to come before a body of that kind for determination. In the first place, there must be many cases in which the professors of a University had different interests. He did not mean to say that those cases frequently occurred, but when they did they were at present productive of inconvenience, on account of the soreness and heartburnings they occasioned, the professors themselves having the power to decide on them. In the second place, there might on certain questions arise dif-

ferences between the professors and the students, and it was extremely desirable that with respect to such questions there should be a power of appeal from a body composed entirely of professors. He also conceived that the control and disposal of the property and revenues of the Universities might more safely be entrusted to other hands. It was necessary that there should be some body whose duty it should be to regulate from time to time the course of the students, to introduce improvements into it, and to institute fresh subjects of study; and all these matters might be more beneficially placed in the hands of a body differently constituted from the existing governing power. He proposed, then, that this Board should in each university be composed, in the first place, of the Rector, an officer known in all Scotch Universities, and also of the Principal. In the next place, it should also consist of a body to be called "Assessors," who should be nominated by the professors and the graduates. Of course he should not now enter deeply into detail respecting all the powers to be exercised by such University Board, having sufficiently for the present purpose sketched out the nature of the Board. He now came to consider what improvements were necessary with respect to the position of the professors themselves, and he was bound to say that the professors, in many cases, had very just and well-founded cause to complain of their position. There could be no doubt that in some Universities the endowments of the professors were singularly inadequate. This arose from various causes. In the first place, it arose from the circumstance that their salaries had been fixed in money payments at a very distant day, and had remained stationary, while the relative value of money had very much altered. In the second place, a very great proportion of the revenues and funds belonging to the Universities accrued from tithes or "teinds," and were subject to a diminution in value from time to time by the augmentation of the payments to the clergy, which formed the primary charge on them. Thus, as the necessities of the times required an augmentation of the stipends of the clergy, just in the same proportion were the revenues of the Universities diminished. [The hon. and learned Lord here read a statement on this subject in reference to the University of St. Andrew's.] He proposed that such a stipend should be allotted to the professors as would secure the services of able and learned men. He also proposed that moderate and reasonable retiring pensions should be awarded to aged and infirm professors, which would prevent them from continuing to occupy their chairs when they were disqualified for the active performance of their duties. In some of the Universities, also, additional chairs were absolutely required, and the Bill would provide for meeting that necessity. He further proposed that the professors of each department should continue at the head of their respective departments, but that they should receive the assistance of tutors or assessors to such an extent as might be deemed necessary. He proposed the appointment of what he might call an executive commission for the purpose of carrying out the details of the proposed improvements. He might add, that he did not think it would be necessary to interfere to any extent with the patronage of the chairs; and that no scheme of reform of the Scotch Universities would be perfect or satisfactory if it did not provide for the union of the two Universities of Aberdeen. Clauses would therefore be included in the Bill providing for the union of those Universities. The subject was one of great importance. He claimed no merit for originality; but he trusted that the measure he proposed would be found adequate to an object so much desired as the improvement of the Scotch Universities. He would now move for leave to bring in his Bill.

COLONEL SYKES said, he had not had the good fortune to hear one-half of the right hon. Gentleman's statement, and therefore, without offering any objection to the introduction of the Bill, he could give no pledge as to the course he might hereafter pursue. The object the right hon. Gentleman had in view was one which was popular in Scotland, and if properly carried out it would no doubt secure to the people of that country many educational advantages. The right hon. Gentleman proposed the union of the two Universities of Aberdeen. Now, the term "union" admitted of various constructions, and the union proposed by the Bill might be exceedingly acceptable to the citizens of Aberdeen and to the Universities; but if the right hon. Gentleman meant to propose a fusion of the two Universities, he (Colonel Sykes) could not promise to support such a project.

MR. MONCREIFF expressed his complete and cordial concurrence in the measure, the object of which, he understood,

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was substantially to appoint a Commission to carry out, as far as they might think it desirable or expedient, the recommendations of the Commission which reported on this subject in 1830. It was a singular fact that that Report should have lain upon the table from 1830 down to the present time without any attempt having been made to carry out its very wise provisions, and he trusted the main details of this measure would meet with the unanimous approbation of the representatives of Scotland. His right hon. Friend had truly said that for the last four or five years no Professor in the Scotch Universities had been bound to take any test upon his admission to office, and he had added that the teaching in the Universities was of the most catholic and liberal description. That was the fact, and one consequence of this state of things was that persons of all denominations were able to unite in doing all in their power to promote education in the Universities of Scotland. He hoped this example would not be without its effect, and that when, by united efforts, an endeavour had been made to improve the University education of Scotland, the same union and energy would be applied to the improvement of the schools of that country.

LORD ELCHO had, like the hon. and gallant Member (Colonel Sykes), been unable clearly to understand what had fallen from the Lord Advocate, but he thought the circumstance was mainly attributable to the inattention with which the right hon. Gentleman's statement had been received by the House. The subject of university reform had engaged much public attention in Scotland, and he regretted that the noise which had prevailed in the House had prevented him from catching accurately what was the nature of his right hon. Friend's Bill. If it was, as he had no doubt was the case, a carefully considered measure, it would be received with general satisfaction by the people of Scotland.

MR. CUMMING BRUCE said, he had occupied a position in which he had had the good fortune to hear the lucid statement of his right hon. and learned Friend. He believed the Bill would be regarded with great satisfaction by the people of Scotland, and would be attended with very beneficial results. With regard to the union of the two Universities of Aberdeen, as an official connected with one of those institutions he would say that any plan of university reform in Scotland which did not embrace that object would be extremely fallacious. The measure of the learned Lord would receive his cordial approbation and support.

MR. BUCHANAN suggested it was desirable that the Bill should be laid on the table and circulated before the second reading came on. There had been a general expectation throughout Scotland that when the number of graduates was increased, and a higher scale of education was adopted, there should be an application for a representation of these Universities in Parliament. Many advantages would flow from such an arrangement, and he would suggest the desirability of adopting it, and also of settling the relative *status* of the Professors on the old foundation and the Regius Professors.

Leave given.

Bill to make provision for the better Government and Discipline of the Universities of Scotland, and improving and regulating the course of Study therein; and for the Union of the two Universities and Colleges of Aberdeen, *ordered* to be brought in by the LORD ADVOCATE and Mr. Secretary WALPOLE.

Bill *presented*, and read 1°.

REGISTRATION OF PARTNERSHIPS BILL.

LEAVE—FIRST READING.

VISCOUNT GODERICH, in moving for leave to bring in a Bill to provide for the Registration of Partnerships, said that as he understood that the President of the Board of Trade did not intend to oppose his Motion he should not trouble the House at any length, but he thought it right to state shortly what were the objects of the measure, and in what manner it had originated. The question of the general registration of partnerships had engaged the attention of commercial persons for some time past; and in 1856 the Commercial Association of Manchester, in concert with another body in that city, the Law Association, prepared the heads of a measure for this purpose, which were submitted to the Conference held in London in the commencement of 1857 on the subject of mercantile law. That Conference was presided over by Lord Brougham, and a resolution was passed at it, expressing the opinion of the members that a measure of this description was desirable. That proposal was subsequently sanctioned towards the end of last year at the meeting of the Association for the Advancement of Social Science at Birmingham, and a large number of the Chambers of Commerce and other commercial associ-

ations had since passed resolutions favourable to legislation of this description. The object of the Bill was simple. It was merely to require that all persons engaged in any partnership, all associations of persons which entered into trade under the style of any company, which did not come within the provisions of the Joint-Stock Companies Act, all those who were trading in any other than their individual names, should be required to supply the public with exact information as to who and what they were. Those who were at all acquainted with commercial affairs were aware of the great difficulties which very often existed, when you had to transact business with a firm or company, in ascertaining who were the persons with whom you had to deal. It often happened that the name of a firm was retained, while the names of those persons who now carried it on did not appear; there were cases in which a single individual traded in the name of a company; while, again, a man might belong to several concerns, though his name appeared ostensibly in but one, and he thus obtained a credit which people, perhaps, would not give him if they knew that he had so many irons in the fire. Far be it from him to say that all these arrangements were reprehensible; but this uncertainty opened a wide door to fraud, and entailed great injury on the public, and the want of the information this Bill proposed to enforce frequently interfered with the easy prosecution of legal remedies; and it would also give aid towards the improvement of our bankruptcy laws, a portion of the law which required much amendment. The measure would, he believed, supply a remedy for some of the frauds which had of late cast such discredit upon our commercial character. It required that every person engaged in a partnership or company which did not come within the provisions of the Joint-stock Companies Act should register the names of the partners and the places of business at which they carried on their occupations. To this provision, however, he made an exception in the case of persons engaged in banking, whom he exempted because they were already required to be registered, and because there was already applied to them the principle which he desired now to extend. For the accomplishment of the object thus proposed he did not ask the House to establish any new machinery, or appoint any fresh officers with large salaries. He proposed that the superintendent registrars—who existed in almost every Poor Law Union throughout the country—should be charged with the new duty. He also provided that copies of the registers should be sent up to the office of the Register General in London; so that in London there would be a central registry for partnerships. That was the only machinery which would be necessary for carrying out the objects of this Bill. He proposed to enforce obedience to the provisions of the measure in two ways. In the first place, it would be proposed in the Bill that firms which did not comply with its provisions should not have the right to sue; and in the next place it would be provided that the registrars should have the power to call upon partners to register themselves, or to show cause why they should not do so, and that if they disobeyed that call, two Justices should have the power to inflict upon them a limited penalty. He trusted that those means would be found sufficient to carry out the provisions of his Bill, which he could not think were of a vexatious character, because all he asked was that persons who engaged in a certain kind of partnerships should once for all register their names, and that they should re-register them upon any change, but not otherwise, paying a small fee upon registration for the purpose of covering the expense of carrying out the Act. Such being the provisions and such the object of his measure, he hoped the House would permit him to lay it upon the table to-night. It was his intention to give ample time for its consideration. He admitted that the subject was one which would require consideration from the Government, the House, and the country. He would be most ready to receive any suggestions which might be made with regard to it, and give them the best consideration in his power; but the Bill which he now sought leave to introduce was approved, at all events, by a large portion of the commercial community; he believed it was calculated to guard their interests, and to prevent, to a great extent, those frauds which had cast discredit upon our commercial character. He did not propose to make people either wise or honest by Act of Parliament. All he wanted was publicity, and that persons who engaged in partnerships should be required to state plainly and honestly to the public who and what they were. Nor did he propose in the present Bill to touch the question of

the liability of partners. He had no clause which rendered a man legally liable as a partner because he was registered. Of course, the fact of being so registered would be strong evidence that he was a partner, but beyond the effect which that evidence would have upon a court of justice he did not propose to interfere with the legal question of the liability of partners. The noble Lord concluded by moving for leave to introduce the Bill.

MR. TURNER seconded the Motion. He confirmed the statement of the noble Lord, that the Bill was brought forward at the instance of the Commercial Association and the Law Association of Manchester. The lawyers considered the measure necessary in order to enable them to ascertain who were the acting partners in firms; while the commercial community believed it to be for their interest that they should have an accurate knowledge of those persons with whom they were dealing. The Bill had been discussed by the Law Reform Association of London, presided over by Lord Brougham, and had received the cordial assent of the Manchester Chamber of Commerce. He hoped, therefore, that the House would consent to its introduction.

MR. HENLEY had no intention on the part of the Government of offering any opposition to the introduction of the Bill. The noble Lord the Member for the West Riding (Viscount Goderich), considering his position in that House and the importance of the interests which he represented, had no need to make an apology for bringing forward any measure which he thought likely to contribute to the public welfare. The present was an entirely new subject to the House, and, he might say, to the country at large, with the exception of the discussion which had been referred to, and it was one which well deserved consideration. He was glad that the noble Lord proposed to allow some time to elapse before moving the second reading, for the question was not so easy as might at first sight appear; and in agreeing on the part of the Government, to the introduction of the Bill, he must be understood as reserving to himself full power to take upon a future occasion whatever course might seem best for the interests of the commercial community.

Leave given.

Bill to provide for the Registration of Partnerships *ordered* to be brought in by Viscount GODERICH, Colonel WILSON PATTEN, Mr. CHEETHAM, and Mr. TURNER.

Bill *presented* and read 1°.

THE PUBLIC HEALTH ACT (1848) AMENDMENT BILL.

LEAVE.—FIRST READING.

MR. ADDERLEY then rose to move for leave to introduce a Bill to amend the Public Health Act (1848). The grounds upon which he made this application might be briefly stated. The Public Health Act of 1848 constituted certain officers, of whom the head was the Chief Commissioner of Works, as a General Board of Health for five years. That General Board, exercising the powers conferred upon them by the Act, called into existence local boards, in various towns throughout the country, and then became to those boards their referee in a multitude of cases; serving at the same time as a court of final appeal. In 1854, when the five years had expired, another Bill was introduced by the noble Lord the Member for Tiverton, who then filled the office of Home Secretary, the object of which was to reconstitute the General Board, but placing it under the Home Office. The House, however, wished that the General Board should be placed under a responsible Minister and erected into a separate department; and the Bill of the noble Lord failed to pass through Parliament. At a later period of the same Session another member of the Government of the day—the late Sir William Molesworth—who was then the Chief Commissioner of Works, proposed a Bill, which ultimately became law, constituting the General Board of Health into a department of State, with a President and offices of its own. The first President was the right hon. Baronet the Member for Marylebone (Sir B. Hall); and no sooner was he installed than he dealt with the subject of the public health largely and decisively. In 1855 he introduced two Bills, and after reading them a second time, referred them to a Select Committee. One—the Removal of Nuisances Bill—he succeeded in passing into law, and, with some little modification and addition, it might be considered a satisfactory and permanent settlement of a difficult and important subject. He also passed in the same year two Bills, which dealt with the whole subject of public health as far as the metropolis was concerned. But the Bill which he introduced relating to the whole kingdom failed to become law, and Parliament sanctioned a mere Continuance Act for one year. In the year 1856 the question was again dealt with by the right hon. Gentle-

man the Member for Hertford (Mr. Cowper), and subsequently by the right hon. Baronet the Secretary for the Home Department (Sir G. Grey), but upon both those occasions the measures which had been proposed had failed to pass into a law; and the result was that several continuance Acts had been passed, under the operation of the last of which the General Board of Health, and with it a number of local boards, would cease to exist in the month of September next. He had under those circumstances felt it to be his duty to introduce a Bill upon the subject, and in doing so he had done his best to deal with it upon a permanent footing. The general principle of the measure which he was about to ask the House for leave to introduce was one the object of which was to decentralize the whole system; to allow the General Board of Health to expire in September; and to enable all those towns which desired to possess the power of self-administration to constitute local boards through the medium of meetings of owners and ratepayers, two-thirds of whom must consent to the adoption of such a course; it being open to town councils or commissioners, who fairly represented the inhabitants of large towns, to exercise similar powers in that respect as the owners and ratepayers to whom he had just adverted. The Bill further provided that due notice should be given of the time at which the meetings for the constitution of local boards were to be held, and gave a power of appeal in those cases in which such notice was not duly given. He also proposed that the boards which might be constituted under the Act, as well as all the local boards now in existence, should have the amplest powers of self-administration extended to them, and should be no longer subjected to the necessity of referring to a central board in London. Those powers of self-administration would, however, be placed under proper check by granting to individuals who might feel themselves aggrieved by the action of those local boards a power of appeal, and also by rendering it necessary that they should annually undergo re-election. The appeal would be made to the Secretary for the Home Department. Having stated thus much he believed he had put the House in possession of the various provisions of the Bill. The general medical functions of the Board of Health, as contrasted with its towns' improvement functions, he proposed to deal with in a separate measure, the former being distinctly central and Governmental functions, the latter essentially local.

Leave given.

Bill to amend the Public Health Act (1848), *ordered* to be brought in by Mr. ADDERLEY and Mr. Secretary WALPOLE.

Bill *presented* and read 1°.

CRUELTY TO ANIMALS ACT AMENDMENT BILL.

SECOND READING PUT OFF.

Order for Second Reading read.

Motion made, and Question proposed, "That the Bill be now read a second time."

VISCOUNT RAYNHAM moved the second reading of this Bill, which he said was intended to correct some of the deficiencies of the existing law on the subject.

MR. WALPOLE said, that while he fully appreciated the objects which the noble Lord had in view in bringing forward the measure of which he had just moved the second reading, he must express a hope that the noble Lord would see the expediency of not pressing it upon the attention of the House. The fact was, that the main objects which the Bill sought to attain were provided for under the existing law, while the additional provisions proposed by the noble Lord were of a character so unreasonable that they ought not to be embodied in a legislative enactment. In the first clause of the Bill, for instance, occurred the words "or by wilful or avoidable negligence causing suffering to any animal." Now, the word "avoidable" was one the construction of which might lead to the infliction of considerable hardship upon persons who might not fairly be open to the charge of intentional cruelty to animals; while the provision for licensing slaughterhouses—the license for which might now be obtained by proper application at any time, but which under the operation of the Bill could be obtained only once a year—was equally open to objection on account of the inconvenience which it would cause. Without at all undervaluing the benevolent intentions of the noble Lord, he should feel it his duty to move that the Bill be read a second time that day six months.

Amendment proposed to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

MR. AYRTON said, that he was sorry the noble Lord would not withdraw his Bill, for under the guise of a Bill to pre-

vent the infliction of cruelty upon animals it was one for inflicting cruelty upon man. It was full of pains and penalties. He would recommend him to go to France, where there was a society for protecting men against animals, who on one occasion proposed to give a reward for the person who brought over an ox without horns. If this Bill were passed his constituents would be prevented from dealing with any kind of animals, and amongst others, he supposed, with those minor ones which were so great a nuisance in London houses.

Sir JAMES BULLER EAST thought that, although the Bill contained some objectionable, it also contained some useful provisions, and he therefore hoped that the House would allow it to be read a second time, with a view to amendment in Committee.

Question, "That the word 'now' stand part of the Question," put, and *negatived.*

Words *added.*

Main Question, as amended, put, and *agreed to.*

Bill *put off* for six months.

CHANCERY AMENDMENT BILL.

SECOND READING.

Order for Second Reading read.

Sir RICHARD BETHELL thought that some Amendments might be introduced into it, with a view of defining more clearly the power of assessing damages which it conferred upon the Court of Chancery. He would be happy to co-operate with the Solicitor General in passing the Bill, with some Amendments.

The SOLICITOR GENERAL had no doubt that the language of the Bill might be open to some Amendment, and would be glad to have the assistance of his hon. and learned Friend. He should propose that it be read a second time, for the purpose of having it committed *pro formâ*, with a view to the introduction of Amendments.

Bill read 2°, and *committed* for *Monday* next.

CHURCH RATES ABOLITION BILL.

COMMITTEE DEFERRED.

Order for Committee read.

Mr. AYRTON said, that in the absence of the Member for Tavistock (Sir J. Trelawny) he would postpone the Order to the following day, when his hon. Friend would ask the Chancellor of the Exchequer to make some arrangement to proceed with the Bill, so that they might come to that division of which the right hon. Gentleman was disappointed the day previously.

Committee *deferred* till *To-morrow.*

House adjourned at half-after Twelve o'clock.

HOUSE OF LORDS,

Friday, April 23, 1858.

SPIRITUAL DESTITUTION IN ENGLAND AND WALES.

SELECT COMMITTEE MOVED FOR.

The Bishop of EXETER rose to move the appointment of a Select Committee to inquire into the deficiency of means of Spiritual Instruction and Places of Divine worship in the metropolis, and in other populous districts of the mining and commercial parts of England and Wales. The right rev. Prelate had placed his notice upon the paper somewhat thoughtlessly, and little knowing the extent of the inquiry which such a Committee would have to undertake; and now, feeling his inability to deal with the subject, he almost shrank from the labour which he had undertaken. He had been incautiously induced to make this Motion by the debate upon the Church of England Special Services Bill, which was passed by their Lordships last Session. After the speech of the noble Earl (the Earl of Shaftesbury), who introduced a measure which was superseded by that to which he had referred, to which he gave his full concurrence, he felt that it would be a humiliation to the episcopate of England if it could suggest no stronger measure. The Motion he was now making had for its object to show from inquiry the necessity for such a measure, and to arrive at some conclusion as to what its shape should be. The Motion divided itself into two parts, the one relating to the metropolis, and the other to the populous districts of the mining and commercial parts of the country. As to the metropolis, he had asked his right rev. Friend (the Bishop of London) to undertake that part of the subject supposing that it would come more naturally from the Bishop of the diocese, but that right rev. Prelate said that he had rather that he should include it in his Motion, and at the same time promised him his fullest and most effectual assistance—a promise which he had amply fulfilled, for which he sin-

cerely thanked him. The metropolis was an agglomeration of men such as had hardly been known before. We had heard of greater multitudes belonging to one city, but those accounts were not authenticated as ours are. Allowing for the increase since the last census there must now be a metropolis containing nearer to 3,000,000 than 2,000,000 persons. It was true that the census of 1851 gave the number of inhabitants as 2,362,236, but the Registrar General had recently stated that at least 300,000 persons had been added to that population, and that the increase went on at the rate of 60,000 a year. The moral and religious instruction of such a vast agglomeration of persons was one of the greatest national objects to which the attention of the Government could be turned. He was not now asking the Government to take any step in the matter, nor did he propose to do so in the Committee; he only wished to ascertain the facts upon which future measures might be founded. In the Census of 1851, which, despite some fair grounds of objection, was a work of great research and great industry, and which contained information of the most important character, it was stated that in order to afford to every person, capable of attending, an opportunity of religious worship, the proportion of church accommodation which ought to be provided was fifty-eight in every 100 of the entire population. The actual number of sittings in places of religious worship of all denominations in the metropolis was 691,793, or, making allowance for cases in which no returns had been made, the number of sittings is estimated at 713,561. Of these the Church of England supplied 415,000, or something less than eighteen for every 100 of the population; and other denominations 264,261, or little more than eleven for every 100. To provide, therefore, accommodation for 58 per cent. of the population there would require an addition of 670,000 sittings. But that very inadequately expressed the real extent of the evil. It was manifest that proper accommodation for 58 per cent. of the population was required in every district and in every parish, and it would be delusive to show that in all England or in all London there was the necessary accommodation if there was a great inequality in its distribution in different parishes; because, owing to this inequality, the deficiency was far greater in some districts. That this inequality existed to a most distressing extent was abundantly proved by the statements in the census returns. For the purpose of making those returns in reference to religious accommodation the country was divided into 623 districts, of these twenty were selected as being the most deficient; and nineteen of the most destitute of these districts were in the metropolis; the population was 1,423,000, and the Church of England sittings amounted to only 208,865, or little more than one-seventh of the population. It was not only in London that this want was felt; it was experienced also in all our largest towns. He found that the population of the other towns containing over 100,000 inhabitants was 4,260,000 and of these only 1,000,000 or one fourth were provided with religious accommodation. In six of the most populous districts of the metropolis there was a population of 806,000 for whom there were provided 192,183 sittings, of which 78,756 were free. The Church of England provided 118,871 sittings, 44,141 being free. The secretary of the London Diocesan Church Building Society stated that the population of twenty-five parishes, a list of which he held in his hand, was 460,125, and the sittings 37,170, or less than one twelfth of the population. The destitution was, however, best measured by comparing the number of persons to be ministered to with the number of ministers. Church accommodation was of slight importance when compared with the necessity that persons should have clergy to minister to them on all occasions on which the ministry of a clergyman could be most beneficial. Besides, the best means of securing attendance in the churches was having earnest and zealous clergymen, who felt an interest in the people, and could interest them in the holy offices of religion. In twenty-five parishes of the metropolis there was only one clergyman to every 9,000 souls. It was an opprobrium to England that the Gospel was not brought within the reach of the poor; and the poor not only had not churches to go to, but they were elbowed out of the places to which they had as good a right as any one of their Lordships to his seat in that House. He spoke in the presence of noble and learned Lords who would correct him if he was wrong, when he said that every parishioner had a legal and constitutional right to accommodation in his parish church, as far as the room would admit, and that the system of assigning particular pews or particular seats to certain individuals and certain families was not

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warranted by the law. The great necessity, however, was for additional clergymen. In the diocese of London the number of parishes containing more than 6,000 inhabitants each was 127, the clergymen employed in them, reckoning curates, being only 234. It therefore appeared that in those parishes there was but one clergyman to every 6,000 or 6,500 souls, or 234 to 1,500,000 people. If he took some special cases the matter was still worse. In the parish of St. Leonard, Shoreditch, with a population of 25,111, there was but one church and one clergyman. The incumbent's income had been reduced from £500 to less than £100 by the operation of the Burial Acts, and he could no longer pay the stipend of curates. Similar results had followed in other parishes, and he asked what compensation had been granted for the injury done to the clergy by this legislation? It had been promised, but never carried out. The incomes of the benefices of St. George's and St. James's, Hanover Square, had each been reduced by £200 a year on account of the withdrawal of burial fees. The clergy of the metropolitan parishes had been challenged to produce a good claim for compensation; and yet within the last few days they had had it stated on the highest authority—no less an authority indeed than that of the Chancellor of the Exchequer—that the actual sum which the country was bound to pay to the proctors by reason of the late changes in Doctors' Commons was as much as £250,000 per annum. [The Earl of Derby: That was what had been asked, but it had not yet been granted.] He saw from the daily newspapers that it had been broadly stated that £250,000 for several years to come was the amount which would have to be paid to the proctors, and as he understood the Chancellor of the Exchequer it had been allowed. Let their Lordships contrast this liberality with the miserable pittance doled out to those who had charge of the souls of the people. In the district of Haggerstone, with a population in 1851 of 31,627, which was greatly increasing, there was but one church, containing 2,000 sittings, or one for 11 persons; and 1,300 free sittings, or one for 24 persons. There were three clergymen, one of whom was paid by the incumbent, and another in part by private donations. The net income of the incumbent was about £200, he having lost £60 per annum by the Burial Bill. The expenses of this church were formerly paid in part by a share of the burial fees; but that resource had now been cut off, and no one knew by whom the deficiency was to be made up. But, coming nearer home, it would be found that St. James's, Westminster, was one of the nineteen districts in the whole kingdom which were most in need of church accommodation. That was also the parish which, with the exception of a parish in Clerkenwell, had the fewest free sittings in the whole metropolis; and what were called "free sittings" were principally occupied by the domestic servants of the wealthier inhabitants. In the reign of George III. an Act was passed, which provided that in all churches to be erected thenceforward a certain number of free seats should be reserved. The Church of St. Philip, Regent Street, in the parish of St. James, was one of those erected since that Act. The poor were crammed into a dark quarter of the building, which was out of sight, and even to get there the poor creatures had to mount eighty steps. Was that the way in which they ought to treat persons whom they ought to regard as brethren? Still more, he would go from the parish of St. James to the fashionable parish of St. George, Hanover Square, containing more wealth than any equal area in Europe or the world, and which was assessed to the poor rate at £640,000 a year, and with a population of only 11,000. It would naturally be expected that here at least would be found ample church accommodation for all—the poor as well as the rich; and he had no doubt if the matter were brought before them in a visible and tangible way, that the inhabitants would contribute largely to provide sufficient spiritual accommodation for their poorer brethren. But from Oxford Street to Piccadilly two churches formed the whole supply for the poor; and for the remainder of the parish, containing more than 20,000 persons, the whole number of sittings which the poor were now permitted to look to as their own in consecrated churches amounted to 500. There were some doubts respecting the legal powers of churchwardens, but he did not hesitate to say, in the presence of the noble and learned Lord on the woolsack, that it was contrary to the common law of England for the churchwardens or any one else to impose a single sixpence upon a church sitting, yet upwards of £1,000 a year was raised by the rents of the sittings in St. George's, Hanover Square. It was but justice to the incumbent to say that he did not receive a single

sixpence of the rents imposed upon the sittings in that church. It went entirely to the maintenance of the building, and no doubt every one must admire the way in which it was kept up. Amongst 6,500 of the richest inhabitants of the metropolis who lived in this parish there were 2,500 of the poorest class, because where the richest people lived the poorest must live also. There were dens and alleys in the parish which presented a frightful spectacle of destitution, physical and spiritual. The Woods and Forests had been applied to for ground near the Green Park whereon to build a church, which would greatly relieve the spiritual destitution in this quarter. The answer returned was worthy of the Woods and Forests. They said that the Woods and Forests did not feel themselves at liberty to make such a present. Oh! the genius of red tape; where would it cease its flight? He would not go into any further details respecting the metropolis. The facts he had stated fully justified — demanded the appointment of a Committee. He could prove that the vast population of Manchester, which was larger than many of the capitals in Europe, was as spiritually destitute as London; but he was unwilling to occupy their Lordships' time by going through all the details regarding it. In Liverpool the spiritual destitution was equally great. Referring to a communication which he had received from a rev. gentleman there, who was well acquainted with the subject on which he wrote, he found that in six new parishes or districts in that town, containing 120 acres of houses and 54,000 souls, there was church accommodation for only 4,300, or for 1 in 13 of the population—the free seat room being for 3,050, or 1 in 18. The entire population of the borough was 343,784, and there was not church accommodation for more than 57,500, or for 16⅔ per cent, and that was so unequally distributed that in two districts containing 24,000 inhabitants church accommodation was only provided for 600, or one in forty. But the actual attendance when the churches were fairly filled could only be about 10 per cent of the population. The churches were not frequented by the labouring classes, because, though surrounded by the poor, they had been built chiefly for the rich, and some of them did not contain, until very recently, a single sitting or even kneeling place for the poor. It was notorious that the accommodation for the lower classes, added the writer, was always in the least desirable parts of the church, and hence they felt themselves degraded. There were thousands of persons in Liverpool who had never been in church or chapel, and who had even never been baptized—that was to say were not Christians in a Christian land. The only other place to which he would refer was the diocese of Durham, with which he had been connected for nearly sixty years. That was the most largely endowed of any diocese, and their Lordships might suppose, therefore, that it was the one which would be best provided with church accommodation. The very contrary was the fact, for the county of Durham stood the lowest in the list. This was not in any way to be attributed to any laxity on the part of a late right rev. Prelate who had long administered the affairs of that diocese; for a more liberal, earnest, and conscientious diocesan there could not have been. The subject was one which had often been discussed in conversation between that right rev. Prelate and himself, and the former had sometimes expressed a fear that he should die too rich. Upon that he (the Bishop of Exeter) had told him that if he left behind him only his private property, and not any accumulations of his ecclesiastical property, no one could blame him. Upon his death it was found not only that he had liberally dispensed his ecclesiastical property, but that he had also largely expended his private property in the spiritual improvement of his diocese. On the death of his right rev. Friend the revenues of the see were cut down, and his right rev. successor was unable to do so much, but he had nevertheless done very handsomely. The chapter of Durham also was most liberal in its disbursements. It had been always open to the necessities of the people, and not long since it contributed £5,000 out of its rents to the building of a church. It was not owing, therefore, to the avarice of the well-endowed clergy that the diocese of Durham stood so low in the scale with respect to church accommodation, but it was mainly to be attributed to the introduction of large bodies of miners and adventurers of various kinds into that county by which means the population increased too fast for the means of the church to keep pace with it. If he might venture to make a suggestion with reference to this diocese, it would be that he thought it only fair that the Ecclesiastical Commissioners

should be empowered to apply a portion of the revenue which they derived from their mineral property in the diocese of Durham to the spiritual destitution of those multitudes who were attracted there to work those minerals. No doubt splendid things had been done by private individuals, especially in the metropolis, in providing increased church accommodation. The late Bishop of London, besides large donations to all sorts of funds, had himself built and endowed a church at Fulham. When collections were made for building churches in Bethnal Green one individual gave £10,000, and a lady, whose immense wealth was well known, but whose power of doing good was not greater than her disposition, presented £17,000 to a Bank director, who was on the building committee; and various individuals gave large sums in recognition of a successful year of business. But the march of population outran all voluntary efforts, and in every year there was a larger access of the necessity for church building. In the reign of Queen Anne a message was sent down to Parliament, recommending that means should be provided for building fifty new churches in and about London. To this Parliament cheerfully responded, and an Act was passed, 9 *Anne*, c. 22, granting to Her Majesty certain rates and duties for this purpose—so that Parliament had not hesitated to tax the people for this purpose. Her successor had naturally not much sympathy with the Church of England, and his Ministers, Sir Robert Walpole and others, took their cue from him in this respect and were disgracefully neglectful of their duties. He was aware that it was not in their Lordships' power to vote any funds for the purpose of relieving this spiritual destitution, which was so much to be deplored. He would not, therefore, blame their Lordships. Neither would he address any blame to the other branch of the Legislature, whose duty it more particularly was to vote the public money. He would address the people of the country, for it was those who empowered the Legislature who were guilty of this gross and sinful disregard of the best interests of the nation. It would not do to say that the people were divided into sects; because the necessary and logical conclusion from that fact was that more money should be granted, not that none should be granted. It might be fashionable in modern times to ignore the claims of the Church of England, or at all events to regard it as nothing more than any ordinary institution. But by whomsoever or wheresoever that was said, he did not hesitate to say that it was false; for if there was a constitution in England the church was a part of that constitution. If Magna Charta was a part of the constitution—if the great Statute of Appeals was a part of the constitution—if the Bill of Rights was a part of the constitution—if the Acts of Settlement, of the Unions with Scotland and Ireland—if these were parts of the constitution, then the Acts which declared the Church of England and its maintenance to be essential and fundamental to it, were also part of that constitution. Littleton, Blackstone, and other sages of the law, had laid it down that the Church was a fundamental part of the constitution, and if that were so, was it not the duty of the country to maintain the Church in a state of efficiency? He feared that we were a people who worshipped Mammon,

> "Mammon, the least erected spirit that fell
> From Heav'n, for e'en in Heav'n his looks and thoughts
> Were always downward bent, admiring more
> The riches of Heaven's pavement, trodden gold,
> Than aught divine or holy else enjoy'd
> In vision beatific."

Commercial prosperity was perfectly consistent with spiritual action; but they had the histories of many commercial countries to show that commercial prosperity did not survive Christian principles and the acknowledgment of Christian duty. The right rev. Prelate concluded by moving—

> "That a Select Committee of this House be appointed to inquire into the Deficiency of Means of Spiritual Instruction and Places of Divine Worship in the Metropolis, and in other populous Districts in England and Wales, especially in the Mining and Manufacturing Districts; and to consider the fittest Means of meeting the Difficulties of the Case."

THE EARL OF DERBY: My Lords, I am not about to follow the right rev. Prelate through all the eloquent observations which he has made to your Lordships on this most important subject. In many of the sentiments which have been expressed by the right rev. Prelate it is impossible not to concur, and it is equally impossible not to concur in the connection between many of the facts which he has brought forward, and the conclusions which he has drawn from them. I believe no one can doubt that in this metropolis, and in the great manufacturing and mining districts of the country, there does prevail a most

lamentable amount of spiritual destitution. I have no doubt that a great portion of that spiritual destitution is to be attributed to the rapid extension of commercial and manufacturing industry. But perhaps the right rev. Prelate, not unnaturally, has somewhat failed to do justice to the many instances of the splendid liberality and distinguished munificence of those who have made their fortunes by commercial pursuits. It is within my own knowledge that there are many instances which reflect the highest credit upon those who, for the spiritual benefit of their fellow-citizens, and more especially those under their own immediate superintendence, have devoted a large portion of the advantages derived from their commercial prosperity. Nevertheless, we cannot doubt that there does exist in the great manufacturing and commercial districts of this country, and more especially in this metropolis, a large and overwhelming amount of spiritual destitution, which requires the deepest attention. It is a subject, however, which has not been altogether overlooked by the Legislature, nor by those who have been placed in a situation of responsibility with regard to it. I need not refer to what has been already stated by the right rev. Prelate as to the great efforts which have been made and the stimulus which has been caused by the efforts of the late Bishop of London towards the improvement of the most destitute portions of the metropolis. The Legislature, also, has not been wanting in its efforts from time to time—I do not say to supply, because that is not desirable—but to assist and stimulate the exertions of private individuals in this respect. Your Lordships have not forgotten that the late Sir Robert Peel took a very prominent part and active interest in this question, and that many years ago he was the means, by the arrangements which he then made, of causing the formation of 200 new ecclesiastical districts, and providing, moderately, no doubt, for 200 additional clergymen in those districts. That object was accomplished partly by stimulating private beneficence, and partly by encouraging an improved management of the church revenues. That improved management has gone on, and is at the present time in progress, and I am happy to say that, although undoubtedly of itself it will not reach the whole, or even a large part of the evils with which we have to contend, yet that to a great extent the improved management of the Ecclesiastical Commissioners, to which the right rev. Prelate has referred, is making some impression in some parts of the country upon the destitution which he has so feelingly described. The right rev. Prelate has entered into a discussion of some of the provisions of the Bill which I have laid upon your Lordships' table referring to the Ecclesiastical Commissioners, and I am quite sure your Lordships will excuse me if I do not follow him into that part of the subject. There will be opportunities enough for discussing that Bill when it comes before your Lordships, and particularly how far it is expedient to distribute throughout the country the revenues derived from the improved management of certain districts, or to confine the benefit to the wants of the districts where the funds arose. That is a very small part of this question. The facts of great destitution existing undoubtedly stand untouched, and, without entering further into any details, I may say that with respect to the parish of St. James, Westminster, with which I am more immediately connected, no more than justice has been done to the exertions and zeal of the respected rector. I believe that, although in that parish there is a considerable amount of spiritual destitution, there is hardly a parish in which greater efforts have been made to reduce it. It is agreed on all hands that there is a great deficiency, and I agree with the right rev. Prelate that that which is more necessary than the provision of churches is the provision of spiritual superintendence. Without pretending to say in what manner the Legislature or the country can best meet these great and acknowledged evils, I shall content myself by saying that the subject is well deserving the attention of the Bench of Bishops and of your Lordships, and that I shall rejoice most sincerely if the labours of the Committee now moved for, to which I make no objection whatever, should lead to the application of efficient remedies.

THE DUKE OF MARLBOROUGH said, that the right rev. Prelate was entitled to the thanks of the House and the country at large for bringing this subject forward. There could be nothing more important than that the House should direct its attention to the moral and religious condition of the people. The right rev. Prelate had not overstated the case; but he (the Duke of Marlborough) said that most of the existing evils might be traced to two principal causes—the want of sufficient endowment for the clergy and the enor-

The Earl of Derby

mous evils which grew out of the degraded moral state of the people. The best and most practical mode of dealing with spiritual destitution was to increase the parochial action of the clergy, and this could not be effected without more liberal endowments. The Bill proposed by the late Sir Robert Peel for dividing populous parishes had proved most successful in operation, and by its means upwards of 200 parishes had been provided with churches, entirely through the almost unaided efforts of the ill-paid and hard-working clergy. What was wanted was a sufficiency of endowment, and if that were obtained, there would be no difficulty in raising the fabric of the church, as it was well known that persons now freely came forward to subscribe towards the material fabric if assured that an adequate endowment would be provided. He believed that if a Committee could devise a plan for providing such endowments they would confer upon the country a benefit that could not be over estimated.

VISCOUNT DUNGANNON said, he perfectly concurred with the noble Duke as to the necessity of providing an adequate endowment for the clergy of the Church of England. It was impossible that the clergy could ever obtain a due influence over their flocks unless they were placed in a position of worldly independence. The right rev. Prelate who introduced the subject had given a faithful account of the spiritual destitution that prevailed, not only in this metropolis but in populous towns and mining districts in various parts of the empire. He could not but deplore that due consideration was not given by the Ecclesiastical Commissioners to the religious wants of those dioceses from which so much had been abstracted, and to no diocese did this remark apply more than to that of Durham. Immense revenues had been abstracted from it and applied to the general purposes of the Ecclesiastical Commission, but its spiritual wants were still neglected, and he should like to know how much of the money drawn from it had found its way back to relieve that destitution. He hoped that means would be provided not merely to build but to endow an additional number of churches, for he knew that a large number of persons would be perfectly willing to subscribe for the erection of churches if they were sure that an endowment for the clergymen would be forthcoming. He considered that the thanks of the community were deeply due to the right rev. Prelate for bringing the subject forward, and he sincerely hoped that some good result would attend the labours of the Committee.

EARL GRANVILLE begged to express his ready acquiescence in the appointment of the Committee. He anticipated much benefit from their labours, both from the information which they might elicit, and from the advantage of directing public attention to the subject. I trust their inquiries will end, not merely in a blue-book, but that they will result in some measure of practical legislation. At the same time the noble Earl opposite has properly reminded us of the numerous cases which occur of munificent conduct on the part of private individuals in building and endowing churches, and I trust that the appointment of a Committee will not excite expectations that grants of public money will be voted for the purposes of church extension.

THE BISHOP OF LONDON said, that as the right rev. Prelate had directed many of his remarks to the metropolis, he had taken the very theme that must interest him. The right rev. Prelate had described with great force the spiritual destitution of a large part of the metropolis. Last year he was requested by the noble Earl who then led that House, with a view to some legislation, to direct his attention to the state of the City parishes. He had thereupon collected information which was important, as it showed that some practical result might follow from the appointment of the Committee. The right rev. Prelate (the Bishop of Exeter) had pointed to the spiritual destitution of the metropolis, and had inadvertently said that he had carried them into the heart of the City; but if their Lordships turned their attention to the heart of the City, they would find in the City parishes a state of things as anomalous in one way as was the spiritual destitution of the parishes which had been referred to in the other. Their Lordships would perhaps be surprised to hear that in the very neighbourhood of the overgrown parishes to which the right rev. Prelate had alluded there were others smaller than could be found in any of our country districts. There were four parishes in the metropolis the population of which was under 200, and in one of these parishes there were only ten families resident. In another parish in the heart of the densely populated metropolis there was a church

in which no greater congregation than 100 persons could by possibility be assembled, where the endowment of the clergyman was not less than £1,200. He trusted that the Committee would consider itself entitled to enter upon the whole question of the City churches, and to examine how far the strange anomalies might be removed that existed between the almost deserted parishes of the metropolis and the overgrown parishes of the suburbs. From inquiries which he had recently made he believed that the expectations which were entertained of great wealth applicable to spiritual purposes being derived from the City of London, were not likely to be fulfilled. Great improvements might be made by the better application of the funds existing within the City, but he did not believe that more than a comparatively small sum would be obtained from an alteration in the City parishes for the improvement of those in the immediate neighbourhood. Still, it was a strange anomaly that where we had one parish scarcely endowed at all, but containing an overwhelming population, we should have within a very short distance another richly endowed in which the population was insignificantly small. There was another point to which he wished to direct attention. Their Lordships had doubtless often heard the name of "the Finsbury stall," but perhaps they were not aware that some of those places to which the right rev. Prelate had referred as the most destitute were the very parts of the metropolis which supplied the wealth of that preferment. If it were true that the Ecclesiastical Commissioners might justly be called upon to contribute from the improved mines of the diocese of Durham to the spiritual instruction of that population which those mines had assembled, it must be equally true that those dingy streets, with a teeming population, where the very rent of the houses belonged to the Church, had claims of justice which could not be neglected, and which ought to be satisfied before the funds drawn from them were applied elsewhere. The Finsbury stall produced about £7,000 a year to the Ecclesiastical Commissioners, and there was every reason to expect that in the course of a few years it would yield wealth of an almost fabulous amount. He therefore trusted that their Lordships would agree to the appointment of the proposed Committee, to consider whether the parishes mentioned by the right rev. Prelate were not entitled in the first instance to some portion of the rents of the property bequeathed, as we may suppose, for the express purpose of supplying the spiritual necessities of this metropolis. It was the cause of the poor which their Lordships had now under their consideration. The difficulties in the way of the poor obtaining access to churches had not been exaggerated by the right rev. Prelate (the Bishop of Exeter), and he had referred to the conduct of the churchwardens in certain cases. It was fortunate that amongst their Lordships were to be found some of the very churchwardens of whom he complained. If their Lordships wished that the working classes should have an opportunity of gratifying their unquestionable desire to attend Divine worship he believed they must alter the system which had now prevailed for many years.

LORD RAVENSWORTH said, he regretted that the estimable Prelate who presided over the diocese of Durham was prevented, by domestic affliction, from attending in his place, to advocate the claims of the vast and important district under his ministration. He (Lord Ravensworth), therefore, thought it his duty to draw the attention of the House to the small sum devoted to the relief of the spiritual wants of the diocese of Durham, in proportion to the large sums derived from that diocese by the Ecclesiastical Commissioners. In doing so, however, he must refer to the constitution and acts of the Ecclesiastical Commission. That Commission, which had already existed twenty years, might, from the important duties it had to perform, be expected to last our lifetime, if, indeed, it was not to be regarded as one of the permanent institutions of the country; hence, therefore, the importance of inquiring whether its proceedings were in all cases conceived in a spirit of justice and equity. He had, since the establishment of the Commission, never ceased to raise his voice—unfortunately in vain—in defence of the great principle, that when great revenues were raised from particular districts, the claims of those districts were, in justice, and almost of right, preferable to those of other districts. The right rev. Prelate who had referred to the diocese of Durham (the Bishop of Exeter) had omitted all mention of one most important part of the diocese, a few facts in regard to which he would supply. He could not help thinking that the diocese of Durham had been treated

The Bishop of London

most unfairly by the Ecclesiastical Commissioners. Probably not less than half a million had been abstracted from the diocese of Durham since the institution of the Commission; yet it comprised numerous districts in which the spiritual wants of the population were most inadequately supplied. He would, however, content himself with calling the attention of the House to the endowments of what might be called the metropolis of the north—the town of Newcastle-upon-Tyne. He might tell them how many endowments there were under £400, how many under £200, and how many under £100, in a diocese from which half a million of money had been paid over to the Ecclesiastical Commissioners—a sum, moreover, that was increasing every year; but he thought the best way of showing the position of that town would be by reading an extract from the evidence given by the vicar before the Committee upon the Ecclesiastical Commission. That rev. Gentleman then stated that in this town, having a population of 100,000, there were six churches and fourteen clergymen, of whom eight were incumbents; that the average income of the eight incumbents and of the perpetual curates was only £147 per annum; and that the income of the vicar for the last year was only £207. Considering the charities to which the vicar must contribute, and the society in which he ought to mix, and to which he should give the tone, he thought such a sum utterly inadequate for a gentleman occupying his position. Surely the time had arrived when such miserable stipends should be increased. He had to point out the inadequacy of spiritual provision in those places; and he trusted that the cases in question would come under the consideration of the Committee; and he trusted that some different arrangement and distribution of the funds at the disposal of the Ecclesiastical Commission might proceed from the recommendation of the Committee, and that the suggestions that had been made would be properly attended to. As the question of granting this Committee had been conceded, he would not go into further details on this complicated and interesting subject, only hoping that the result would be, that the funds that were proceeding from ecclesiastical sources would be better applied, and be productive of better results for the future.

THE EARL OF CHICHESTER said, he should not have thought it necessary to address their Lordships on this subject, if his noble Friend (Lord Ravensworth), in commenting upon what he deemed to be the injustice of the present mode of distributing the funds in the hands of the Ecclesiastical Commissioners, had not expressed an opinion that it was owing to some mal-administration on the part of the Commissioners. He could assure his noble Friend that nothing would be more satisfactory to the Commissioners than to have their conduct subjected to the fullest and closest examination. How far priority should be given to the claims of the neighbourhood from which any particular fund was derived was a question that had been very fully discussed when the Act constituting the Commission was before Parliament; and it had been determined that, on the whole, it was wiser, and more likely to promote the welfare of the Church, not to admit any priority except that of greater spiritual destitution. This was the principle laid down in the Act, and the Commissioners had no power or authority to distribute the funds entrusted to them upon any other. Such being the case, he could not help thinking that great injustice would be done to many parts of the kingdom if a rule which had been so long acted upon should now be changed. The case of the diocese of Durham was, no doubt, a very strong one; but still his noble Friend had put it a little more strongly than the facts would justify. It was quite true that the Commissioners had received a great deal more from the diocese than they had expended upon it. In fact, from a Return which had been laid on the table of the House of Commons, and which showed both the receipts and the expenditure of the Commissioners it would appear that the amount received back by the diocese was very little more than a third of what it had contributed to the fund; nevertheless, he must contend that Durham would receive its full share of the general fund, in proportion to its necessities.

Motion *agreed to.*

THE BISHOP OF OXFORD said, that in the absence of his right rev. Friend (the Bishop of Exeter), he had been requested to nominate the Committee. In doing so, he must express his gratification at the unanimity which had characterized the House on the occasion. He earnestly trusted that the result of the labours of the Committee might be to devise some rule by which the parochial system of the

Church of England might be strengthened and extended. He was sure that those who looked at the mode of working of the parochial system would be most convinced of the inestimable boon that it was to the people of this country, and that they would feel convinced of the great value of the exertions of clergymen, labouring on very small stipends, devoting to the work of God abilities and powers which might have commanded in some worldly professions great worldly returns, and who throughout all maintained the character and position of scholars and of gentlemen, as well as of Christian pastors, and thereby conferred on the people of this country benefits it was impossible to estimate or overrate. The right rev. Prelate concluded by handing in the names of the Committee.

Committee named.

TELEGRAPHIC COMMUNICATION WITH EUROPE AND AMERICA.

ADDRESS FOR CORRESPONDENCE.

EARL GREY rose to move, "That an humble Addess be presented to Her Majesty for Copies or Extracts of any Correspondence between the Secretary of State and the Government of Newfoundland and the other North American Colonies with respect to any Acts passed for giving an exclusive Right to the Establishment of Telegraphic Communication between this Country and North America to One Company; and also, Of any Correspondence between Her Majesty's Government and Companies proposing to establish Electric Telegraphs with respect to the Grant to them of exclusive Privileges." The subject was one of great importance in a national point of view, and as bearing on the commercial and political intercommunication between this country, the continent of Europe, and America. He understood that the colonial Government had recently granted to one particular telegraphic company a complete monopoly of this medium of communication for a long series of years between England and British North America; and he had also heard, he confessed with no less surprise, that the Colonial Department in this country had advised the Crown to confirm these exclusive privileges and powers. It seemed to him that conferring such a monopoly on one company, and confining ourselves to one means of communication alone, was calculated to create not only a monopoly in the means of the transmission of international intelligence, but also in the rate of charge at which that intelligence would be conveyed, besides being prejudicial to the control which the Government ought to have over this great means of international communication. He was anxious to know on what grounds of policy the Government had come to this determination; and without further remarks, he would conclude by asking the House to agree to grant the papers he had asked for. If this system were to be pursued, it would only furnish an objectionable precedent for granting monopolies in the case of other telegraphic routes of communication —a system which ought not to be encouraged, it being, on the contrary, of the utmost consequence that the Government of this country should have complete and entire control over all telegraphs radiating from the British coast over the continents of Europe and America. The noble Earl concluded by moving the Address.

THE EARL OF CARNARVON said, there was no objection to the papers moved for by the noble Earl, but would suggest that in the first paragraph it would be desirable to add, after the word "correspondence," also "extracts or copies," as it would very much simplify the arrangement of the return. It was perfectly true that exclusive privileges had been granted to a certain telegraph company in relation to the colonies of British North America; but he might also state that the grant of those exclusive privileges was one for which Her Majesty's present Government were in no way responsible; it was the act of the late Ministers; but, perhaps, the simplest plan of replying to the noble Earl would be to narrate what were the facts. In 1851, a company was organized for the purpose of establishing electric telegraph communication between the shores of British North America and this country, and in 1854 that company applied to the local legislature of Newfoundland, who passed an Act conferring on them a monopoly of that extensive telegraphic route. The company undertook to lay down or submerge that line of telegraph, the principal part of it being to carry their line across the Atlantic between the coast of Ireland and the Newfoundland coast; and in return for its accomplishment they were to have privileges of an exclusive character. They were entitled to a monopoly for fifty years and to the selection of fifty square miles

of land near the line proposed within the colony. The Act was transmitted home, and was confirmed, it was fair to say, by an oversight rather than by the deliberate judgment of the then Colonial Secretary (Sir G. Grey). Within a year, however, of that time, doubts seem to have crossed his mind as to the expediency of granting such exclusive privileges and powers; and in the correspondence which he would lay on the table would be found a circular letter which Sir George Grey addressed, while acting as Colonial Secretary, in the absence of Lord John Russell, who was then at Vienna, to the governors of the different colonies, cautioning them in future not to assent to concessions of exclusive privileges of this nature. In 1857, an Act was passed by the same Legislature, which, while correcting some blots in the original Act, indirectly tended more firmly to secure and rivet, as it were, the original monopoly; it, in fact, amalgamated the old or original company with the New York and Newfoundland Telegraph Company, which was the company engaged last year in conjunction with the Atlantic Telegraph Company in the experiment of establishing telegraphic communication between this country and America. An Act was passed by which those two companies were amalgamated, and it was agreed to—not without some hesitation, as the despatches would show—by Mr. Labouchere. That was the history of the matter, so far as the Newfoundland Company was concerned. In 1854, the same company applied to the Legislature of Prince Edward's Island for a similar Act with similar privileges; and they obtained it, with a subsidy of £300,000. A petition was forwarded also from New Brunswick praying for the establishment of a telegraphic line on similar principles, and proposing either a grant of exclusive privileges or pecuniary assistance. The Colonial Secretary, Mr. Labouchere, said, that as to the subsidy, that was a matter for the local legislature; but that, although a precedent of exclusive privilege had been established in the Newfoundland case, he would not sanction it in any future one. As to Nova Scotia, an Act had been recently passed there granting pretty nearly the same privileges to the company, but limiting them to twenty years, instead of fifty. When that Act arrived in England, his noble Friend the present Colonial Secretary (Lord Stanley) gave to the subject a very full consideration, but came to the most unequivocal resolution in no way to confirm the monopoly. An Order in Council had accordingly gone out within the last few days disallowing the Act in question. The noble Earl (Earl Grey) had asked on what grounds of policy the sanction of such a monopoly could be defended. That was a question which he could not answer. It rather concerned Her Majesty's late Government than the present; but at the same time he fully agreed in all that the noble Earl (Earl Grey) had said with regard to the establishment of any such monopoly, which was calculated to prove seriously prejudicial in a multitude of ways, commercial and political. It must be borne in mind that the science of electro-telegraphic communication had wonderfully progressed during the last few years, but it was still comparatively in its infancy; and if now, by a precipitate step, we fixed, as it were, on any particular plan or system, by conferring on it exclusive privileges, and ratified it with legislative authority, we might have reason, in the course of a few years, to repent the premature decision and find that it would work detrimentally alike to the interests of commerce and the political interests of the empire. With the modification before-mentioned there was no objection to the Motion of the noble Earl.

The Earl of DERBY hoped that the noble Earl would not press the last paragraph on their Lordships, but be content with accepting the assurance that there were at present no pecuniary engagements on matters of telegraphic communication on the part of the Government, excepting with two companies—the one, the Atlantic Telegraph Company; the other, the Mediterranean Telegraph Company; and in neither of these cases were there any grants for exclusive privileges. He might add further that negotiations were now going on in connection with another telegraph company in which it was distinctly understood on both sides that no exclusive privileges would be granted; and the only objection there was to the production of this correspondence was that it might be productive of inconvenience in respect of future negotiations. He had been informed that the companies would be put to a considerable inconvenience, carrying on, as they were, communications and negotiations with other companies in which the shareholders of both were interested, if the whole of the negotiations between them-

selves and the Government were laid on the table of the House. He hoped the noble Earl and the House would accept his assurance—first, that no such exclusive privileges had been granted; and, secondly, that as a matter of principle it was the intention of Her Majesty's Government sedulously and entirely to abstain from granting any of these exclusive privileges for the future. On the contrary, Her Majesty's Government were of opinion, in the present state of international telegraphic communication, that the country should have as many routes for the telegraphic transmission as possible, and consequently would take very good care not to permit any monopoly of intercommunication in this new and marvellous means for the conveyance of international news and international intelligence.

LORD STANLEY OF ALDERLEY said, it was satisfactory to learn from the noble Lord that Her Majesty's late Government had refused to give assent to the Act of the Nova Scotia Legislature conferring a monopoly of telegraphic communication to one company, and he had also heard with pleasure from the noble Earl at the head of Her Majesty's present Government that it was their intention to refuse all future applications of this character. He thought, however, that ampler information should be given on another part of the subject to which the noble Earl had referred—namely, that which related to the negotiations with the Austrian Government in connection with the extension of the telegraph through Corfu to Alexandria. If this negotiation was proceeded with electric telegraphic communication along the Mediterranean from Corfu *viâ* Ragusa to Alexandria, and thence to India, would be in the hands of a foreign country—that country being Austria—a country with which we might be in a state of hostility; or we might be in a state of hostility with other foreign countries, and if so it would be in the power of Austria to control, or interfere with the direction and management of telegraphic communication over the Continent, and of conveying intelligence of the greatest importance either to themselves or, perchance, to our enemies; while we should have no counteractive control to such power over these routes of telegraph as the British Government possessed over the lines of telegraph in this country, and which he had laid it down as a general rule in case of any public emergency, and in cases where the public interest required it, the Government should have in the way of a permissive power to take possession of them for the time being. He trusted, therefore, that the negotiations with Austria had not proceeded to such an extent as to commit Her Majesty's Government to agree to any terms that would place electric telegraph communication in the Mediterranean, and radiating from Corfu, in the hands of the Austrian Government. He should like still further to know what answer had been made to the proposals of the Sardinian Government to lay a line from Malta to Alexandria on much more favourable terms in a pecuniary point of view than the Austrian Government were disposed to exact. It was highly objectionable that any foreign Government should have control over the telegraphic communication of the country from such an important military post as Corfu; and if that important link in continental telegraphic communication were to be made, an invitation should be given to British capitalists and British companies, to know if they would not undertake to lay the wires at the same rate, or even at a more favourable rate to the English Government, than a foreign Government might feel inclined to offer. If it would answer the purpose of foreign capitalists to undertake it, it would surely answer that of British capitalists. In a communication of that important character he thought it highly essential that the key of the communication between Malta and Alexandria should be in the hands of the British Government itself, and that the Government of this country should undertake the line, guaranteeing interest on the money expended. Before, however, it was given over either to the Austrian, Sardinian, or any other foreign Government, he trusted that British capitalists and British companies would be allowed to compete for its concession.

THE EARL OF DERBY said, it would almost appear from what had fallen from the noble Lord who had last spoken, that no communication or correspondence had been kept up between the late Treasury and Board of Trade, and that one was in blissful ignorance of what the other did. He believed that all the points alluded to by the noble Lord had been completely provided for in the negotiations that had gone on with the Austrian Government. He believed they had been most carefully and most deliberately considered; but undoubt-

edly, if they should not have been so considered, it was hardly fair to suppose that the present Government were answerable for them, although the fact was that these negotiations, still pending, were proceeding on a very elaborate Minute of the Treasury which was prepared and left in the Treasury by a colleague of the noble Lord himself. In that Minute and in those negotiations every care and precaution had been taken — except that of communicating it to the noble Lord at the Board of Trade. One of the stipulations of the negotiations was, that the British Government should have complete power of laying down or availing itself of as many lines as they thought fit, and amongst others particularly of the line from Corfu and Malta to Alexandria, and that they should have the most complete control over these telegraphs. He did not go so far as to account for the negotiations not being terminated; but he thought the noble Lord would find, whenever he laid the result of these negotiations on the table, that the interests of this country had not been neglected either by his late colleagues, or by the Members of the present Government.

LORD REDESDALE reminded the House that when the Bill of the Atlantic Telegraph Company was before them last Session he felt it his duty to decline taking on himself, as Chairman of the Committees of the House, the arrangements involved in that Bill. His objections were, that whereas in all telegraph Bills in this country provision was made giving priority in the transmission of messages to Her Majesty's Government, while in that Bill, notwithstanding that the line was to commence and end within Her Majesty's dominions, there was a clause giving to the American Government the same right of priority that was given to Her Majesty's Government. This was done in consideration of the American Government having given a joint guarantee. He then expressed his opinion, that it would have been much better if Her Majesty's Government had undertaken the whole responsibility, and so have secured the whole control.

LORD STANLEY OF ALDERLEY said, the Government had not yet answered his question—namely, what answer had been given by Her Majesty's Government to the Sardinian Government's proposition with respect to the formation of the line between Malta and Alexandria, which proposition was precisely similar to that made by the Austrian Government?

THE EARL OF DERBY: The noble Lord will forgive me for saying that the question of the advantage or disadvantage of two telegraphic lines from Malta to Alexandria, by different routes, was very elaborately discussed in the Treasury Minute that I found when I came into office, left by the late Secretary to the Treasury, and it thereby appears that the late Government gave the preference to the line by way of Ragusa to Alexandria.

LORD STANLEY OF ALDERLEY said, the noble Lord the Secretary for Foreign Affairs was very reluctant to answer the question,—What reply had been given by the Government to the proposition of the Sardinian Government?

THE EARL OF MALMESBURY: I should not have had the least reluctance to answer the question if the noble Lord had given me notice of it. He knows perfectly well that there were two rival lines, the merits of which Her Majesty's Government had to discuss. I hope there will be two lines. We ought not to trust to one only. As the noble Lord appears to take a great interest in this matter, I may inform him that it was only the other day that a gentleman proposed to Her Majesty's Government to lay down a telegraphic line from Plymouth to Gibraltar, thence to Malta, and finally to Alexandria. I can assure the noble Lord that Her Majesty's Government are not at all monopolists in this matter.

EARL GREY said, he had heard with great pleasure that Her Majesty's Government had determined not to grant exclusive privileges to any company with respect to telegraphic communication between the coast of Ireland and Newfoundland. It was of great importance that the line of communication between British possessions should be kept as much as possible in British hands. He regretted very much that we had had anything to do with a guarantee with the United States as to the telegraphic line to be laid down between Newfoundland and the coast of Ireland, whereby a joint power of controlling that line was given to the United States' Government. He hoped that Her Majesty's Government would refuse to allow any of the ships of the Royal Navy to aid in laying down that line unless the United States' Government relaxed the conditions of the very imprudent bargain that had been entered into. He hoped that the line from Plymouth to Alexandria, by way of Gibraltar and Malta, of which the noble Earl the Secretary of Foreign

Affairs had spoken, would be laid down, because it was of the utmost importance that Her Majesty's Government should have the power of communicating with our military garrisons in the Mediterranean by means of a telegraphic line belonging to a British company.

EARL GREY consented to withdraw the second part of his Motion.

Motion, as amended, *agreed to.*

House adjourned at Eight o'clock, to Monday next, Eleven o'clock.

HOUSE OF COMMONS,

Friday, April 23, 1858.

MINUTES.] PUBLIC BILLS.—1° Local Government; Exchequer Bonds (£2,000,000); Franchise Prisons; Durham County Palatine Jurisdiction.

THE DANUBIAN PRINCIPALITIES.

QUESTION.

MR. GLADSTONE said, he wished to inquire from Her Majesty's Government, whether it is intended to lay papers on the table at this period on the subject of the Union of the Danubian Principalities, in conformity with the declaration of the First British Plenipotentiary at the Conferences of Paris in 1856.

THE CHANCELLOR OF THE EXCHEQUER stated, in reply, that the results of the investigation of the Commission upon the Danubian Principalities would be submitted to the Conference at Paris now pending, but it would not be in the power of Her Majesty's Government, previously to the meeting of that Conference, to lay the papers on the table.

OFFICIAL DEBTORS (IRELAND).

QUESTION.

MR. HATCHELL said, he would beg to ask the Attorney General for Ireland whether it is the intention of Her Majesty's Government to introduce a Bill this Session to abolish the privilege of Freedom from Arrest at present enjoyed by official debtors in Ireland, in accordance with the recommendation of the Dublin Chamber of Commerce?

MR. WHITESIDE, in reply, said, that the subject was undoubtedly one of great importance, but it was obvious that the privilege of freedom from arrest for debt could not be abolished in one case without being abolished in all cases, including that of Members of Parliament.

NORTH AUSTRALIAN EXPEDITION.

QUESTION.

MR. BOOTH said, he would beg to ask the Secretary for the Colonies whether the scientific results of the North Australian Expedition will be published, and in what form?

LORD STANLEY said, the narrative of the proceedings of the North Australian Expedition had already been printed. The geographical notes had been communicated to the Geographical Society, by whom he believed they had been published. The notes on botany had been sent to Sir William Hooker; those on geology to Sir Roderick Murchison, and those on the other portions of natural history to the Natural History Department of the British Museum; but he was not aware that any arrangement had been made for their publication.

THE MILITIA ESTIMATES.

QUESTION.

LORD BURGHLEY said, he would beg to ask the Secretary for War whether it is his intention to proceed to-night with the Militia Estimates?

GENERAL PEEL said, the Militia Estimates had already been voted, but that if the noble Lord wished to obtain information on any subject connected with the Militia, the most convenient period for doing so would be when the hon. and gallant Member for York (Colonel Smyth) brought forward the Motion of which he had given notice.

GOVERNMENT OF INDIA BILL.

QUESTION.

VISCOUNT GODERICH said, he wished to ask the right hon. the Chancellor of the Exchequer whether, now that he had laid upon the table the Resolutions that it is his intention to bring before the House, it is still his intention to pursue the course which he stated in answer to the right hon. Baronet the Member for Marylebone (Sir B. Hall) a few nights ago, and not to withdraw the Government of India Bill, which stands this night for second reading, though he has at the same time proposed his Resolutions to the House.

THE CHANCELLOR OF THE EXCHEQUER: I think it will be more convenient upon the whole that the original understanding should not be departed from, and that the Bill should remain suspended till the discussion upon the Resolutions which I shall have the honour to introduce on

Monday next be disposed of. For myself, I see no reason to depart from our first intention in that respect.

Viscount GODERICH: Sir, after that answer of the right hon. Gentleman, I wish to give notice of my intention, when the right hon. Gentleman proposes his Resolutions on Monday next, to oppose the Motion, and to take the sense of the House upon it.

Lord JOHN RUSSELL: Sir, as the right hon. Gentleman the Chancellor of the Exchequer can only speak once on the question of the adjournment, I beg leave to call his attention, and that of the House, to the answer which has just been given to the noble Lord (Viscount Goderich) with respect to the Government of India. The Chancellor of the Exchequer has stated that he does not think it right to depart from the understanding that his Bill should be suspended until the Resolutions have been discussed. Now, I do not believe there was any understanding of the kind. It was my impression that the right hon. Gentleman the other night, at the end of the short conversation or debate which took place on this subject, stated, in answer to the right hon. Member for Marylebone (Sir B. Hall), that he did not mean to withdraw his Bill, but that he intended to keep it in suspense until the Resolutions had been discussed. I confess I heard that declaration with great regret, but I regarded it as a declaration on the part of the right hon. Gentleman and his colleagues, and not as a subject with respect to which any understanding was entered into on the part of the House. Now, I beg to submit to the right hon. Gentleman, and to those who act with him as his colleagues, that, although it certainly is my opinion—in which the right hon. Gentleman (the Chancellor of the Exchequer) has concurred—that this very important question could be most conveniently discussed in the form of Resolutions; and although that course has been repeatedly adopted by the House, and is sanctioned by usage, I think that to maintain in suspense a Bill introduced by the Government which submits such Resolutions to the House would be a very unusual proceeding. I trust, therefore, the right hon. Gentleman will not pursue that course. I cannot imagine that the Resolutions which the right hon. Gentleman has proposed will be adopted by this House in any form that can at all justify the House in proceeding with the Bill of the right hon. Gentleman in its present shape. In my opinion, the most important principle of the Bill—a principle entirely new, and which I consider utterly objectionable—was the proposal that members of an Executive Council should be elected by the Parliamentary constituencies. That proposal is quite new, and it is excluded from the Resolutions which the right hon. Gentleman intends to submit to the House. I hold, therefore, that even if the Resolutions were passed *verbatim et literatim* as the right hon. Gentleman proposes them, they would be inconsistent with the Bill he has laid before the House. I don't wish to take any course which might appear hostile to Her Majesty's Government on the order of the day for the second reading of the Government of India Bill; but I trust that before Monday the Government will reconsider the propriety of keeping the Bill in suspense. I should certainly be very sorry to support any interruption to our going into Committee upon the Resolutions; but I conceive that the Government ought to take one course or the other. They ought either to submit Resolutions in a Committee of the whole House, which is the course they propose to pursue, or they ought to revert to their Bill, and proceed with it. I trust they will adopt the former course, and act in accordance with the usual practice of the House. But I do not think the House can countenance the Ministry in keeping in suspense the Bill with regard to the government of India which they have introduced, and at the same time asking the House to go into Committee upon these Resolutions.

On the Motion for adjournment till Monday.

CHURCH RATES—QUESTION.

Sir JOHN TRELAWNY said, he wished to take that opportunity of putting a question to the right hon. Gentleman the Chancellor of the Exchequer. The question of church rates had been before the House for several years, and now one Member of the Cabinet had given his decided opinion in favour of the abolition of church rates, while he believed that they were all in favour of its settlement. On the last occasion, they were prevented from coming to a decision on the question; though, for his part, he was determined to wait there till three o'clock every morning to make progress with the measure, and thus obtain a settlement of the question. He hoped, however, that the right hon. Gentleman would be kind enough to give

them a day when the subject might be fully discussed. It would save the House a great deal of trouble if the right hon. Gentleman would take that course.

MR. NEWDEGATE: I rise only to ask Her Majesty's Government not to afford any such facility to the hon. Member for Tavistock (Sir John Trelawny) to press forward his proposition on church rates as would prevent this House from giving full consideration to the proposition that has been made to-night by the hon. Member for Hertfordshire (Mr. Puller) to convert the church rate into a rent charge. The hon. Member made that proposition before, but he was precluded from pressing it by the forms of the House; and I now venture to express the hope that the House will not preclude the hon. Member from bringing forward that proposition in a form in which it can be fully discussed, as it seems, in my judgment, to offer a reasonable mode of solving some of the difficulties of the question.

POLICY IN OUDE—QUESTION.

SIR ERSKINE PERRY said, he would beg to ask the Chancellor of the Exchequer whether instructions have been sent to India that terms of amnesty, including protection to life and property and full toleration in matters of religion, should be held out to the inhabitants of Oude, excepting in gross cases of heinous crimes; and if no such instructions have been sent, whether in the opinion of Her Majesty's Government it is not expedient to do so? In framing this question he disclaimed the intention of offering any suggestions as to the course of policy which Viscount Canning ought to adopt. He had no personal acquaintance with that nobleman, but on looking back at his public conduct, there seemed every reason to believe that he was animated by the soundest and most statesmanlike views on this particular question; and the very greatest praise was due to him for the mode in which he had resisted pressure from all quarters as to the line of conduct he had pursued. He had lately seen the letter of a distinguished writer from India, in which he described the angry British civilians prompting the execution of vengeance in every direction, and a few weeks ago he had noticed a passage from a newspaper (the organ, too, of a religious party), in which the writer said—"We are not sanguinary—we are not men of blood; but we gravely state that justice can never be satisfied without the expenditure of 200,000 lives at least in Bengal"—Bengal being only one-fourth of India. Now, he had formed a strong opinion from the unhappy events of the last twelve months that our tenure of British India was not threatened by insurrection so much as by two other causes; one of them being the spirit of vengeance breathed so generally by our fellow-countrymen in the East, and the other, the attempts made by an honest but mistaken party in this country to propagate their religion in India by the most intolerant methods. His firm belief was, that if these two principles of action were given way to and sanctioned by the authorities of this country, our tenure of India was not worth six months' purchase. A remarkable document had, within the last few days, appeared in *The Times*—the proclamation of the Hindoo rebels. These Hindoos declared that the four great things which a man valued—his religion, his honour, his life, and his property—were safer under native States than under British rule. If that doctrine were generally entertained throughout India, we need not look upon that dependency any longer as our own, and it was incumbent on the Government to take steps to put an end to such a belief, and to assure the Natives that in all these important respects they might rest perfectly safe under our sway. It was time, therefore, now that our arms had been successful, that the Government should act on what he was sure all the statesmen of the country believed the sound doctrine, and try to rule by beneficence and mercy, as well as by strength. If this was true as to the rest of India, much more forcibly did it apply to the kingdom of Oude. He did not wish to revive the controversy on the annexation of that country in 1856, but he contended that Oude must now be looked on as a conquered province. Even its original acquisition was based not on the ground of right, but on the broad ground of expediency, and was so put by the Marquess of Dalhousie himself in his able paper. If that were true, then, the people were enemies and not rebels, and the inhabitants who had risen in arms against us were entitled to all the protection which international law and the rights of war afforded to persons in such a position. He hoped, therefore, the Government would now open the widest door to these

men, who had fought for what they believed to be their rights, and that they would be assured of the utmost protection to life, property, the enjoyment of their religion, and what they called their honour. He believed that Viscount Canning was pursuing such a policy, and an expression of opinion by this House on the subject would tend very much to strengthen his hands and increase his power for the establishment of good government in that country.

PROSECUTION OF FATHERS CONWAY AND RYAN—QUESTION.

LORD JOHN BROWN said, he rose to ask the Attorney General for Ireland whether it is his intention to take any further steps in the prosecution of Mr. Conway and Mr. Ryan. It would be remembered that the Attorney General had received the orders of the House to proceed against those gentlemen, and that he obtained a change of venue from Mayo to Dublin. In February last Father Conway was accordingly tried in Dublin, but the jury could not agree in their verdict. He thought it would assume the appearance of persecution to renew this prosecution again, and he could further assure the hon. and learned Gentleman that if he tried Mr. Conway twenty times over, he would have exactly the same result. In common with many others he regretted that the trial had ever been commenced, but it had been attended with one good result, that the law of the case, which had never before been properly understood, was very clearly laid down by the Lord Chief Justice, and no man who now transgressed it could say that he was not aware of its penalties. He could state that there did not exist in all Ireland a kinder hearted or more charitable man than Mr. Conway, or one more attentive to his religious duties. He would not trouble the House by entering upon Mr. Ryan's case, because he believed that the charge was weaker against him than against Mr. Conway, and therefore if the first case were dropped, the second could hardly be proceeded with. But what he wished to impress upon the Government and the House was, that Ireland was now in a quiet state—that there was an absence both of political and religious excitement—that agitation was dead, so that when the right hon. the Chancellor of the Exchequer tried Mr. Rarey's process upon the Irish Members the other night, and attempted to mesmerise them, while he laid a burden of an additional half million on the taxation of the country, he met with little or no opposition. Now, would it be wise in them to disturb this happy state of things, and rouse up again the bitter feelings of religious animosity? Should they not rather let her rest in peace, and preserve that course undisturbed which by developing her industry made her people happy, contented, and loyal? He hoped the Government would show the same forbearance towards those priests that they had done towards Dr. Bernard. He had noticed the subject in the hope that other hon. Members would offer their opinion upon it. In the meantime he would ask the Attorney General for Ireland whether he meant to take any further steps in the matter?

MR. WHITESIDE said, the late Government had, in obedience to an order of that House, instituted prosecutions against the two reverend gentlemen to whom the question of the noble Lord referred. The venue, as the noble Lord had stated, had been very properly changed from Mayo to Dublin, and the jury had been equally divided in the conclusion at which they had arrived. The late Government had, he might add, very properly proceeded against Mr. Conway in the first instance, because in his case there had not been merely words spoken but acts done upon which to found a prosecution, whereas in the case of Mr. Ryan there had been simply certain paragraphs extracted from a speech or a sermon of his upon which to proceed. Now, in dealing with the question, he (Mr. Whiteside) could not help thinking that as a public prosecutor he was in a position to exercise any discretion on the matter, but he was entirely of opinion with the noble Lord that evidence taken before a Committee, and evidence adduced in a court of justice, where the witnesses were examined upon the responsibilities of an oath, were completely different things. He was not aware whether there were any shorthand notes of the proceedings at Mr. Conway's trial in existence or not, but he should make inquiry upon the subject, and if there were such notes he should procure them, and compare the evidence which had been taken before the Committee with that which had been adduced upon the trial. If he were then asked by the noble Lord, or any other hon. Member of that House, to give his opinion upon the matter, he should be prepared to state it frankly, and it would be for the House to determine whether it would order any further proceedings

to be taken or not. The argument drawn from Dr. Bernard's case was, he should contend, not applicable to that of Mr. Conway, inasmuch as in the latter instance the jury could not agree as to the verdict which they should give. Whatever might be the expediency of instituting a further prosecution against Mr. Conway, he did not feel at liberty to enter into the political considerations to which the noble Lord had adverted, and to say that there should not be a new trial. He had, however, given instructions to the Crown solicitor that no proceedings should be taken before the after-term sittings in June, and he should before that time be in a position to place the House in possession of the exact facts of the case.

SIR GEORGE GREY said, the right hon. and learned Gentleman was mistaken in supposing that the House of Commons had any authority to interfere in reference to the institution of further proceedings against the two rev. gentlemen in question. The House had, it was true, upon the recommendation of a Committee, issued an order that those gentlemen should be prosecuted; and the late Attorney General had, in obedience to that order, performed that duty in reference to Mr. Conway. The result had been that the prosecution had not been successful; but he was of opinion that the House, having made the order to which he had referred, and having placed the matter in the hands of the Attorney General, ought not to be asked whether a new trial should be instituted, but that the question should be left entirely in the hands of the Executive, which should decide for itself whether the facts of the case and the general expediency of directing a new trial for the same offence—for that, he admitted, was a point entitled to consideration—rendered it desirable that it should again be submitted to the notice of a jury.

MR. J. D. FITZGERALD said, that in the particular instance under discussion, the order which the House had made was of a general and somewhat embarrassing character, for it did not at all specify the offence for which the rev. gentlemen, to whom it referred, were to be placed upon their trial. He had, accordingly, in his capacity of Attorney General, been obliged to ascertain the nature of that offence, as disclosed by the evidence which had been laid before the Committee; and, having ascertained it, had ordered a prosecution to be instituted against Mr. Conway. The trial had taken place in Dublin, before a special jury, and he was enabled to inform the right hon. Gentleman opposite (Mr. Whiteside) that there were a shorthand writer's notes of the proceedings in existence; but he quite agreed with the right hon. and learned Gentleman, that the evidence given before a jury and the evidence given before a Committee of that House were different things. The result of those proceedings was, as the House had already been informed, the disagreement of the jury; and whether the matter should be left as it now stood, or a further prosecution should be instituted, was a question which he perfectly concurred with the right hon. Gentleman near him (Sir G. Grey) in thinking the Executive ought to determine. He might, however, be permitted to observe, that possessing as he did an intimate knowledge of the evidence which had been adduced against Mr. Conway, he should recommend that the prosecution against that rev. gentleman should not be further proceeded with. The prospect of obtaining a verdict one way or the other in that case was not very favourable, and he was therefore of opinion that no good result could ensue from the institution of a new trial. He might add, that Mr. Conway had entirely relied, in his defence, upon a negation of the offence which had been laid to his charge, and not upon the ground that the acts imputed to him were in themselves justifiable. The question which the jury had to determine was, under these circumstances, a very simple one. They had been enabled to come, however, to no decisive conclusion with respect to it; and as he was of opinion that the object which the House sought to attain, by the order which it had made, was to vindicate the law in reference to that particular class of offences which came under the head of intimidation—and as that object had been to some extent, if not completely, attained—he thought it was advisable that no further proceedings against Mr. Conway should be taken. With respect to the case of Mr. Ryan, the right hon. and learned Gentleman possessed quite as much information as he did himself, and was therefore in an equally good position to come to a decision in its regard.

COLONEL FRENCH said, that the commission of the offence with which he had been charged had been denied by Mr. Conway before the Committee, as well as at the trial, and constituted an equally

good reason for not proceeding against him then, as it did now. He hoped the Government would have no hesitation in abandoning these prosecutions.

THE CASE OF THE *CAGLIARI*.

QUESTION.

Mr. HEADLAM said, that the hon. and learned Member for Bridgwater (Mr. Kinglake) had given notice of his intention to bring forward a Motion with reference to the relations of our Government with Sardinia, on the question that the House go into a Committee of Supply. He wished to know, if the Navy Estimates were taken first, whether his hon. and learned Friend would be allowed to bring forward his Motion on going into the Army Estimates?

THE MUTINOUS SEPOYS.

OBSERVATION.

Mr. RICH said, that he wished to make an addition to the question which had been addressed to the Government by the hon. and learned Gentleman the Member for Devonport (Sir E. Perry). At present there were large bodies of armed mutinous Sepoys, who, having been defeated in the field, were roaming about India; and he thought, that all substantial resistance being at an end, it was incumbent on us to open some door to these unhappy men who had been drawn into this mutiny against their will. No doubt, it was right that the guilty should be brought to condign punishment; yet those who had been led by fear or by example to enter into the revolt should have a door opened to them, through which they might return to their allegiance. This held good more especially with regard to the inhabitants of Oude, whose case, in many respects, was different to that of other parties to the mutiny. If we attempted to hunt down and kill 50,000 or 60,000 Sepoys, we should not only cover ourselves with indelible disgrace, but we should convert those men into thieves, robbers, and pindarees, and thus give rise to a predatory warfare which would give us a world of trouble to extinguish. He hoped to hear that some proclamation would be issued, offering an asylum to such Sepoys as had laid down their arms, and were willing to make their submission. An indiscriminate vengeance would be alike contrary to every principle of policy and justice.

PUBLIC BUSINESS.

The CHANCELLOR of the EXCHEQUER: I cannot doubt that it is the general wish of the House we should now proceed to the Orders of the day; I have, however, a few observations to make in reply to questions which have been addressed to me. Upon the subject to which the hon. Gentleman who spoke last has referred, and also in reply to the question addressed to the Government by the hon. and learned Member for Devonport (Sir E. Perry), I have to state that instructions have been sent out to India, the general tenour of which is that, consistently with a full regard to the claims of justice, there shall be that regard for property, and that full toleration which I am certain it is the wish of this House should exist. With regard to the inquiry of the hon. Member for Tavistock (Sir J. Trelawny) as to my giving him a day for continuing the debate upon church rates, I must say I fully agree with the hon. Baronet, that it is a subject which has great claims upon the attention of the House, and if I thought that by assisting the discussion of it, or by going into Committee upon the particular measure introduced by the hon. Baronet, I should at all facilitate the settlement of the general question, I should not be backward in attempting to meet his convenience. But I cannot bring myself to believe that our going into Committee upon this Bill holds out any hope of that desirable result. It is my belief that the predominant opinion of this House and the country is in favour of a settlement of that question, and there is also a belief that some settlement is practicable. I should have preferred, instead of giving a day for going into Committee upon the Bill of the hon. Baronet, that the Government should attempt itself to introduce a measure upon this subject, and if I do not at this moment pledge myself to take that course immediately, it is only in consequence of the pressure of public business, and my desire not to introduce any Bill of that kind without being able at once to proceed with it. But in the meantime the hon. Member for Hertfordshire (Mr. Puller) has given notice to-night of his intention of bringing forward the Resolution which he nearly succeeded in introducing last Wednesday, and which upon reflection, I cannot help thinking is one well worthy of the consideration of the House. I hope some means may be found, by which the question which has been raised by the hon.

Member for Herts, may be brought under the notice of the House. I must next apologize to the noble Lord the Member for the West Riding (Viscount Goderich) for the somewhat abrupt answer I gave to his question; but I was not aware at the time that the India Bill was upon the Orders of the day for this evening. I thought it had been put off, as I intended, for a considerable period, and it certainly was my wish, before any steps were taken to put an end to that Order, that I should have had an opportunity of vindicating the general policy recommended in the Bill, because the House will recollect, that when I had the honour of introducing it, I confined myself strictly to exposition, and offered no arguments whatever in favour of any of the provisions which I attempted then to explain. I thought if the Resolutions of which I have given notice were carried, it was quite within my power to have changed the Bill I had introduced in accordance with the Resolutions which the House had sanctioned; but upon reflection, I feel that that is not a course which, upon the whole, is the most respectful to the House. It appears that the House is in favour of proceeding by Resolution. At all events, there is a possibility of those Resolutions being carried, and in that case I believe it would be more consistent with the forms of the House, and my duty if, after the Resolutions are carried, a new Bill be introduced, embodying the principles contained in them. I therefore shall not insist upon the course which I had wished to adopt—not from a vain desire to keep the Bill before the House, but because I wished to have an opportunity of vindicating its policy, which has really never been defended, although it has often been incidentally attacked. The noble Lord (Lord J. Russell) has attacked one of the provisions of the Bill to-night. It is not my intention now to defend it, but I beg the noble Lord to believe that it is merely in deference to the wish of the House that I abstain from doing so. I do not wish the noble Lord to understand that I at all agree with him in his views that the scheme was one hastily got up by us, or that we are not prepared, by reasons grave and weighty, to vindicate our plan. With these observations, I beg to say, that I shall not insist upon proceeding with the India Bill in the form in which it now appears, but I shall introduce Resolutions upon the day I have mentioned, and, should those Resolutions, or the spirit of them, be adopted by the House, I hope to have afterwards an opportunity of introducing a Bill embodying the principles which the House shall have agreed to.

VISCOUNT PALMERSTON: Sir, I think the course which the right hon. Gentleman has now intimated to the House that it is his intention to pursue is the only course which, in consistency with the practice and usual forms of the House, was really open to him. I will not not now enter upon a consideration whether it is better to introduce the Indian Government question by Resolutions preparatory to any Bill, or to proceed by Bill at once. The Government, after, we must suppose, full deliberation, preferred the latter course of bringing in a Bill without any preliminary Resolutions. They have seen reasons since then to change their original views, and now prefer to proceed by Resolutions. But those two courses appear to me—and I believe I am speaking in full accordance with the practice of the House—to be utterly incompatible, and therefore I think the right hon. Gentleman, when he states that he takes the course he has now announced in deference to the wishes of the House, might have put it upon a very different ground, and have told us that he took that course in deference to what, upon further information, he found to be the real practice of the House. I apprehend the course which must be followed in the event of the Resolutions being agreed to would be this—the House will instruct the Chairman of the Committee and other persons to bring in a Bill founded upon those Resolutions. It must be remembered the Resolutions of a Committee must be the foundation of a Bill, but Resolutions of the whole House need not have that necessary consequence, and therefore I apprehend the right hon. Gentleman has taken the only course that was open to the Government to follow in accordance with the usual practice and rules of the House. Of course, the right hon. Gentleman will discharge the Order for the second reading when it comes on this evening, and we shall then be prepared, when the time comes for considering the Resolution, to deal with them as we may think best.

MR. BRIGHT: The course which the right hon. Gentleman has agreed to take is clearly the most convenient one in the rather awkward position in which we are placed upon this question; because I understand when a Minister places Resolutions before this House he does so saying, in

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effect, "The subject is one about which a strange and inconvenient variety of opinions prevails, and we would rather, therefore, take the judgment of the House before proceeding to bring in a Bill than attempt to pass, by the influence of the Government, a measure completely framed in all its clauses." Having taken that course which, with a view to the production of a good measure for the future government of India, I believe to be the best, it appears to me we have a clearer track before us, and we shall avoid some of those unpleasant contests which might have arisen if any other course had been pursued. The Government is in this position upon this matter. They are in a minority, as we know, and do not like to take a course upon which the majority of the House would be disposed to differ with them. Now, I want the Government to learn a lesson from the manner in which they had placed themselves in a difficulty on the India Bill, and apply that lesson to the question we were discussing on Wednesday last. It is not to be disputed that if we had divided on Wednesday upon the main question, notwithstanding that the noble Lord the Member for Tiverton (Viscount Palmerston) and the noble Lord for the City of London (Lord John Russell) with all their forces had supported the Government, they would have been defeated by a majority of upwards of seventy. The Government say they are in favour of a settlement of the church rate question; so has been every Government during the time I have sat in this House, but all of them have proposed settlements of a nature which it is impossible for the opponents of church rates to accept. The right hon. Gentleman (Mr. Disraeli) gives us no expectation of doing better—for we are not children, to be deluded by his shadowy Church Rate Bill, to be introduced, no doubt, at the same time as the Government Reform Bill; but he invites us to consider the proposition of an hon. Member (Mr. Pullen) who seeks to establish a firm and permanent church rate upon a new basis. I merely rise to tell the right hon. Gentleman he is making another pitfall for himself by treating the question in that way. He has a right to oppose the abolition of church rates. I don't complain of that. But this is a measure which is of great importance to the public, as any one may know who sees the number of hon. Members who come down upon inconvenient days to support it, and it is a measure which the House has made up its mind to pass. Why, the whole reliance of the opponents of the Bill, as stated by the head of the Government, is not upon this House but upon "another place." If the Government had such a majority upon any Bill of their own they would pass it in a week, but because the forms of the House put us off from Wednesday to Wednesday, we may not have another opportunity of discussing the Bill for some weeks. If, however, the right hon. Gentleman thinks that by pushing us off in this manner he will weaken our strength or change our determination, he is mistaken. I do not make these remarks in a spirit hostile to the ministry. I and those about me don't want to see a change of Government; but we are determined to have this Church Rate Bill passed. A very large majority of the House is in favour of the measure, and at this time, when there is not much business before the House, I don't see why we should not have an opportunity of proceeding with the Bill, and then, having passed it, to commit it to its fate "elsewhere." There are persons who believe it will be thrown out in "another place." I don't care about that; a great question like this may be stopped for awhile. We have heard that some people have been mad enough to fancy they could dam back the ocean; but the ocean still rolls on; and this question will still roll on, and gather strength as it advances from day to day, for it is not in the power of any Government to prevent its passing into a law. I think, therefore, the Chancellor of the Exchequer may with a very good grace give us a day in order that we may advance it through Committee. I have no hostility to the Government of which the right hon. Gentleman (the Chancellor of the Exchequer) is a Member; but I have a much greater friendship for the Bill for the abolition of church rates than I have for any Government. We did not show any consideration for the Whig Government when this question was before the House in their time; the question was then carried; and it is not likely now that we shall let it remain in abeyance. I hope, therefore, the Chancellor of the Exchequer will "reconsider" this subject:—I find "reconsideration" one of the best things in the world; and if he will only think again on this question, I am persuaded he will see the fairness and justice of affording us all proper opportunities of proceeding with the Bill.

MR. VERNON SMITH: So many exciting topics have been introduced into this discussion that I am afraid an observation made by the right hon. Gentleman the Chancellor of the Exchequer has for the moment been forgotten. He stated that instructions have been sent out to India to Viscount Canning to pursue a system of toleration towards the natives. It might be supposed from that expression that the Governor General of India had hitherto acted on a different policy. The very contrary, however, is the fact, for that has always been the spirit in which he has acted. Under difficulties, perhaps, the most unexampled, he has never lost his head; and never for a single instant has he forgotten that it will be our duty hereafter to govern 150,000,000 of the Natives of India. He has kept that always in view, in spite of all the remonstrances of others; and I hope Her Majesty's Government will consent to lay on the table the instructions which have been sent out to India, and that they will be found to contain an expression of their approbation of the conduct and policy of my noble Friend the Governor General. I am the more anxious that this should be done, because, in my opinion, there can be nothing more discreditable to this country than the manner in which it dealt with Viscount Canning for some time. He was sent out in a time of peace to govern India, and to carry out a policy of peaceful progress; on a sudden there broke out the most marvellous revolt that ever afflicted a country; but, placed in the midst of an emergency the greatest and most trying, perhaps, in which any man was ever before called to act, he showed himself equal to the occasion. Instead, however, of being backed by the people of this country, he was assailed by every species of abuse, which was not confined to newspapers, but was indulged in by public men of rank and station in the kingdom. The right hon. Gentleman the Member for Droitwich (Sir J. Pakington) spoke of my noble Friend the Governor General as having shown nothing but vacillation during that trying crisis; and the Earl of Derby spoke of him in much the same tone in "another place." But since they have come into office they have found reason to alter their opinion of my noble Friend; and to the eternal honour of the right hon. Gentleman the Member for the University of Cambridge (Mr. Walpole) and the right hon. Gentleman the Member for Oxfordshire (Mr. Henley), they both declared that in their belief Viscount Canning had acted with the greatest amount of courage that could have been expected from any public man in such an emergency and in a distant and isolated position. There is not a more isolated position in the world as regards social sympathy than that of the Governor General of India; and, therefore, it is that I think it the duty of every public individual to stand by such a man. I am sure the more the conduct of Viscount Canning is known the more it will be admired by his grateful fellow-countrymen, and the more it will be felt that under the difficult and trying circumstances in which he was situated he acted in a way hardly to be expected of any public man.

SIR JOHN PAKINGTON: Sir, I hope the House will permit me to refer for a moment to the reference which the right hon. Gentleman who has just spoken made to certain expressions relative to Viscount Canning, which fell from me during the debate in this House on the Motion for a Vote of Thanks to the Indian Army. I did, on that occasion, express myself strongly with respect to Viscount Canning's conduct; but if the right hon. Gentleman will refer to what fell from me on that occasion he will find that I condemned the conduct of Viscount Canning hypothetically. [*A laugh.*] I think the House will find there is no ground for ridicule in what I have stated, if they will bear in mind that at that time there were certain serious allegations brought against Viscount Canning in a petition which had been sent home from Calcutta. That petition had been sent back to Viscount Canning for his answer, and, if I remember right, what I said on that occasion was that great allowance was undoubtedly to be made for Viscount Canning in the difficult position in which he was placed; but, I added, if the allegations in that petition were well-founded, his conduct was greatly to be condemned, and that there were marks of vacillation in his policy and conduct which exposed him to grave censure. I also condemned the Government for calling on the House of Commons to pass a Vote of Thanks to Viscount Canning pending his answer to the petition to which I have adverted. Since then we have received the reply of Viscount Canning to that petition, and I am bound to say that his answer to the greater part of the allegations contained in it, if not to all of them, has been satisfactory, and I have not now to com-

ment on his conduct with that severity and that censure which I should have done if the allegations in that petition had all been substantiated.

SIR HENRY WILLOUGHBY said, there were two Bills before the House relating to the Government of India, and suggested that it would be the best, most straightforward, and convenient course that they should both be withdrawn previous to the discussion on the Resolutions which the Chancellor of the Exchequer had proposed to submit to the House on Monday. He also thought it fairly open for consideration, whether further legislation on that subject ought to take place at the present moment.

Motion *agreed to.*

House at rising to adjourn till *Monday* next.

WAYS AND MEANS.—COMMITTEE.

Order for Committee read.

THE CHANCELLOR OF THE EXCHEQUER said, before you leave the Chair, Sir, I hope the House will allow me to make an observation in reference to a remark that has fallen from the right hon. Gentleman the late President of the Board of Control (Mr. Vernon Smith). In the observations which I made in respect to the instructions sent out to India I certainly had no intention whatever to convey to the House that any censure was implied on Viscount Canning. My observations were strictly in reply to the question put by the hon. and learned Gentleman the Member for Devonport (Sir E. Perry); I had in my mind his reference to the kingdom of Oude in particular, and I wished to convey to him that the instructions sent out to the Governor General of India indicated the observance of a spirit of toleration and respect for property, mentioning, as far as Oude was concerned, that a distinction should be drawn with reference to the revolt in that kingdom and that in other parts of India, and that we should consider it rather in the light of a war that had ceased than a rebellion which was raging.

House in Committee.

Mr. FITZROY in the Chair.

THE CHANCELLOR OF THE EXCHEQUER moved the following Resolution—

"That, towards raising the Supply granted to Her Majesty, all Drafts or Orders for the payment of any sum of money to the bearer on demand, which being drawn upon any Banker, or any person or persons acting as a Banker, and residing or transacting the business of a Banker within fifteen miles of the place were such Drafts or Orders are issued, are now exempt from Stamp Duty, shall be chargeable with the Stamp Duty of One Penny for every such Draft or Order."

Resolution *agreed to.*

House resumed.

Resolution to be reported on *Monday* next

THE ESTIMATES.—OBSERVATIONS.

On the Motion of going into Committee of Supply,

CAPTAIN VIVIAN said, he felt bound to express his regret that as yet they had had no general statement from the right hon. and gallant Gentleman the Secretary for War on the subject of the Estimates. On a similar occasion to the present, in June, 1856, the right hon. Gentleman the present Chancellor of the Exchequer called on the Clerk of the Ordnance not to proceed with the Estimates without such an explanation as the House and the country had a right to expect, and he protested against the responsible Minister of any department contenting himself with merely putting a piece of paper into the hands of the Chairman without deigning to give one word of explanation to the House. That remonstrance of the right hon. Gentleman applied with double force now, for the attention of the public had been drawn of late to a great many important matters connected with the army. There had been published, for example, the Report of a Commission as to the condition of the metropolitan barracks, which contained statements that startled the public, and there was an anxious desire to know who were responsible for the evils there complained of. If his right hon. and Gallant Friend made no statement regarding that and other military matters, the jealousy now prevalent in the public mind as to the reserve that was kept up on military questions would be much strengthened. There was one most important point on which the House and the country would like to hear something from his right hon. and gallant Friend; he meant the position of our national defences, with which many persons were not satisfied. The disembodiment of the militia was another matter which had attracted considerable attention, and in reference to which some statement from the Minister charged with the War Department was desirable. There was also the subject of admission to Woolwich, and he hoped, therefore, that before going into Committee the fullest explanation would be given on these subjects and of the nature of the Estimates generally.

MR. DRUMMOND (who was indistinctly heard) remarked, that this was the first time within his memory that the House had proceeded almost to the end of the Army Estimates without any statement having been made, by the responsible Minister, explanatory of the state of the national defences, or the ends and objects for which the force asked for was required. It was said the other day that this was the age of *coups de main*, and *coups de main* were much the same in one country as another. For example, on the 14th of last February, the country went to bed thinking they had the strongest Government and the ablest Minister that had existed since the time of Mr. Pitt, but woke up on the 15th and found they had no Government at all. Things changed fast in these days; and as, in the things which occurred amongst hon. Members opposite, he perceived at least a tendency on the part of the House to take upon itself the functions of the Executive, he thought it might not be out of place to ask, what was the amount of force by which we were to be defended, what was its destination, and what the general arrangements were for placing it in the most effective condition? He objected to standing armies, considering them to be the great curse of Europe at the present moment. They not only drained the strength and wealth of the country from the right direction to the wrong, but provoked the same evils in all neighbouring countries. That was not all: it re-acted upon us in another way. Every invention for the destruction of mankind, made or adopted in any one of those foreign countries, was in a manner forced upon us also. For instance, some years ago the Americans built a large class of ships, as large as our sixty-fours, which they called frigates. When war broke out, taking them to be frigates, our Government very unwisely sent out frigates, which were not much more than half their size, to meet them. The consequence was that great loss and discredit befel our navy. We were therefore compelled to increase the size of our ships. Two or three years since, it was the same with the Minié rifle. Our neighbours adopted that weapon, and we were obliged to follow their lead. Now he was told that America was building war ships as large as the *Leviathan;* and for what? For the service of America? Certainly not. But did they suppose that there was no Power in Europe that would buy them? The other day he saw an account of another new invention—a double-barreled rifle; of course we must have them too. An extraordinary gun had been invented at Newcastle, and we should, doubtless have to introduce that. Other States will not rest till they have done the same. There was another thing: if these large standing armies were kept up, you must give them occasions for fighting; since, like a pack of hounds, if you kept them shut up, and did not give them "blood" sometimes, they were not worth a farthing. Standing armies must have war, for it was the trade they lived by; and it was in their interest to do all they could to promote it. If there were a great many attorneys in a town, they were sure to set their neighbours a-quarrelling. To illustrate what he meant in another way, he remembered a story of a party of gentlemen, who, dining at the Thatched House, and hearing a great noise in the room overhead, sent for the waiter and inquired what it was all about. The answer they received was—"Oh, it is only the College of Physicians who have been dining up stairs, and are now drinking 'a low fever' with three times three." The soldier, in the same way, was always ready to hail that which was the greatest curse to the rest of mankind as his best friend. There was, therefore, one large portion of the population of every continental nation that was ever anxious for war, and ready to do all in its power to provoke it. Every nation thought itself the one that ought to be the most popular and admired, and no people liked to be told homely truths; but, for all that, he could give them proof of what he believed a large class of persons but little suspected—namely, that of all people in the world the English were the most hated on the Continent. What was the cause he would not attempt to explain, but the fact was so. Yet, knowing all this—knowing, as we ought to know, how we were hated, we were nevertheless going on from day to day irritating our nearest neighbours, and insulting them in public and in private. This was habitual with us; but did we suppose they would stand it? We kept a "den of assassins," who were let loose upon our neighbours as opportunity offered. Of course, we were entitled to have any amusements we liked, but it was well to remember what they cost; and a very good observation was made in *The Times* the other day, to the effect that every assassin costs us a million a year. But it was said foreign Govern-

ments had no just cause of complaint against us in this matter. But was it so? We were, in this, like Nell Gwynne's footman, who did not mind what his mistress was, but was very much annoyed at being told of it. It must be recollected that this "den of assassins" we were thus upholding and protecting in this country was no new people. They were the hereditary descendants of those who first began the same game in 1793—those who began by declaring that they would make war upon every people in Europe who did not as they had done—kill their king. In 1839 a very remarkable French state paper was issued, in which it was stated:—

"The assassination of kings in general, and of him in particular whom France has placed upon the throne, is preached by those persons as a sacred duty. And the idea of the government which is reserved for France, and by which they went to redress the abuses of monarchy, is the Republic of 1793 and the Reign of Terror."

In the following year, there was found upon the unhappy man, who had just been executed, secret instructions, given to him from this country, which really meant nothing less than assassination; and it was said—"We know you can't get arms; they won't let you have arms; then let each man make use of his knife and assassinate a sentinel, and thus you will get arms." Let the country, however, continue to encourage this "den of assassins" if it pleased, only let them remember what they would have to pay for it in the end. In 1849 a body of these men went to Malta, and Mr. Hume wrote what he called a dispatch, in which he made a complaint to the Colonial Minister—Lord J. Russell he believed—of these people having been sent away from the island by the Governor. In his answer the noble Lord very properly called them itinerant revolutionists, whom the Government would not allow to remain at Malta. For his (Mr. Drummond's) part, he could not understand how, consistently, the Government could allow them to remain anywhere else. But he was not a member of Her Majesty's Government. In 1855 one of these persons wrote a letter to the Queen so grossly insulting that there was hardly any passage fit to quote in an assembly like that House, and he referred to it merely to show that there was one uninterrupted course going on from year to year, and that in short these men were purely what might be called political Thugs. Did we suppose that the Emperor of the French would allow us to go on harbouring these people here? He was not standing up as the protector of the Emperor of the French, but he entreated the House to have the common sense to put this country in such a state of defence that we might at least be able to defy those we persisted in insulting. So far as he knew, the conduct of His Imperial Majesty towards this country had always been frank and open, and he knew several persons to whom the Emperor had said "it is neither my interest nor inclination to make war upon you; but this danger I see—you may irritate my people and my army to such an extent that they may be so strong that I cannot keep them back." (*A laugh.*) The hon. Gentleman opposite laughed—long might he laugh in ignorance — but, nevertheless, he hoped there were others present who took a calm and serious view of the question. He was not suggesting that a great standing army should be kept up—far from it; he thought that in all probability we had kept up too large a standing army—but he wished to show that we possessed within ourselves a most constitutional means of effectual defence. He would not weary the House by going into details of this power—but of course he meant the militia. He complained that if this force was not called out, and asked if the officers were not kept together, how was the staff to be kept in an effective state. The Lord Lieutenant of every county ought—and he had the means in his numerous deputies—to have full information of the force which at any time he could call into action, and of the number of waggons and horses available at a moment's notice for service. These arrangements should be made at once, and not left until it was too late. Whatever friends we might have, we could hardly hope to maintain them with other powers while we took no steps to put down those who preached the right of murdering kings in the abstract—for that was the defence the other day. While we kept people here to preach that doctrine, depend upon it, if the opportunity offered, all the Sovereigns of Europe would join against us—and serve us right. We had attacked a great people. Much had been said about the doctrine of *Civis Romanus;* but the doctrine we were now contending for, was a great deal worse—it was the doctrine of *Lingua Romana*—the right to preach doctrines utterly subversive of the governments of other countries, and utterly subversive of peace and order. But whatever we did in this respect, he would advise the House at

all events to take care that our means of defence were effective. This could not be done without expense, and therefore, he hoped there would be no penuriousness in what might concern the safety of the nation.

General PEEL said, he could not see the necessity for his then trespassing on the indulgence of the House by entering into a lengthened statement with regard to the condition of the army. His hon. and gallant Friend (Captain Vivian) would recollect that he had already offered some explanations to the House upon that point before moving the Vote for the number of men required for the service of the year; and all the details of the question might be considered in the course of the discussions on the various Estimates.

Mr. HORSMAN observed, that, when Supply was asked for, it was usual for the head of each department to place before the House the condition of his department. The First Lord of the Admiralty adopted that course the other night, and he hoped the Secretary at War would favour the House with a sketch of the general condition of the army; that he would explain its force and condition, and that he would state what were the reasons which, in the opinion of the Government, might render it necessary to increase or to diminish our military strength. He thought it most desirable that the heads of departments should not merely communicate facts to the House, but that they should also explain the views and policy of the Government, in order that hon. Members might be enabled to express their opinions, not upon mere items of expenditure, but upon its general policy. He hoped there was no inclination on the part of Her Majesty's Government to depart from what had been the invariable practice, for he thought it especially desirable that, with regard to the army, a general summary of their views should be submitted to the House.

Colonel SMYTH said, he was anxious, in pursuance of the notice he had placed upon the paper, to draw the attention of the House to the recent decision of Her Majesty's Government relative to the disembodiment of sixteen regiments of militia. At the termination of the last war the militia regiments which had been doing garrison duty in England, Ireland, and Scotland were disembodied, but the men received three months' notice of their discharge. At that time, however, a great blunder was committed, the effects of which were yet perceptible. At the time the regiments were disembodied an order was issued that each man should receive a gratuity of 15*s.* for his maintenance until he was able to obtain work, but by a subsequent order this gratuity was diminished from 15*s.* to 5*s.*, 10*s.* being retained as a guarantee for the appearance of the men when they were again required to assemble for duty. The consequence of this measure was exactly the reverse of what was contemplated; it was considered a breach of faith by the men, so that some regiments when next assembled were deficient by one-fourth or one-fifth of their proper complement. In the autumn of last year directions were issued for the embodiment of certain regiments of militia. The commanding officers were at great pains to get their men together, and officers, non-commissioned officers, and men worked most assiduously during the winter to raise their respective regiments to as high a state of efficiency and discipline as possible, supposing that they would be embodied for the year, and that—as in the case of the last war—due notice would be given of an intention to disembody them. He did not know what were the intentions of the late Government, but he could tell the House what the present Government had done, so far as his own regiment was concerned. About a week ago he received an order, and at the same time a letter, from Major General Sir James Scarlett, commanding at Portsmouth and in the South-western district, stating that the Government had determined immediately to disembody sixteen regiments of militia, and among them the Roscommon Militia and 2nd West York, and that the men were to be sent home by the 1st of May. He might add that the gallant general expressed his regret at this sudden determination. He (Colonel Smyth) came to London to ascertain upon what principle the Government had selected regiments for disembodiment, and he found they had determined that every regiment which had not furnished the quota of seventeen per cent of its effective strength as volunteers to the line by the end of March should be disembodied. He believed that a worse principle could not have been adopted, for it would lead to the disembodiment of some of the most effective regiments. The proceeding was also in direct violation of the volunteering instructions which had been sent to commanding officers, and which

left the arrangements for volunteering entirely with them. In the case of his own regiment, volunteers were called for about the beginning of January, but the men had not then settled down to a soldier's life, and few came forward. Every succeeding fortnight from that time the men who desired to enter the regular army sent in their names, and his regiment gave more than its quota by the 10th of April, without any drunkenness or disorder. He believed the same system had been adopted in other regiments, and that it had effected a rapid transfer of men from the militia to the line. He was sorry to tell the House that he feared that not even the principle upon which the Government professed to act had been adhered to, but that there were regiments of militia still embodied which had not given their quota of volunteers to the regular army. He complained of the short notice which had been given to the regiments to be disembodied. The orders, he believed, were not given until the 14th or 15th of April, and the men were to be sent home by the 1st of May, so that only a fortnight's notice was given, and it was almost impossible for the men to communicate with friends in the localities from which they had been drawn with the view of obtaining employment on their discharge. He could scarcely think it had been intended to send some 10,000 men to the right-about in so summary a manner, and could assure the House that both officers and men considered they had been subjected to an abrupt and uncourteous dismissal. He would earnestly press upon the Government the propriety of reconsidering their determination; for, if such a course as he had described were pursued, it would be found that not one fourth of the men would be forthcoming when their services were again required.

Lord BURGHLEY was understood to remark that the militiamen were very much annoyed at that abrupt dismissal. He hoped the Government would be prepared to re-consider their resolution in the matter, and that some plan may be discovered by which so large a body of effective officers and men might be retained in the service.

Colonel KNOX said, he would remind the House that the right hon. and gallant General at the head of the War Department had really had nothing to do with the embodiment of the militia. The onus of this disembodiment really lay with the preceding Government who had embodied a greater number than they were authorized to do. Afterwards, under the pressure of circumstances, they retained them in the hope that they would be absorbed into the regular army. That result, however, had not taken place, and the country now found itself saddled with a greater number of men than had been provided for, and hence arose the necessity for the present measure. He should, however, very much regret if the militia force should be disbanded, and sent to their homes dissatisfied and discontented, for he had always felt that good faith had not been kept with the militia who were embodied during the last war, who had come forward in the most patriotic manner for the service of the country, but whose claims were disregarded when there was no further occasion for their assistance. What he would suggest was, that a general order should be issued and circulated among all the militia regiments, allowing all those men, who had a prospect of obtaining work, to return to their homes. Such an order would at once relieve the force of a large number of men, but with respect to the still greater number who might be expected to remain, he thought it would be a gross act of injustice to disembody them at a short notice, when, if that step had been taken two months ago, they would have been able to find employment. Such a proceeding could not fail to lead to the greatest dissatisfaction, and he did not think that the country was in a position to evince any want of good feeling or good faith towards a force which had rendered such important services to the country as the militia. In reply to the observation of the right hon. Member for Stroud (Mr. Horsman) he could not help observing that any explanations with respect to the present efficiency of the War Department ought to be demanded rather of the hon. Baronet the Secretary of the late Government than of the hon. and gallant General.

Mr. HORSMAN said, the hon. and gallant Gentleman had quite misapprehended him. He had had asked for no explanation as to the efficiency of the War Department; all he did was to express a hope that the Secretary for War would make the usual statement submitted to the House by the head of the department, and which, he presumed, would have been made in the ordinary course here, had there been no change of Ministry,

Colonel NORTH observed, he hoped that the Government would be induced to

take some measures to retain these men for the present. He was one of those who had highly disapproved of the very abrupt manner in which the militia was disbanded after the late war. Many regiments nobly volunteered to serve two years abroad; their offer was accepted, and yet the moment they came home their past services were accounted as nothing, and they were disbanded. They must bear in mind that a soldier was not merely a man in a red coat; he required to be drilled, and it was utterly impossible to discipline a body of men and make them effective in a very short time. He thought the country would be very much benefited if, instead of reducing the sixteen regiments which had been named, the strength of those regiments only were reduced, and they were suffered to remain as a neucleus which could be added to at any moment. He was confident that the idea of disembodying the militia had created the greatest feeling of discontent in the country, and he hoped that the Government would reconsider the matter and retain the force in a modified form.

Mr. RICH hoped that the hon. and gallant General would enter into some explanation of the expectations which could or not be reasonably entertained of the men who formed the militia regiments entering the line on emergencies. He was perfectly aware of the great services rendered by the militia, but the Returns before them did not show that, as far as the supply of men from militia regiments was concerned, the expectations which had been indulged in, that it would prove a faithful nursery for our line regiments, had been realized. With respect to the force itself, he regretted to say that the Returns showed that the desertions from militia regiments were very great, and that there were strong indications of the prevalence of a system amounting to almost a sort of trade of repeated desertion and re-entering militia regiments for the purpose of obtaining the bounty. Of course this observation applied only to the worst description of men; but at the same time they found that the best men—those who made really good soldiers—preferred sticking by their own regiment rather than entering the line. If the militia could be called out permanently, he granted it would be an invaluable force, capable of repelling an invasion or performing any other service; but as that could not be, he thought it was not possible that they could remain an effective force under the present system. If men who enlisted for twenty years were allowed to leave the army at the end of ten or twelve years, receiving a sum of 6*d.* a day as a sort of retaining fee on condition of being called out during a short period every year, and being immediately embodied on an emergency, such a force would be far more valuable than the militia. The men themselves would be in the full vigour of life, about thirty years of age, capable of entering, to a considerable extent, into the ordinary classes of citizenship, they would form a most efficient reserve force, and capable at any moment of acting together as tried and experienced soldiers. Such a system would at the same time give employment to a large class of deserving officers reduced to half-pay, who might be attached at an advance to these reserve battalions, while the militia itself would be far more advantageous as a local than as a general force for the defence of the country. Called out as the militia were only at intervals, it could not be expected that they should prove a competent force to rely upon in the case of such an invasion as was sometimes anticipated. They could not depend upon them to face some of perhaps the best trained and most efficient soldiers which Europe could produce. In conclusion, he would again express a hope that either the Secretary for War would consider the whole question, or else that a Committee should be appointed to ascertain how far the militia served as a cradle for the regular army, and whether other means might not be found for obtaining a reserve force more reliable and efficient than that at present existing.

Sir DE LACY EVANS thought, notwithstanding what had fallen from the hon. Gentleman, that the militia had furnished a considerable proportion of volunteers to the line, and their services during the late war afforded ample proof of what might be expected from them if a similar emergency were to arise. The hon. Gentleman seemed alarmed at the idea of our counting in the least upon the militia in case of invasion. Now, on this point he totally differed from the hon. Gentleman, and, though he had never served in the militia, he should depend with the greatest confidence upon their conduct in the field. In the old Peninsular war three or four militia regiments actually took the field, and a number of regiments volunteered for active service during the war in the Crimea. Besides this, it was a constitutional force.

Colonel North

He was decidedly of opinion, therefore, that no cause of dissatisfaction ought to be given to the militiamen, and regretted very much that the Government had not taken warning by the loud complaints made in so many quarters as to the conduct of the late Ministry at the end of the last war. The manner in which the Government acted towards the militia upon that occasion formed a just cause of regret and indignation in that House, and there was even a mutiny in Ireland occasioned by the disbandment of some men, who were absolutely sent home without their clothes. The present Government alleged that the militia was called out not by them but by the late Government, but he maintained that the present Government was bound legally and morally, as well as by policy, to act in the same way towards that force as if they had raised it themselves. He was not particularly well acquainted with the grievances of individual militia regiments, but he thought a great hardship would be inflicted upon many of them if the men should be sent back to their homes after a fortnight's notice, and this, too, naturally pressed with severity on the subaltern officers, who had been put to great expense six months ago in equipping themselves. It was, he contended, most impolitic, upon grounds connected with the general safety of the country, that the militia force should be neglected, and he should not charge the right hon. and gallant General now at the head of the army with a desire to deal with it in that spirit. Indeed, he believed no military functionary would be disposed to treat our militia regiments with neglect; but it was the misfortune of all military arrangements to be dependent to a great extent upon the Chancellor of the Exchequer; and he had no doubt that the cheese-paring budget of the right hon. Gentleman who at present filled that office exercised some influence upon the destinies of those sixteen regiments which were about to be disembodied. It would, however, have been better had the right hon. Gentleman endeavoured to make both ends meet by placing an additional tax of a penny upon some article of consumption than by subjecting the country to the inconvenience of being left, as she would be left, without an efficient militia.

Viscount PALMERSTON: I have had much pleasure in listening to the testimony which the hon. and gallant Gentleman who has just spoken has borne to the efficiency of the militia force. It cannot but be satisfactory to the country, as well as to the force itself, that the opinion of so high an authority should be recorded in its favour. I must, however, protest against the doctrine so current in this House and the country, that the chief object for which the militia is maintained is to supply troops to the line. That doctrine I hold to be a mistaken one, and one which, if acted upon, would lead to a complete perversion of the real purpose for which the militia was established. It is, no doubt, a circumstance highly creditable to a militia regiment that it should furnish the line with troops; and we ought to be grateful in those instances in which such is the case, not alone to the men but to the officers, who sacrifice that feeling of honourable pride which they take in the efficiency of their regiments when they encourage their men to volunteer into the regular army. It is obvious that it is the best men who volunteer on such occasions, and therefore it must be a sacrifice of feeling on the part of the officers to give that encouragement. It is also highly useful to the country, as well as creditable to the force itself, that at a moment of national emergency such men should be ready to lend their aid in her defence. We ought, however, to bear in mind that the great object for which the militia was established is, that we should have a dormant force, numerically large, capable of being called out to supply the place of the regular army whenever any sudden emergency might arise for calling for the services of that army abroad. We cannot expect to have a force of more than 50,000, or at the utmost 60,000, men available in this country. We may be attacked by forces very much larger in amount. It is therefore of the highest importance that we should have 80,000, 90,000, 100,000 men, or a larger number, organized, officered, equipped, trained, to a certain extent disciplined, and capable of being called out under arms within the shortest possible period—say a fortnight; and, when called out, able to take an efficient part in the defence of the country. I would, therefore, earnestly impress on the House that we ought not, in my opinion, to estimate the value of the militia force by the number of troops with which it may furnish the line; while I, at the same time, am ready to admit that, since it has been called out, it has done the country good service in that respect. With regard to the question more immc-

diately under discussion, the state of the case is simply this. Last year we were under the necessity of sending a very large force to India—the greater portion of the regular force then in the country. We were then told in this House—and we felt the force of the observation—that it was not consistent with the public security, or with the interests of the country, to leave the United Kingdom stripped of an armed force. Well, the simplest mode of supplying the place of those troops which had been sent out to India was by calling out the militia. We were urged to call out the whole, but we deemed it expedient to call out only a portion of that force, and that portion was embodied upon the distinct understanding that it was intended to fill up the vacuum which had been created by the cause to which I have just adverted. Well, when owing to the rapid progress of recruiting—a progress which is most honourable to the spirit of the country, and which exceeded our most sanguine expectations—the regular army was filled up to the point which we deemed necessary, it, of course, became the duty of the present Government—as it was undoubtedly the intention of Her Majesty's late advisers—to disembody those regiments of the embodied militia whose services were no longer required. When it is said that it is the Chancellor of the Exchequer who forces this measure upon the illustrious and gallant Officer at the head of the army, it ought to be borne in mind that there is no choice in the matter. You have a much larger number of men under arms than your revenue enables you to pay. You must then adopt one of two courses. You must either increase your revenue by means of additional taxation—which I think would not be a proposal very agreeable to Parliament or to the country—or you must reduce the number of men in your military service. I, for my part, am of opinion that, if the alternative lies between your having a larger number of men under arms, and the construction of works—such, for instance, as the fortification of the coasts and dockyards, and the erection of barracks, to afford proper accommodation to your shipping and your troops—as these are things which would contribute to the permanent security of the country, there can be no question but that the latter alternative is the one which both prudence and policy call upon you to adopt.

Mr. B. JOHNSTONE said he rose to complain not so much that certain regiments of militia were about to be disembodied as it was always understood that such a step would be taken when the temporary purpose for which they were called had been answered, but what he did complain of was of the manner in which it was proposed to carry the disembodiment into effect. The regiment with which he was connected, for instance—the Dumfries Militia—had come forward most willingly and most cheerfully when its services were required, and what return had it received? It had been announced that it was the intention of the Government to disembody it, but that announcement had not been made until subsequently to the 25th of March, when the time for hiring labourers in Scotland had just expired, and the men were at once to be sent back to their homes, where they could get no employment whatever until harvest, which, he might remind the House, was usually one month later in the season in Scotland than it was in this country. If financial considerations rendered it expedient that a certain portion of the Militia force should be dispensed with, then he should contend that that object might be attained by means of some more satisfactory arrangement than that which the Government had proposed. He had ascertained, for instance, by a very simple calculation, that a reduction of 10,000 men could be made in the force by sending the married men to their homes, and by diminishing the number of men in certain regiments to 500. It was extremely desirable, he thought, that some such step should be taken in order to obviate, as far as possible, the great inconveniences which would arise if the present intentions of the Government with respect to the disembodiment of the militia were carried into effect. In reference to his own regiment, he would only say that it was very peculiarly situated, and that to disembody it, at the present moment would be to inflict upon it the greatest hardship. He might add that when he had explained to his right hon. and gallant friend the Secretary for War, some time ago, the position in which it was placed, he had assured him on his word that it would not be disembodied, but to his astonishment he found it one of the very first regiments upon which that hardship was to be inflicted. Was it fair, he would ask, or just or right, thus to send these poor men back to Scotland to starve? The disembodiment of the regiment could not at all events be defended upon the ground of its want of

efficiency for the highest military authorities had borne testimony to the fact that it was one of the most efficient regiments in the service, and he might add that it only wanted 20 men to complete its quota. It behoved the Government, he thought, well to weigh the step which it was about to take with respect to these Militia regiments, and to consider if it were to act towards them as it proposed whether men would, when a future emergency arose, be found as willing to come forward in defence of their country as in the present instance was the case.

GENERAL PEEL: After the appeal made to me from so many parts of the House, I am bound, I think, to give such explanations on this matter as I can, the noble Lord the head of the late Government having fully stated the absolute necessity which existed for disbanding the militia. It is quite true that in September a large number of the militia—no less than 25,000 men—were called out to fill up the gap occasioned by the despatch of so large a force as it was necessary to send to India. The number of rank and file at that time in the Kingdom was only about 49,000; but when the present Government came into office it had increased to over 70,000—with a militia force of 30,000 men; and inasmuch as the whole sum for the embodied militia was only £150,000, unless the late Government intended to ask for a supplementary vote, it is clear that the only result could be the disembodiment of a portion at least of the militia. We came to a resolution to disembody 10,000 men, and the principle which we adopted was to retain such regiments as had furnished their quota of volunteers for the line in the first place, and in the next those who had nearly completed it, and were enabled to do so before the disembodiment of the regiment. Well, Sir, the policy of disembodying a portion of the militia, which was about to be adopted by the late Government, we considered sound, and were prepared to carry out; and, notwithstanding what has been so candidly stated by the noble Lord, I am willing to take upon myself the whole responsibility of doing so. With respect to individual regiments I can only say that I informed every one of the colonels who applied to me that it was with deep pain that I looked upon their cases. I had but one principle to guide me. At the appointed time I requested the Horse Guards to furnish me with a list of regiments which had completed their quota, and without considering the appeals which had been made—for it was impossible to consider them all—I directed that that list should be acted upon. With respect to the time at which the disembodiment took place, I may observe, that the regiments are paid up to the 1st of the month, and if they are not disembodied before the 1st of May, the greatest inconvenience with respect to the accounts must result; and to maintain them during the whole month of May would consume the greater portion of the £150,000 voted by Parliament. With respect to the disbandment, indeed, I think I am liable to be accused of being too liberal, for although the militia was embodied on the former occasion for a much longer period of time, exactly the same gratuities will be allowed as formerly. Both the non-commissioned officers and men will receive fourteen days' pay, so that the men will not only have their slop-clothing but money in their pockets. With respect to the officers I must express my regret than an additional expense has been cast upon them, in consequence of the shortness of the time during which the regiments were embodied, but I trust they will see that that is unavoidable, and that the disbandment is, as the noble Lord has said, a measure of necessity. It is possible that any commendation of mine may be lightly regarded, but I must beg leave to add my most cordial approbation of the militia force of the country to that of the hon. and gallant General the Member for Westminster. It is an admirable force, and I recently saw evolutions and military exercises of the militia at Aldershot equal to any that I have ever seen in the line. And since the order for disembodiment has been promulgated, I have received from one regiment, the Royal Down Light Infantry, an offer to form a second battalion of some regiment of the Line, provided their officers were guaranteed their ranks, the latter undertaking to increase the strength of the battalion to 1,000 men. I was, however, unable to entertain this patriotic proposition, as the number of men and the battalions of the line were already fixed; but the offer shows the excellent spirit with which the militia is animated. I am sure the House will agree with me that I could have taken no other course than that which I have adopted; and that it was not possible for us to have continued the embodiment of a larger number of the force than that which the amount voted in the Estimates was calculated to maintain. I quite agree that

it is possible that the establishment of the militia might be a most effective means of recruiting for the line, but I am bound to add that in my view of the case the present state of the law with respect to the militia requires revision. I am very much of opinion that some means should be adopted for making the permanent staff of the militia much more efficient than it is at present. It would be equally for the benefit of the Militia and for the interests of the public service. Under the present circumstances it is possible that the militia may not be called out even for a short period during one or two years. What is the consequence? The permanent staff naturally becomes inefficient, and it has been stated with some degree of truth that the sergeants, instead of being able to drill the men, very often require to be drilled themselves. It may, however, be a question whether at the present moment it is desirable to add to the expense of the permanent staff of the militia; but there is one way in which in my view it might be made extremely useful to the country—it ought to be employed for the purpose of drilling recruits. At present the great complaint is that the recruits come in so fast, that a want of officers is experienced for the purpose of drilling them. On the other hand, we have a permanent staff of the militia doing absolutely nothing; and I think, therefore, that whoever may be the Secretary of State for War, he would do well to turn his attention as soon as practicable to the consideration of whether some such means as I have pointed out ought not to be adopted, which would at once render the permanent staff of the militia more serviceable than at present to the country, and more conducive to their own efficiency.

THE CHANCELLOR OF THE EXCHEQUER: I hope I am not usually over sensitive in respect to unjust imputations; but there are some charges which, even for a moment, cannot be passed over in silence, and one of this character has been made against me this evening, by the hon. and gallant Member for Westminster (Sir De Lacy Evans), which appears to me to be one of the most unjustifiable and unauthorized that was ever made in Parliament. I understood the hon. and gallant General to say that this disembodiment of the militia was occasioned, he was sure, not by the advice of my gallant Colleague the Secretary for War, or any Member of the Government connected with the military service; but he had no doubt it was recommended by the Chancellor of the Exchequer, in order to secure the success of a cheeseparing Budget. Now, Sir, whether my Budget deserves that epithet I leave the House to decide. I do not desire to vindicate it in that respect; but this I can assure the House—that nothing can be more unjust or unfounded than the charge which the gallant General has made against me. The decision as to the disembodiment was arrived at, not with regard to any specific measure of finance, but with reference to the general requirements of the country. If the gallant General had only taken the trouble, before making so unqualified and reckless a charge, of reflecting upon what has passed, and which ought to be within his own knowledge, he must have felt how unjustifiable was his statement. He must have remembered that, in the Estimates which were placed upon the table by our predecessors, the item for the embodied militia amounted to but £150,000, which would be sufficient to maintain 30,000 men for two months only. He would have remembered, moreover, that before those Estimates were laid upon the table, the late Secretary for War gave notice of the intention of the then Government to disembody a portion of the militia. Surely, the gallant General, remembering those circumstances, will see how unjust is his attack upon me. In taking the course we did respecting the disembodiment of the militia, we took a course which, I can assure the House, occasioned the greatest pain to every Member of the Government. No one appreciates more than I do the character and services of the Militia of the United Kingdom. I have on several occasions endeavoured to do justice to their conduct, and to express a sense of the value of their inestimable services. I believe it is of high importance that the militia should be called out every year for training; and I have always agreed with the noble Lord who has addressed us with such generous warmth and candour upon the subject, that the militia is not a mere nursery for the regular army, but that it is a great constitutional force—a great national institution. It may please some hon. Gentlemen, like the hon. and gallant Member for Westminster, who, when on the hustings, are fond of dilating on the necessity of a wise reduction in the national expenditure, to come here and make a complaint of cheeseparing arrangements; but I would ask the House

calmly to consider how it is possible to carry into effect a wise reduction of expenditure—how it is possible to maintain a prudent economy in the administration of the national resources, if we are not to take a general view of what our powers are in that respect. The gallant Gentleman, without the slightest consideration of other claims on the national resources, and not taking a general view of the subject, on occasions like the present, comes forward as the chief advocate of the militia, identifying himself for a moment with its interests, but at the same time recommending a policy totally inconsistent with the general economical professions he is at all times making. I hope my gallant Friends the colonels of militia will at least acquit me of any want of feeling for the service with which they are connected, and any want of appreciation of their inestimable services.

Sir DE LACY EVANS said, he wished to express his regret that the right hon. Gentleman had felt hurt at what he had stated. He did not mean to say anything disrespectful to the right hon. Gentleman, or anything disparaging to his Budget; he merely meant to say that the Army Estimates were more governed by financial considerations than by circumstances of national importance.

Subject dropped.

THE LAND TRANSPORT CORPS.

Lord ADOLPHUS VANE-TEMPEST, in calling attention to the allegations contained in a petition presented to the House from the officers of the Land Transport Corps, on the 11th of August last, observed, that in 1855, owing to the defective state of the transport service, the corps referred to was formed, and that at the close of the war with Russia it was decided to dispense with it, and organize a military train in its stead. Last year, upon the Motion of the hon. Member for Finsbury (Mr. T. Duncombe) a Committee of this House was appointed to inquire into the claims of the men of the Land Transport Corps, and the report of that committee afforded a striking illustration of the great inconvenience attendant upon the want of unity which existed between the two departments of the Secretary of State for War and the Commander in Chief. It was under this anomalous state of things that the Land Transport Corps were enlisted; and as they were supposed to have been organized by the civil department, they were in the unfortunate position of not being acknowledged by the military department. The consequence was, that on the disbandment of the corps in 1856, the men were not discharged in the manner in which they ought to have been as soldiers in the army. Great complaints of injustice followed, and the Committee who sat and inquired into these complaints reported that the Land Transport Corps were from the time of their creation part and parcel of Her Majesty's land forces. The officers of that corps now came forward in their turn and made the same complaints as the men—that they were induced to enter the corps under the impression that it would be considered a portion of the regular army, and that they would be treated as other officers in the British army, and be entitled to equal privileges with them. In June, 1856, Mr. Frederick Peel, at the time Under Secretary for War, in answer to a question which was put to him in this House, stated in the most positive terms that the officers of the Land Transport Corps were to be considered and treated as officers of the army. Upon this assurance, a large number of deserving non-commissioned officers accepted commissions in the corps, and upon its reduction they applied to be transferred to the Military Train which was then being organized in lieu of the corps, or for the usual half-pay of the rank they held at reduction of the corps, to which, as officers, they conceived themselves to be entitled. They now complained that the rate of half-pay awarded to them was not in accordance with the Queen's regulations, and had not been sanctioned by the military authorities. It appeared, in fact, that a special rate of half-pay had been settled by the Lords of the Treasury to meet the cases of these officers. The officers of the Land Transport Corps were entitled to the same half-pay as officers in the cavalry; but whilst a captain in the half-pay of cavalry received 7*s.* 6*d.* a day, a captain in half-pay of the Land Transport Corps got but 5*s.* a day; whilst a lieutenant in the former received 4*s.* 8*d.* a day, a lieutenant in the latter got but 3*s.* 6*d.* a day; and whilst a cornet in the former received 3*s.* 6*d.* a day, a cornet in the latter received 3*s.* a day. The difference, so far as the country was concerned, was but trifling, but it was of great importance to these men, who had fought so gallantly for their country, for what was the result? Why, that brave men, who had risen from the ranks, and

accepted these commissions in the Land Transport Corps, now found that they had not the means to maintain themselves in their new position. Among the clients whom he represented on that occasion, no less than seven had obtained medals for distinguished conduct; two had received the cross of the Legion of Honour for gallantry in the field. All of these had served in the Crimea, and several of them in India, and eleven had been wounded in the service. Indeed, if hon. Members would take the trouble to examine the list, he felt sure they would arrive at the conclusion that the whole of the claimants were deserving the consideration and sympathy of the House. Another point to which he might allude as distinctly proving that these officers were entitled to be regarded as officers of the army was this—in 1854, Her Majesty was pleased to bestow a mark of her approbation of the good conduct and bravery of her army in the Crimea, and instructed the War Minister that a certain number of commissions should be given to such regiments of the Guards, the line, and the cavalry, as were then serving in the Crimea. It being represented by General Dacres that the artillery was not included in this gracious proof of Her Majesty's approbation, the Minister for War wrote from England that the artillery were to be included. General Dacres thereupon stated that owing to the special nature of the service of the artillery, the non-commissioned officers of artillery would be most useful in the Land Transport Corps; and Viscount Hardinge, who was then at the Horse Guards, sanctioned the view taken by General Dacres, and ordered that non-commissioned officers in the artillery should have commissions in the Land Transport Corps, thus showing that these commissions were regarded as equivalent to commissions in the regular army. In proof of that, he might state that not less than thirty-one of his clients who had been non-commissioned officers in the artillery had accepted commissions in the Land Transport Corps, though, had they not done so, they would have been entitled to commissions in the army. The cases of some of the petitioners were attended with peculiar hardships, and this was more especially the case with Captain Stephens. That gentleman had served ten years in the regular army, and for his services in China had received a decoration. At his own request he obtained his discharge, but upon the Russian war breaking out, he entered the Land Transport Corps as a private. On account of his energy and zeal in the service, he was very soon promoted, and placed in a responsible situation, and during the time he was connected with the corps he was instrumental in raising more than 2,000 recruits. Throughout the war in the Crimea he served with credit and distinction, and upon his return was placed upon half-pay. Now, there were twelve officers who, like Captain Stephens, had been promoted from civil life, and all of them had been treated in a manner totally different from that in which officers promoted from the military ranks had been treated. True, those who came from civil life had been given half-pay at the regular rate settled by the War Office Warrant of 1854; but it was only for a temporary period, and at the end of two or three years, those who were included in that class would find themselves turned altogether adrift without any pay whatever. There were besides, some sixty or seventy applicants, who, from being non-commissioned officers had, by reason of their good conduct, long services, and approved gallantry, been promoted from the ranks, and they now came to this House as petitioners, and entreated at its hands that justice should be done to them. One of these officers (Captain McGonery) had been a sergeant-major, and as such would have been entitled to 2*s.* 6*d.* a day. He now received 5*s.* a day, so that all he had made by his promotion was 2*s.* 6*d.* a day, and everybody would at once see that he was placed in a much worse position than he would have been, had he remained sergeant-major. Another was Lieutenant Brooks. He served first in the Grenadiers, and afterwards joined the Land Transport Corps, in which he greatly distinguished himself in the Crimea. His own opinion was, that these officers had a perfect right to be placed on the regular half-pay list; and if his right hon. and gallant Friend the Secretary for War persisted in adhering to the present arrangement, and declined to place them in that position, he trusted the House would support him in the Motion which he now begged to propose—that a Select Committee be appointed to inquire into the justice of the petitioners' complaint, that they had not received the rate of half-pay to which they state they are entitled to claim.

MR. COWAN, in seconding the Motion, observed that a petition had been put into his hands from Captain Handyside, of the

Artillery, who got his commission in 1855, and who complained that he had been unjustly treated. He had performed his duties in an honourable and efficient manner, and had the highest testimonials, and to all appearance the gallant officer did not complain of the treatment he had received without good reason. The pledge held out to him had not been kept. As the present Government was in the habit of consenting to Motions of any kind from either side of the House, he trusted they would not disagree to this one. Great as was the demand for a reduction of expenditure, the people of this country did not wish to see the brave men, who had freely spilt their blood for them in the Crimea and on the plains of India, treated in a shabby and stingy manner.

Amendment proposed,—

To leave out from the word "That" to the end of the Question, in order to add the words, "a Select Committee be appointed to inquire into the allegations of the Petition presented to this House on the 11th day of August, 1857, from the Officers of the Land Transport Corps, and into the justice of the Petitioners' complaints, that they have not received the rate of half-pay which they state they are entitled to claim," instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

Sir JOHN PAKINGTON said his right hon. and gallant friend, the Secretary for War, having already spoken on the question that the Speaker do leave the Chair, could not address the House again, but he understood from his right hon. and gallant Friend that he had no objection to grant the Committee asked for by his noble Friend. If the Motion were to be agreed to now, however, it would be as an Amendment upon the Motion for going into Committee of Supply. He would put it to the noble Lord, therefore, whether he had not better withdraw his Amendment, upon the understanding that the Committee should be granted on a future evening, and thus avoid the inconvenience of preventing the House now going into Committee of Supply.

Colonel NORTH said he wished to express his concurrence in the observations which had fallen from the noble Lord, and he was sure that the House must feel that gratitude was due to a class of persons who had shown themselves to be second to none in devotion to their country and loyalty to their Queen.

Sir JOHN RAMSDEN observed that, as this case occurred during the time when he had the honour to represent the War Department in that House, he felt that he was more responsible for the treatment which these officers met with than the right hon. and gallant General opposite, and as the noble Lord seemed to have fallen into some misconception on the subject, he trusted he might be allowed to say a few words as to the manner in which these officers had been treated. In doing so he wished to echo every word that had fallen from the noble Lord in their praise, as they had been of the greatest service to the country at the time when their long experience as non-commissioned officers was peculiarly valuable, and he was sure that neither this House nor the late Government would have consented to any course that would bear the aspect of treating them in a manner different from that to which their services entitled them. There were two classes of these officers, but the majority of them were non-commissioned officers, promoted from the ranks of the army. It was in 1854 that the Land Transport Corps was raised, and at the close of the war they were disbanded, there being no further occasion for their services. They had then performed scarcely two years' service as commissioned officers, and by the War-office regulations were not entitled to anything beyond a temporary pension. He might also add that the Secretary for War, as the interpreter of those regulations, had no power by his own authority to alter them in the least degree. His noble Friend, the late Secretary for War, finding that he could not do more for these officers than grant them temporary half pay at the ordinary rate for two or three years, thought that their long services entitled them to greater consideration, and consequently submitted the case to the Lords of the Treasury, who could grant permission to any Department of Government to give a higher rate of pay, under certain circumstances, than was allowed by the established regulations. The Lords of the Treasury considered the case, and consented, on the very strong and urgent representations of the late Secretary for War, to allow these officers to commute their temporary half-pay for a permanent half-pay at a slightly diminished rate. The noble Lord seemed to complain that these officers were not well-used, because they were not treated in the same way as other non-commissioned officers promoted from the ranks. How, then, would

the latter have been treated? Why, they would have received a rather higher rate of half-pay, but it would have been temporary, and at the end of three years, at most, it would have ceased, and the officers would have been turned adrift without a claim to one shilling. If the gallant officer, the present Secretary for War consented to the Committee, it was not for him (Sir J. Ramsden) to object, and the Committee would see that the late Secretary, in the manner in which he dealt with these officers, was actuated by a desire to afford them the very best treatment in his power to obtain.

MR. P. O'BRIEN said he thought that these officers had more than a mere financial objection to make to the mode in which they had been treated; for, he, understood, from documents furnished to him, that when the Land Transport Corps was abolished and the Military Train established, the officers of the former, instead of being transferred to the latter, by which the half-pay would have been saved, were set aside, and Commissions in the Military Train were given to officers from the Turkish Contingent, and even to Commissariat clerks.

MR. W. WILLIAMS said he thought the case was one which should rather be left to the Secretary for War to dispose of than to a Committee of that House. He did not desire to do injustice to any officer or soldier who had rendered service to his country, but he trusted the Secretary for War would not be influenced by continual demands for money. He would do the officers of the Navy the justice to say that they never came forward with these demands for money, but were satisfied with the established regulations.

LORD ADOLPHUS VANE-TEMPEST said that, relying on the assurance of the right hon. Gentleman that the Committee would be granted, he should, for the present withdraw his Amendment.

Amendment, by leave, *withdrawn.*

Main Question put, and *agreed to.*

House in Committee.

MR. FITZROY in the Chair.

SUPPLY—NAVY ESTIMATES.

Motion made and Question proposed,—

"That a sum, not exceeding £335,862, be granted to Her Majesty, to complete the sum necessary to defray the Charge of New Works, Improvements, and Repairs in the Naval Establishments, which will come in course of payment during the year ending on the 31st day of March, 1859."

Sir John Ramsden

MR. W. WILLIAMS said, he must complain of the expenditure upon Keyham Harbour, consequent upon the numerous alterations which had been made in the works. The expense seemed interminable, and he believed it was generally admitted to be inefficiently laid out.

MR. P. O'BRIEN said, he wished to press upon the First Lord of the Admiralty the importance of increasing the capabilities of Cork Harbour for the accommodation and repair of the larger class of vessels. The importance of that harbour was evident from the circumstance that between the months of May and December, 1854, during the Crimean war, the tonnage of sailing ships which left that port with troops and stores was 23,662 tons, and of steam vessels 23,019 tons, making a total of 46,681 tons. He also thought it desirable that vessels should have the means of repair in Cork Harbour, without having to go round to Portsmouth or Chatham.

SIR JOHN PAKINGTON replied, that he had no doubt of the great importance of the port of Cork, but he could not, without further information on the subject, give any promise with regard to the improvement of the harbour. When he came into office he found very extensive works of this kind in progress, entailing a heavy public expenditure, and he felt it to be his duty to reduce, rather than to extend them. At the same time he did not say that additional works might not be required at Cork, but he would make inquiries on the subject.

ADMIRAL WALCOTT: I must reiterate that regret, which I recently expressed, on learning that the Government had decided on effecting the following changes in their proposed works and purchases. To purchase ground for the enlargement of Deptford and Keyham Dockyards, £29,484. For extension of docks at Portsmouth and Sheerness, £6,314. For new machinery at Portsmouth and Sheerness, £4,614. For land and erection and repairs of houses for the Coastguard, £10,000. On the first and second heads, I must observe, that as the land must be eventually purchased, the temporary saving will, in all probability, necessitate a proportionate additional cost hereafter: while the increased dimensions of our ships demand an immediate enlargement of our present docks. I cannot but hold the delay in the provision of new machinery which modern improvements in science render

indispensable, is a short-sighted policy and fatal error which at such a period might prove irreparable. The distribution of the Coastguard in scattered lodgings through villages is much to be deprecated as eminently prejudicial to a high state of discipline. I will now content myself with expressing an earnest hope, that when the First Lord of the Admiralty shall have completed his inspection of the yards of Portsmouth, Devonport, Woolwich, Chatham, and Sheerness (as at Portsmouth as yet he has only devoted two days), if he shall find on consideration the proposed reductions are mistimed and disadvantageous to the efficiency of the Naval Service, the right hon. Baronet will not fail to submit a supplemental vote to supply the deficiencies to the notice of this House.

Sir JOHN PAKINGTON said, he could assure his hon. and gallant Friend that he would not hesitate to submit to the House any Vote which he thought might be required by the exigencies of the public service. He might observe, however, that some misapprehension seemed to prevail as to the importance of several of the items connected with the dockyards upon which reductions were proposed. It was, for instance, proposed to strike off a sum of £4,000 which appeared in the Estimates of the late Government for the Deptford Dockyard, but that item had been required, not for the extension of the yard, but for the enclosure and drainage of land, which was already bought and paid for, and he was assured by the Directors of Works that the postponement of that Vote would be attended with no inconvenience. With regard to the Chatham Dockyard, last year the Vote taken for the service of that yard was larger than had proved necessary, and consequently an amount equal to the surplus had been struck off the old Estimate, the Director of Works having assured him it would be a superfluous Vote. [Viscount Palmerston: "Malta?"] The amount proposed by the late Government for the purchase of land at Malta had been omitted from the Estimate, because he was told it was very doubtful whether the land was in such a situation as to be a desirable purchase, and that no inconvenience could result from the postponement of the Vote. He (Sir J. Pakington) might refer, for the information of the noble Lord, to two other items upon which reductions had been made, and which appeared to be intended for extending dockyards. The first was the Vote for Forton Barracks, at Portsmouth, and the other for the yard at Keyham, in Plymouth. He did not know whether the noble Lord was aware that the barracks at Forton had nothing whatever to do with the dockyard. The item for those barracks referred to the purchase of land in the neighbourhood of the marine barracks, at a considerable distance from the dockyard, while there was a large extent of land in the vicinity of these barracks which the Government had already purchased, but had not used; and, having visited the place, he (Sir J. Pakington) agreed entirely in opinion with the Director of Works that the acquisition of the land proposed to be purchased by the Government was not at this moment a matter of any national importance. It had also been proposed to expend £25,000 in the purchase of land at Keyham, but he had been informed by the Director of Works that in his judgment this purchase was unnecessary. He (Sir J. Pakington) had not yet been able to visit Plymouth, but he had no doubt that had the noble Lord been in his position he would have exercised a similar discretion under similar circumstances by omitting the item from the Estimate. He was informed that the greater part of the land near Keyham which it had been proposed to purchase was a mud flat unfit for the purposes of building, and it was desirable that only a small portion should be brought to facilitate access by railway into Cornwall. After such a statement he thought he was bound to hesitate before he invested £25,000 in the purchase of a mud flat, especially as he was told there were from ten to twenty acres of land attached to the Keyham yard which had not yet been rendered available. He hoped he had satisfied the House that he had not lightly adopted the revised Estimates.

Admiral WALCOTT: My observations were given to the purchase of land at Deptford and Keyham. I was sensible the land for the extension of the docks at Portsmouth and Sheerness as held by the Crown.

Mr. T. G. BARING observed that the Vote for the purchase of land at Keyham was not a new Vote, but had been sanctioned by the House last year, and the late Board of Admiralty had made some arrangements for effecting the purchase. In the opinion of the late Board of Admiralty it was of great national importance that whenever an opportunity occurred of pur-

chasing land in the neighbourhood of our dockyards, on advantageous terms, it should not be lost. These establishments naturally had the effect of increasing the price of land about them, and the public service had often been greatly inconvenienced, to say nothing of the additional expense incurred, because means had not been taken to buy land at the proper moment. So far from this piece of land being a mud flat, there was a considerable portion of rising ground upon it which might be made useful for the purpose of building barracks for the seamen, if the suggestions which had been made the other night were carried into effect, a mud flat however was not useless, for a great part of the present dockyard at Keyham had originally been a mud flat. The extension of the Cornwall Railway to the dockyard was of great importance, as it would lead to considerable economy of labour, and the only reason why the late Board of Admiralty had delayed the purchase of this land was that they might ascertain at what point the junction could be best made. As the Cornwall Railway would soon be finished it was of importance that this purchase should be made at the earliest possible moment. He was glad to find that the right hon. Baronet intended to retain the Vote for the purchase of land at the Corradino, Malta, but he regretted the omission of the Vote for the extension of the Malta dockyard. At present the space there was very confined, and great difficulty had been experienced there in the construction of machinery for the new dock. The reduction of £4,000 in the Vote relating to the arrangements at the Cape of Good Hope was certainly not a wise reduction, and the same might be said of the reduction of £10,000 for providing lodgings for the men of the Coastguard. Commodore Eden, he knew, was of opinion that £30,000 was not too much, and if the Committee could only see in what holes and corners some of these men had to live this item of expenditure, he was sure, would not be grudged. With regard to the piece of land at Forton, it was of great importance that it should belong to the Government, and he was sorry to hear that the purchase was postponed. The reductions in the Portsmouth and Chatham dockyards, too, were injudicious, for it was always most economical when once works had been determined on to carry them out as quickly as possible.

Sir JOHN PAKINGTON said, he had listened to the hon. Gentleman with sincere pleasure, perhaps the more so because he differed from him very little in his premises, although he rather differed in his conclusions. He had himself conveyed an erroneous impression with regard to the deductions, in speaking of Chatham Dockyard when he ought to have spoken of the Docks at Chatham. The money was more than was wanted, and the Docks would be completed with the reduced amount. Very much the same state of things existed with regard to the Docks at Portsmouth. He quite agreed in the importance of finishing these docks, and he was happy to say there would be no delay in consequence of the deductions, as the reduced estimate would be enough to carry out the works during the present year. With regard to the subject of providing lodgings for the coastguard men, he entirely agreed with the hon. Gentleman, that public service required that it should be done as speedily as possible; but on investigating the Estimates, he was assured that the vote of £30,000 was entirely an arbitrary sum—a mere guess; and this was corroborated by the fact that last year, although a vote of £25,000 was taken for the same purpose, only £4,900 was expended within the year. Commodore Eden had assured him that £20,000 would be amply sufficient for the present year, and he had, therefore, taken off £10,000, and asked only for a Vote of £20,000. With regard to the projected jetties at Portsmouth, he begged to say, that having visited the spot, he now regretted their omission; but as the amount required was so small, he hoped there would be sufficient surplus funds to enable him to carry out the object.

Mr. BENTINCK said, there was one item in this vote to which he could not refrain from calling attention, and perhaps the late First Lord (Sir C. Wood) would be able to furnish him with a statement of the facts. He referred to the gunboat slips at Haslar. The total sum estimated was £70,000. The sum voted last year was £40,000, and the amount expended was £51,270. The subject had already been brought before the Committee by the hon. Member for Portsmouth (Sir J. Elphinstone), and therefore he need not apologise for doing so. He believed he might say that the question whether gunboats should be left afloat, or laid up in slips, was a moot question, but his impression was that the majority of the authorities was in favour of leaving them afloat. He

had been invited by his hon. Friend the Member for Portsmouth (Sir J. Elphinstone) to visit the locality, and he had done so. He found that two or three acres of land were excavated to within fifty yards of the edge of the creek; a slip was then made, and the gunboats were hauled up the slips and housed under the sheds. The opinion of the naval authorities on the spot was that, using the utmost diligence, it would be utterly impossible to launch the gunboats at greater speed than five in a fortnight. Thus it would seem that £70,000 had been expended in housing boats which were entirely unavailable in case of an emergency. The tramways upon the slips were made to fit the present gunboats; but if it should hereafter be requisite to build larger gunboats, the money would be wasted, as other slips would be required. He mentioned this to show that if hon. Gentlemen were placed in positions who had no antecedent knowledge of the duties they were to discharge, the result must be a great sacrifice of the public money.

Sir CHARLES NAPIER observed, he agreed with the hon. Gentleman that there was great difference of opinion between builders whether these gunboats ought to be afloat or not. There was a mud flat in front of Haslar Hospital which might have been cleared out, and the gunboats might either have been placed afloat or slips might have been built to receive them, so that they might all have been floated at one tide. The sum already voted was £40,000, and he understood that it was in contemplation to construct slips for another range of gunboats opposite to the present slips, which were half a mile from the water. [Several Members: "No, not a quarter of a mile."] Well, then, a quarter of a mile. If it took six weeks to launch forty of these boats, it would take six weeks more to launch eighty. No one but an Admiralty engineer and a First Lord could have conceived such a plan. There were so many other plans that would have been preferable, that the people who advised this scheme deserved the censure of the House of Commons. He believed that the Surveyor of the Navy disapproved such a mode of disposing of the gunboats, that neither the Admiral at Portsmouth nor the officer at Haslar Hospital approved it, and that the superintending Lord of the Admiralty did not give it his sanction. The late First Lord and the Engineer of the Admiralty were, he had no doubt, the authors of the plan. If these slips were to be made useful, there must be a basin dug, and locks and gates must be constructed to keep the water in the basin, so as to allow the gunboats to be launched. He did not believe it would be possible to make these additions for less than £150,000. He would suggest that competent engineers, not connected with the Admiralty, should be sent down to examine the slips, so that some means might be devised of having the vessels ready as soon as they were wanted.

Sir CHARLES WOOD said, of course he was responsible for the plan which had been adopted, and he thought he could show that it had not been adopted without sufficient reason. It had been admitted that great difference of opinion existed whether a vessel was preserved better in or out of the water. One thing was quite clear, however, that ships ought not to be kept in any place where they were alternately wet or dry; that they ought to be kept entirely in or entirely out of the water. A vessel which had not been launched would last for an indefinitely long period, with hardly any appearance of deterioration or decay after any known lapse of years. It was doubtful whether, when a vessel was once launched, she would keep as long when in the water as when drawn up on land. On the whole, however, it was thought that these gunboats, if thus drawn up and kept perfectly dry, were likely to remain sounder than if they remained afloat. These vessels were built originally, it would be remembered, for service in the Baltic, and were thought not to be calculated for acting except in shoal water near the shore. In the event of any hostilities with this country, it was considered, also, that they would prove most valuable coast defences. At the same time the Committee were aware that they had been sent abroad, and with great success. With reference to the gunboats despatched from this country to China, an hon. Gentleman stated the other night that he thought it unadvisable to bring those vessels back, in consequence of the risks to which they were exposed in the voyage out. Now, he denied that they had been exposed to any risk at all. He would read an extract from a letter written by an officer who commanded a gunboat of forty horse power (one of the smallest class), which had performed the voyage to China. This officer's account of the behaviour of his vessel was, that they had had very

heavy gales, with a great rolling sea; but, he added, "I have no hesitation in saying that I would as soon be at sea in the heaviest gale in a gunboat as in any ship that ever was built." He was sorry to hear the opinion expressed by the hon. Gentleman to whom he was referring, because it might be exceedingly distressing to the families of officers employed in these boats; and he thought, therefore, he should be doing a kind action in making this statement. As regarded their return home, however, he had never contemplated that. Ample employment would be found for them in the shallow waters of China or our Australian colonies, and in the narrow channels about the Straits; and in sending them out, therefore, he had never thought of bringing them back. As he had said, there was every reason to suppose that the gunboats would keep for a longer period when drawn up than when left in the water. There was not the slightest appearance of dry rot in the vessels which had thus been drawn up, whereas, in two which had been employed in the Mediterranean, dry rot had developed itself to a very considerable extent. Another consideration had operated in inducing them to draw up these gunboats—namely, the clearance of Portsmouth Harbour from the impediments which they presented to the navigation. With this object, a piece of land was taken near Haslar Lake, which belonged to the Admiralty, and which was very conveniently situated for the purpose. The hon. and gallant Member (Sir C. Napier) first said the boats in this position were half a mile, and then a quarter of a mile, from the water. Now, he (Sir C. Wood) did not believe that they were a quarter of a quarter of a mile from the water, and he thought the hon. and gallant Gentleman would do well to be a little more accurate in his statements. As to the question of launching, that was not very material, because he did not believe it would be difficult to launch these boats quite as rapidly as they would be wanted. About thirty gunboats could be launched in a month, even with the present means; but means had been suggested by which the process of launching could be very much accelerated. What the ultimate decision might be with respect to the best mode of launching these gunboats he could not say, but it was absurd to contend that a skilful engineer could not move them over the surplus space of twenty-two yards. A similar experiment had been tried successfully at the Isle of Wight and other places, and he saw no reason why it should not turn out to be successful in the present instance.

SIR CHARLES NAPIER: There is no water to launch them into.

SIR JAMES ELPHINSTONE remarked that he had asked his hon. Friend the Member for Norfolk (Mr. Bentinck) and the hon. and gallant Admiral (Sir C. Napier) to come down and look at these ships, because he thought the invention which had been resorted to for launching these boats was one of the most extraordinary which had ever entered into the mind of man to conceive. It had been attended with very great labour and expense and by the inconvenience resulting from the curtailment of the area of Haslar and the cutting off the water from its wells. If the Committee would bear in mind that £70,000 had to be laid out in digging new wells and constructing a new cemetery in lieu of that portion of the old one which was taken up by those railway slips, as well as a sum of £1,400 a year for the purpose of watching them, it could not, he thought, fail to come to the conclusion that a very considerable outlay had been incurred for no adequate object. Nor should the Committee lose sight of the fact that the entire scheme had its stability based upon a screw, which was longer than any that had ever been previously constructed, and that if that screw happened to break—a circumstance not unlikely—the whole of those gunboats would be, as it were hermetically sealed, and could not be got into the water in anything like three months without the necessity of cutting away the intervening ground, and heaving them into the water by means of a capstan. After all he really doubted whether these gunboats were worth preserving, as he thought they were not the description of vessels which we require. The ships of which we stood most in need were light vessels that would require only a light draught of water, having an auxiliary screw, sailing well, and fit for service with a small number of men in any part of the world. It was said that those who sailed in the gunboats approved of them, but he did not attach much importance to that circumstance. A man's ship was like his wife, and if he were put on board the greatest "tub" in the world he would give a good report of her. From what he had heard of those gunboats which had gone out to China he could infer that they were scarcely ever dry

from the moment they came within the influence of anything like strong winds; that they rolled about from side to side, and that when they got to China they were never out of the hands of the carpenter.

SIR CHARLES NAPIER said, that as the right hon. Baronet (Sir C. Wood) seemed determined to maintain that the distance to which reference had so often been made was only twenty-two yards, while he contended it was a quarter of a mile, he should go down to Portsmouth and measure it, and thus see who was the nearer the mark. There had never, in his opinion, been so wild a scheme set on foot as that connected with the gunboats at Haslar Hospital, and he should very much like to know whether the Surveyor of the Navy, or Sir G. Seymour, or Admiral Berkeley, had been consulted on the matter? The whole plan seemed as if it were the work of some engineer who wished to exercise his ingenuity at the public expense.

MR. BRISCOE remarked, that the original estimate for the works at Haslar was £70,000. A large portion of that sum — £40,000 — had been voted, but £51,270 had actually been expended. The Government, therefore, ought to have asked for £11,270, but the Vote which they now proposed amounted to only £5,000. He hoped some explanation would be afforded upon that point. But, after what the Committee had heard from gallant Officers on both sides, he thought the Vote should be postponed for further consideration, and he would accordingly move that it be postponed.

THE CHAIRMAN said, the hon. Member could not move the suspension; he should move the omission of the Vote.

MR. BRISCOE said, he would in that case move that the Vote be struck out.

SIR CHARLES NAPIER seconded the Motion.

MR. CORRY said, nothing had been expended but what had been voted.

LORD LOVAINE said, he could assure the Committee that £5,000 was all that was required to meet the expenditure at Haslar, and that if this Vote did not pass, the Committee would place the country in debt.

SIR GEORGE PECHELL said, there was great difference of opinion as to this system of drawing up the gunboats. The late Marquess of Anglesey's yacht was always considered one of the best in the Royal Yacht Squadron, yet she was hauled up every winter. It was necessary to take some means to preserve these vessels. The Admiralty was utterly at a loss what to do with them, and it was there this plan was devised. He had suggested last year that a number should be sent to Cuba to act against the slavers, but he was told by the late Admiralty that they were utterly unfitted for such service; yet it now appeared that they had proved most efficient in a similar service in China. He thought they ought to be told on whose authority this plan at Haslar had been selected, and he should be perfectly satisfied if he were told that that step had been taken upon the authority of Sir Baldwin Walker, than whom a more capable or more deserving officer was not to be found in the service.

MR. T. G. BARING thought that, if the intention of hon. Gentlemen was to secure better arrangements for launching at Haslar, they would not attain that object by reducing or postponing the present Vote of £5,000, inasmuch as the only purpose of the Vote was the one in question. It had been stated that no more than eight gunboats could be launched at Haslar in a fortnight. Now, he had been informed by Captain Dacres that of the 60-horse power gunboats, thirty could be launched in a month without working at night, and that of the lighter description of vessels, the whole could be launched within the same time.

SIR CHARLES NAPIER asked, if there were only forty boats on the slips now, where the money to prepare a place for the other forty was to come from. He thought the Vote ought to be postponed for inquiry; the whole plan was wrong.

SIR JOHN PAKINGTON said, he hoped that the hon. Member for Surrey (Mr. Briscoe) would not persevere with his Motion. He had himself had nothing to do with this gunboat apparatus. It was all constructed under the late Government. Having visited Portsmouth, he found that there was there great difference of opinion as to the merits of the invention, and the facilities for launching. He was informed that for eight days of each fortnight two of these gunboats could be launched each tide; and that if the £5,000 now asked for were judiciously expended, that could be done on every day at neap tides as well as springs. It was true that the original Estimate for this work was £70,000; but all that had already been expended was £51,200; and with the sum now asked for

the total to complete the work would be £56,000. The erection of additional sheds was an entirely separate question, and one upon which the present Board of Admiralty would not decide without careful consideration. Every Member of the Committee must agree that the Government was bound to take proper care of these gunboats, which were applied for from all parts of the world; and the question was whether they would be better in the water or hauled up high and dry. On that he did not presume to give an opinion, nor would he say whether or not there had been an extravagant expenditure upon this launching apparatus. Both at Portsmouth and in that House some of the best judges differed upon that question.

Mr. HORSMAN said, that if the expenditure of this £5,000 would remedy the defects existing in this apparatus the Committee ought to grant it. If, however, there was any doubt as to the attainment of that result, or any probability that next year they would be called on for the remaining £14,000, he should recommend the postponement of the vote until the right hon. Baronet was better informed upon the subject.

Sir JOHN PAKINGTON said, he must decline to give an opinion upon the details of an engineering and scientific question; but he was told that a smaller sum than £5,000 would remove the impediments to the launching of these boats. He had reason to believe, and did believe, that the expenditure of this £5,000 was needed to make the work complete, and he, therefore, thought, that it was undesirable that the Committee should refuse the grant of so small a sum.

Sir JAMES ELPHINSTONE said, that before these vessels could be launched at all tides it would be necessary either to deepen the creek, or to construct a basin into which they might be launched. The only way to ascertain how quickly the gunboats could be got into the water would be for the First Lord of the Admiralty to give the signal that they should be launched. It might be that there were demands from all quarters for these vessels, but that only showed the necessity for providing small vessels. He thought, however, that these gunboats would not answer, for they were utterly unfit for sea—the officers and men were worse off than in the old 10-gun brigs, and in hot climates the want of accommodation on board was such as to endanger life.

Mr. KIRK said, that there appeared to have been a sum of £11,270 expended beyond the £40,000 voted, and he wished to know from what source it had been obtained.

Sir JOHN PAKINGTON said, he had expected that the late First Lord of the Admiralty would have answered this question, because the transaction to which it referred happened in his time. He believed, however, that the answer was that the Treasury authorized the expenditure of the money before it was voted by Parliament.

Sir CHARLES WOOD said, the greater part of the money had been spent in providing means of hauling up the gunboats. He was glad to find that upon the whole the right hon. Baronet the First Lord of the Admiralty agreed with him. The gunboats were better preserved when hauled up than when left in the water. The only question appeared to be as to the means of launching, and he thought there could be little doubt that the engineers of the present day would find little difficulty in providing for that proceeding. They had all been drawn up by the help of this machinery, and to say that they could not be drawn down again in the same way did seem to him to be an extraordinary notion. Captain Dacres assured him that with the present means thirty boats could be launched per month, and that with an outlay of £8,000 that number could be increased to forty. The question was whether, after the money which had been spent, and, as he believed, was admitted, usefully spent, the Committee were prepared to vote £5,000 more to effect further improvements in the launching. He also wished to refer to one or two points upon which observation had been made. The hon. and gallant Member for Southwark had asked for the production of the order for the discharge of the continuous-service men, and stated that he (Sir C. Wood) had said there was no such order. He could not have been so absurd as to say such a thing, because he issued the order; but what he did say was that there was no order issued cancelling the first order, as none was required. Another hon. Member (Sir G. Pechell) had referred to the expediency of sending gunboats to Cuba, and he (Sir C. Wood) had said there were objections; but, in fact, he had sent four, and he had received a letter from the commodore on the station, regretting that they had not yet succeeded in capturing

any slavers. With respect to what had been said about doing away with gunboats altogether, he could not agree with that view; but, as the First Lord had said, a class of small cruisers was much required, and a short time since he had ordered the construction of some vessels which he hoped were now nearly completed.

Sir FREDERICK SMITH thought they ought to be satisfied of the effectiveness of these boats before they spent this £5,000 in providing facilities for hauling them up.

Sir CHARLES NAPIER explained, that he had asked for the production of the order for the discharge of the continuous-service men, and also for the order cancelling the first order; to which the right hon. Baronet replied, there were no such orders. It was said, the gunboats were better kept hauled up; if so, why were not the mortar-boats also hauled up?

Mr. CORRY said, orders had been given that the mortar-boats should be hauled up.

Mr. BRISCOE said, he must express his regret that, notwithstanding the appeal which had been made to him to withdraw his Motion, he felt that he could not, consistently with his duty, comply with that request; for the further the discussion proceeded, the greater reason, he felt, existed for dividing the Committee upon the question.

Mr. BENTINCK said, he rose to explain that his statement with regard to the gunboats had been misunderstood by an hon. Gentleman opposite. What he said was, that it would take a fortnight to launch eight of them; and, in making that observation, he rested his opinion upon the first professional authority. The right hon. Baronet (Sir C. Wood) seemed to think that the money expended for hauling up the gunboats had been wisely spent. The discussion that had taken place hardly bore out that assertion. In order to be useful, gunboats should be available upon an emergency; but, then, why was £70,000 spent in order to make them unavailable? He (Mr. Bentinck) had not said that engineers would be unable to launch the gunboats; but he did complain that vessels, whose greatest merit was represented to lie in their being readily available, should be placed in such a position as to call for the exercise of engineering ability before they could be rendered available. Then, as to the relief of Portsmouth Harbour, he was certain that 500 gunboats might be easily berthed there. He thought the Committee were entitled to know who was responsible for the arrangement, be it good or bad; and he trusted that they would receive information on that subject from the late First Lord of the Admiralty. If it was to be understood that no further sum than the £5,000 would be asked for the purpose stated in the Estimates, he should vote for that amount; but if there was to be no such understanding, he should vote against it.

Mr. MACARTHY said, he thought the prudent course for the Committee, as the guardians of the public purse, when they heard such contrary opinions on this subject, was to refuse to pass the Vote at present, and insist on its being postponed till they had further information.

Sir CHARLES WOOD said, the orders were given on a Report of the Board of Admiralty; and when he went down to the spot to make inquiries, no objection was made to the matter.

Sir JOHN PAKINGTON said, it was a mistake to suppose that additional slips were to be made. It was intended to make the existing slips available. He understood that an expenditure of about £3,000 would effect that object, and the remaining sum would be expended on removing mud from the creek, so that boats might be launched any day. He could not give any positive information on the point; but he had every reason to suppose that £5,000 would complete whatever was to be done.

Lord CLARENCE PAGET said, that as the question stood, the Committee had got into a queer position, for they were told that forty gunboats were hauled up, and that if they did not grant this sum, those boats could not be launched. Hon. Members who were now going into details on the subject of this £5,000, had made no objection whatever when the right hon. Baronet the First Lord of the Admiralty come down and asked for a round sum of £2,000,000.

Sir CHARLES NAPIER begged to inform the right hon. Baronet at the head of the Admiralty that it was quite a mistake to suppose that, for a sum of £2,000, the creek could be so cleared as to admit of boats being launched every day. To put the creek in such a position, it should be cleared from end to end, and to do that £50,000 would b required.

Mr. HORSMAN said, he was inclined to think that the hon. Member for Surrey

ought not to divide on this question, though, when naval authorities were so unanimous in objecting to the Estimate, it was difficult for the Committee to assent to it. They were told that nothing could be more efficient than the manner in which these boats had been housed. It appeared, indeed, that they had been housed only too efficiently. The late Admiralty had housed them so well that the present Admiralty could not unhouse them. The present Board was engaged undoing what the late Board had done so extremely well, and for this purpose it required a further sum of money. What he objected to principally was, that they had no guarantee that next year they would not be called upon for a still larger amount than was now asked for this purpose.

MR. BENTINCK said, he must express his regret that no answer had been given to his question by the right hon. Baronet the late First Lord of the Admiralty.

Motion made and Question put, "That the item 'Gunboat Ships (Haslar) £5,000' be omitted from the Vote."

The Committee *divided*:—Ayes 26; Noes 224: Majority 198.

Original Question put, and *agreed to*.

(2.) £30,000, to complete the sum for Medicines and Naval Stores.

COLONEL BOLDERO said, he wished to bring under the notice of the First Lord the situation of the Medical Department of the Navy. He had felt it his duty on several former occasions to advocate the cause of the assistant surgeons in the Navy, and he could not have succeeded in his efforts but for the powerful co-operation of the right hon. Member for Halifax, the late First Lord. To that right hon. Gentleman the assistant surgeons of the Navy were solely indebted for the improved position they now held on board-ship—a position to which they were entitled alike by rank and education. That valuable branch of the service had, however, other claims on the country. Their pay was inadequate. Formerly an assistant surgeon in the army received 7*s.* 6*d.* a day, while an assistant surgeon in the navy received 8*s.* a day, by which a slight preference was given to the Navy. Now, however, the pay of the same class of officers in the army had been raised to 10*s.* a day, while that of the navy assistant surgeons remained as before, which threw the preference on the side of the army. He thought it was important that the navy should be in a position to draw to its service the best qualified men, because, being sent on long voyages, they were more left to themselves than the army surgeons were. And he wished to remind the Committee that the army was not the only competitor for the service of surgeons. The East India Company were extremely liberal to the surgeons they employed, and allowed them to take private practice, from which they often realised large sums. In the merchant service, also, there were many large ships almost equal to men-of-war, which carried numerous first-class passengers, and the surgeons engaged for them received remarkably good pay, and were treated as gentlemen. Unless, therefore, the assistant surgeons of the navy were paid as well as their brethren of the army, there was a danger of an insufficiency of duly qualified practitioners for the service. Another grievance which this class laboured under was that on being made full surgeons they were put upon half-pay; and from this cause they spent on an average ten years of their life ashore, which did not count in their applications for a retiring pension, while the service of the military surgeon was continuous, and he could therefore retire ten years sooner. He hoped the right hon. Baronet would take this matter into his serious consideration, for it was a matter of deep importance to the interests of the navy.

SIR JOHN PAKINGTON said, he entirely concurred with the hon. and gallant Gentleman as to the importance of appointing duly qualified medical men to the navy, and he would consider the alteration suggested by him.

Vote *agreed to*.

(3.) £41,470, to complete the sum for Naval Miscellaneous Services.

MR. W. WILLIAMS observed, that this Vote contained an item of £12,066 for compensation for damage done by Her Majesty's ships to private ships, and a large item for compensation for damage to ships in the Baltic, the Black, and the Azoph Seas, which he presumed was occasioned by the illegal capture of ships during the Russian war. If so, deductions ought to be made from the prize money of those officers who had captured vessels illegally to compensate the aggrieved parties. He wished to have an explanation of these items.

SIR CHARLES WOOD said, that with regard to the first item, it was to afford compensation for damage done unavoidably by Her Majesty's ships to private

ships; and with regard to the second, that the capture of certain vessels on the seas mentioned by the hon. Gentleman, gave rise to questions of law. The legality of their capture being questionable, it would not be just to make the capturers responsible for the damage.

Mr. FAGAN said, the Vote contained an item for Sailors Homes, and he should like to know on what principle the money was distributed, because nothing was contributed by the Government for the support of the Sailors Home at Cork, where many seamen of Her Majesty's Navy were received.

Mr. MAGUIRE said, that as Ireland had now to pay the same taxes as England, it was not fair that millions should be expended in fortifying the coasts of England and Scotland, while not a farthing was laid out on the Irish coast. Even for imperial purposes such a harbour as that of Cork, which at any water could be entered by the *Leviathan* itself, ought to be made a naval station. It presented the greatest facilities for repairing even the largest ships in the navy.

Mr. BAGWELL said, that as a resident at Queenstown, could corroborate what had been said by the hon. Member for Dungarvan (Mr. Maguire). Every First Lord of the Admiralty for the last twenty-five years had promised to consider the case of Cork harbour, but nothing had been done. One improvement had certainly been made, and that was the erection of a pier, and so great was the advantage derived from it that he might state that he himself saw one of the largest steamers lying alongside of it, and a regiment of cavalry was marched down there to embark for the Crimea, and they actually walked their horses on board. The harbour of Cork was the great western harbour of the United Kingdom.

The CHAIRMAN said, that he must remind the hon. Member that he was speaking to a Vote which had already passed.

Sir CHARLES WOOD said, he would strongly recommend the right hon. Gentleman the First Lord of the Admiralty to go to Cork harbour, which was one of the most beautiful in the world. He wished to explain the grounds of the restriction in the charitable contributions of the Admiralty complained of by his hon. Friend behind him (Mr. Fagan). There had been such a number of demands made on the sum in question from places which had ostensibly a right to apply, that it was thought best to confine the contributions to places where there were actually naval stations.

Sir JOHN PAKINGTON said, the explanation of the right hon. Gentleman did not tally with the statement of the hon. Member for Cork, who said that a considerable part of the sum in question was unappropriated. He was not acquainted with the condition of the fund, and he did not know whether the arrangement mentioned by the right hon. Gentleman was not a judicious one, but he would take care to inform himself on the subject, and if he found any injustice existing he would endeavour to remedy it.

Vote *agreed to.*

(4.) £394,148, to complete the sum for Half Pay.

Sir GEORGE PECHELL said, he had observed with great pleasure the manner in which the First Lord of the Admiralty had commenced the performance of the duties of his office, and particularly he would express his gratification at the right hon. Gentleman's having taken measures to inquire into the case of a very deserving class of men, the worn-out officers of Greenwich Hospital, and for having given them their half-pay, of which they had been for so many years deprived. This step had given so much satisfaction, that he hoped the right hon. Gentleman would give their half-pay to others on the list who were in the same position. He hoped, therefore, that the right hon. Baronet would not in the distribution of patronage with reference to this Vote, confine it to a small clique and to particular families. It was a subject of remark, that out of the small number of rear-admirals now employed, two of them bore the same name, and were connected with each other. If there was one class of officers who deserved more consideration than others, it was that of retired officers with the rank of captain, who had seen active service. He had never asked for additional relief for these officers without stating where the fund was to come from to pay them; and he thought a saving might be made in coal on board steam-ships, not only in vessels on service but in the ports. He had also suggested before, that the money paid for shipping bullion to this country from foreign ports, to the admirals on their stations, was a great abuse. He hoped the First Lord would enable these half-pay officers to enjoy the additional privileges to which he had alluded.

Admiral DUNCOMBE said, the hon.

and gallant Gentleman had alluded to two gallant Friends of his who were now employed; and he would venture to tell the hon. and gallant Gentleman that, though the number of rear-admirals employed was so limited, and unfortunately two of them bore the same name, they were among the most scientific and able officers in the service; and when he stated that they bore the name of Grey, it would be a proof that they were not officers who had thrown away their time. They devoted their whole time to the service, and no more energetic or scientific officers were to be found.

ADMIRAL WALCOTT: At first sight a Vote of £694,148 for half-pay and retirement to officers of the Royal Navy and Marines may appear a considerable charge upon the revenues of the country. I need not, however, remind the House that it is the inevitable entail of a war, which between the years 1792 and 1815 was carried on against France, Spain, Russia, Denmark, Turkey, and the United States of America, and at times against combined nations. At one period we had upwards of 1,000 sail in commission to furnish blockading fleets off Toulon, Cadiz, Ferrol, Brest, Texel, and in the Baltic, and on the sea board of America, as well as for the protection of our scattered colonies, and for the convoy of a vast commerce. The officers, who then devoted their youth and prime of their life to the service of this country, cannot be deprived of their frugal maintenance in their age, or on this involuntary and compulsory retirement from the active duties of this profession. It is a debt of honour contracted by the nation. Every day it is in course of being lessened, and within a few years will be largely cancelled by the hand of death.

MR. W. WILLIAMS said, he wished to draw attention to the extraordinary system of promotion to the rank of admiral. In 1840, there were only 143, and now they numbered 349. The Committee ought to express its disapprobation of this reckless system of promotion. When in 1846, 200 old captains were placed on the list of retired admirals, it was understood that the number of admirals would gradually be decreased; but, instead of that, it had gradually increased. There had, within a very short time, been recently added to the list no less than twenty-nine admirals. He believed that there was about an admiral and a half to every vessel in the navy.

MR. CORRY said, that what the hon. Gentleman called reckless promotion, since 1846, had been productive of more good to the service than anything that had ever been done. There were 343 admirals on the list, but they were not meant to be for active service. There were only 100 on the active service list; and the retired list was introduced for the purpose of obtaining younger men in the rank of admiral. At present, the number of years' service of the senior captain was only eighteen years, while in 1846 it was thirty-eight; so that supposing a man to have the good fortune to become a captain at thirty years of age, he could not become an admiral until seventy. In fact, a man might become an admiral at forty-eight. The result was, that we had now admirals in the prime of life, and in the full enjoyment of health and activity. The whole cost attendant on obtaining such an advantage was £22,000, and the whole expense of the half-pay list in the last ten years had been diminished by £38,000.

SIR CHARLES NAPIER complained that the reduced list of admirals had exceeded the prescribed number of 350. He objected to their limiting the admirals to certain families. If only five rear-admirals were required, two ought not to belong to one family. He wanted to see a little more fair play in the appointment of officers. When a new First Lord came into office he always professed to look only at merit; but they all knew that that was all humbug. A gallant Admiral opposite, and there was no more efficient officer, had almost gone on his knees to the Board for employment—[Admiral WALCOTT: I did.]—but it was of no use; he had no Parliamentary influence.

SIR CHARLES WOOD said, no measure had been more beneficial to the efficiency of the navy than that relating to the reserved list, which was begun in 1846 and completed in 1851. If we were to have young admirals, there must be some means of disposing of the old ones, and the expense of a reserved list was trifling in comparison with the advantage gained. As to the reserved list of captains, provision had been made some years ago that the list should be reduced to 350, and it was now in course of gradual reduction to that point. At present it was 356. With regard to the two gallant officers whose names had been mentioned, he certainly had given them appointments, but only in their regular order. Sir Michael Seymour's services in the Baltic fully entitled

him to his promotion, and Sir George Seymour's services were equally meritorious. With respect to his relatives, their promotion took place upon a principle which he was ready to explain to the Committee. He promoted according to seniority those officers who distinguished themselves in the Crimean war. During that time Sir Frederick Grey commanded the *Hannibal*, and both his and Admiral George Grey's services, in taking care of the transport of troops, had greatly contributed to the success of our operations against Sebastopol; and he had in his hand a letter from Lord Lyons, thanking Admiral George Grey for his services at Gibraltar.

Sir CHARLES NAPIER said, he had not questioned the appointment of Sir Michael Seymour; indeed he (Sir C. Napier) would have been the first to recommend that gallant officer to the command in the Chinese seas; but what he objected to was family influence. He referred to the two Admirals Grey; he did not believe that they would have been appointed but for the fact that they were brothers-in-law to the late First Lord.

Sir FRANCIS BARING said, that he was answerable in some degree for the creation of the retired list of admirals, and he thought it had worked well. It was he who had appointed Admiral Sir George Seymour to the American station, and he had done so solely on account of his services. He would remind the hon. Member for Lambeth (Mr. Williams) that the proposition for putting officers upon the retired list came originally from the late Mr. Hume, who would not have sanctioned anything prodigal.

Vote *agreed to;* as were the following Votes:—

(5.) £280,061, to complete the sum for Military Pensions and Allowances.

(6.) £90,481, Do. Civil Do.

(7.) £160,500, Do. Freight of Ships, &c.

(8.) £588,488, Do. Packet Service.

Upon a Vote of £121,957, for the Department of the Commander in Chief,

Mr. W. WILLIAMS moved, that the Chairman report progress.

General PEEL said, he hoped the hon. Member would allow the Committee to go on with the Vote.

Mr. W. WILLIAMS said, he must persist in his Amendment, as it was nearly twelve o'clock.

Motion made and Question put, "That the Chairman do report progress, and ask leave to sit again."

The Committee *divided:* Ayes 36; Noes 163: Majority 127.

The CHANCELLOR of the EXCHEQUER said, that the House had sat so late during the week, that he would recommend his right hon. Friend (General Peel) not to press another Vote. The House seemed, indeed, quite in the humour to adjourn.

House *resumed;* Resolutions to be reported on *Monday* next.

FRANCHISE PRISONS BILL.

LEAVE.—FIRST READING.

Mr. HARDY, in moving for leave to bring in a Bill to abolish franchise prisons, said, there was in this country certain prisons in which debtors were liable to be confined if arrested. They were prisons which the feudal lord was compelled by his tenure to provide, but in which prisoners were liable to be incarcerated without food, fuel, or beds, unless they had the means of obtaining those necessaries for themselves. He trusted that the House would, by agreeing to this Bill, affirm the principle that there ought to be no prisoners in this country except in the Queen's prisons. In one of these franchise prisons—that at Swansea—the hardships suffered by the debtors were so great, that Mr. Hill, Recorder of Birmingham, recently felt himself called upon to suffer a fraudulent debtor to escape with a more lenient judgment than he would otherwise have passed, on account of the sufferings he had undergone in the Swansea Gaol. This was a scandal which ought not to exist in any civilized country.

Mr. DILLWYN thanked the hon. Gentleman for the introduction of a Bill to abolish this remnant of feudal times.

Leave *given.*

Bill to abolish Franchise Prisons *ordered* to be brought in by Mr. Hardy and Mr. Secretary Walpole.

Bill *presented,* and read 1°.

House adjourned at half after Twelve o'clock, till Monday next.

HOUSE OF LORDS,

Monday, April 26, 1858.

Minutes.] *Sat First in Parliament*—The Duke of Devonshire, after the Death of his Cousin; the Lord Sudeley, after the Death of his Father.

GOVERNMENT OF INDIA.—PETITION.

THE EARL OF ALBEMARLE, who had given notice of a Motion for Returns relating to India said, that he had never intended to insist on the production of these papers, his object in moving for them having been merely to put himself in order while addressing their Lordships on the subject. He had, however, lately heard from a noble Lord to whom on such a matter they were all bound to pay the most implicit deference—the late Speaker of the House of Commons—that his Motion would be informal, and he, therefore, begged leave to withdraw it. He should now present a petition from certain inhabitants of Birmingham praying for a better system of Government for the Eastern possessions of this country. He had much satisfaction in calling their Lordships' attention to the petition, because it contained a practical suggestion for carrying out that principle which he in common with some very few Members of that House had for the last five years endeavoured to impress on their Lordships—namely, the necessity of a truly responsible Government for India. The principle of responsibility had been admitted both by the late and the present Government, and therefore he hoped that it would now be accepted. The proposal, which was first made on a petition from the Manchester Chamber of Commerce, had since been most unanswerably advocated by the ablest periodicals in this country, including *The Times*, *The Examiner*, and *The Economist*. It was that there should be a Secretary of State for India, with a sufficient number of Under Secretaries. This plan had the sanction of common sense, and he felt confident that it would in some shape or other form the basis of the future government of India: in which case the Manchester Chamber of Commerce would have reason to pride itself upon having suggested a scheme of Government which the united wisdom of two Administrations had been unable to devise. These petitioners doubted the expediency of associating a Council with the Secretary of State, and in his opinion such a plan would be only another form of a double Government. At the same time they unhesitatingly disapproved any proposition that the Council should be elected by such classes as the holders of India stock and the constituencies of large towns. It would be a work of supererogation to criticize the constitution of that portion of the Council which, according to the scheme of the present Government, was to have been elected by five large towns. That notable device had been thrown overboard, as sailors got rid of a part of the cargo to save the ship from sinking; but he doubted whether even this step would render the vessel seaworthy. If the principle was once recognized that a portion of the Executive power should be transferred to any constituency, he did not see that there was much to choose between the £10 electors and the soldier. Although the Elective Council should be the best constituted in the world, yet there would be an objection to its principle; because a Council having ministerial and executive functions ought to be responsible, and elective Councils could be responsible to no one. What advantage could be gained from any Council, of whatever number of members it might consist, which would not be equally well obtained from a Secretary of State, aided by a number of Under Secretaries proportioned to the work to be performed? One would really suppose that there was something so peculiar in India and its inhabitants, that they required a form of administration totally at variance with common sense, and contrary to the ordinary principles of government. The truth is, the mental vision of Her Majesty's Ministers was so completely obfuscated by the idea of a traditionary policy, that they were unable to see how utterly irreconcilable an irresponsible executive was with a constitutional Government. They saw a nominally responsible Secretary of State for India in the President of the Board of Control, and a wholly irresponsible Council in the Court of Directors, and therefore they must needs have similar functionaries. He asked Her Majesty's Ministers to remember that it was under that very system that the whole fabric of Indian administration had broken down, and that the thousand promises of wealth, security, and prosperity had issued in a heavy debt, a terrible mutiny, and, as it now appeared, a widespread insurrection. It was informal to move for, or even to mention the Resolutions which had been laid upon the table of the other House, and therefore he would say he had read a printed paper presented to another assembly, the framers of which appeared to have had no object but to make such a loophole for the Secretary of State for India as to release him from all possible responsibility. It was stated in that paper that care was to be taken to render the Councillors effective and in-

dependent; but those terms were contradictory—the more independent they were the more dependent must be their chief, and the more dependent was the chief the less responsible would he be to Parliament or the country for his acts. From all he had read and all he had heard he felt quite confident that Her Majesty's Ministers were not competent to frame a Government for India which should govern our dominions in that country, should be compatible with the principles of the constitution, and should tend to promote what ought to be the whole and sole object of every Government, the prosperity and welfare of the governed.

Petition read and ordered to lie on the table.

House adjourned at half-past Five o'clock, till To-morrow, half-past Ten o'clock.

HOUSE OF COMMONS,

Monday, April 26, 1858.

ARMY IN INDIA.—QUESTION.

MR. MACARTNEY said, he would beg to ask the Secretary for War whether the entire charge for pay, allowances, subsistence, clothing, appointments, stores, and horses of the increased force of British Troops now serving in India, by reason of the Mutiny, will be defrayed and provided for out of the Indian Revenues alone, and, if not, what proportion will be charged on Imperial Revenue; also, whether any portion of the cost of transport, from England and her Colonies, of troops sent to India since July, 1857, by reason of such Mutiny, has been borne by the Naval or War Department, and, if so, to what amount?

GENERAL PEEL said, that all the expenses arising in the mode pointed out by the hon. Member for Antrim were chargeable on the revenues of the East India Company, and will be paid by them, and not one farthing will have to be borne by the Imperial Revenue. The hon. Gentleman had also asked whether any portion of the cost of transport, from England and her Colonies, of troops sent to India since July, 1857, by reason of the Mutiny, had been borne by the Naval or War Department; and, if so, to what amount. His answer to that portion of the question was, that the payments were made in the first instance by the Admiralty, and afterwards repaid by the War Department of the East India Company.

PRINCE EDWARD'S ISLAND.—QUESTION.

MR. CHICHESTER FORTESCUE said, he wished to ask the Secretary for the Colonies whether it is his intention to introduce a Bill during the present Session, giving the Imperial guarantee to a loan raised, or to be raised, by the Government of Prince Edward's Island?

LORD STANLEY was understood to say, that notice had been sent out to the colony in question that such a Bill was in contemplation, and it was his intention to introduce it, if possible, in the course of the present Session.

GOVERNMENT OF INDIA (No. 3).

COMMITTEE MOVED FOR.

THE CHANCELLOR OF THE EXCHEQUER: I rise, Sir, to move that the House will, on Friday next, resolve itself into a Committee of the whole House, to consider the Act of the Queen which provides for the government of India, and in order that I may then propose the Resolutions which I have already laid on the table of the House. I think it will facilitate the progress of our proceedings connected with this great subject if the House will permit me to take this opportunity of briefly, and I hope temperately, reviewing what has occurred during the present Session with reference to it. At the beginning of this year, it transpired that it was the intention of Her Majesty's then Government to propose the transfer of the government of India from the East India Company to the Crown; and, accordingly, very shortly after the meeting of Parliament, the noble Lord opposite (Viscount Palmerston) himself asked leave to introduce a measure to accomplish that object, stating on that occasion, in great but necessary detail, what were the provisions of the Bill he then sought to introduce. On that occasion, an hon. Gentleman (Mr. T. Baring), who presided over the Select Committee on East India Affairs, which was appointed by this House in the years 1853-4, and who was well entitled, for other reasons, to claim the attention of the House—not in communication with any party, but acting entirely from his own conviction—proposed an Amendment to the effect that the House should declare itself of opinion that it was inexpedient at that time to legislate on the subject of

India; and there were—whatever may be the various opinions of the House on that question—no doubt, very powerful and very cogent reasons why that Amendment should have been favourably received. The state of India, hardly at that moment reviving from an extensive rebellion, and, in a great portion, in a state of doubtful war—the suddenness of the proposition made by the Minister, and the great consequences which might result from it—all these things constituted good reasons why we should hesitate before we precipitately agreed to the introduction of so vast a measure. The Amendment of the hon. Member, I may remind the House, was amply and carefully discussed; it was rejected by a very large—by what is called an overwhelming—majority; and by that majority the noble Lord obtained permission to introduce his measure. I apprehend that the noble Lord obtained nothing else. None of the details of the noble Lord's measure were sanctioned by that vote; and, strictly speaking, none of the principles of it. But I think it would hardly be candid were I not to admit that, besides the permission to introduce that measure, we had a right, from the general tone and tendency of the debate, to infer that the opinion of the House of Commons was in favour of the transference of the government of India from the Company to the Crown. Unexpectedly—very unexpectedly—almost immediately after that large majority, a change of Government took place, and those who then became responsible for the conduct of affairs had to consider the very difficult position in which this important question was placed. They had to consider, at the outset, what was the relation in which the new Government would stand with respect to the House of Commons, which had by this large majority expressed their opinion that this transference of the government of India from the Company to the Crown should take place; they had to consider that which—I say it with due respect to you, Sir, and to the House—was even more important—the effect that vote would have on opinion in England and in India. Although it was the opinion of those who then became responsible for the conduct of affairs, when the question of the introduction of the Bill of the noble Lord came before the House, that the Amendment was a wise and prudent Amendment, and it was supported, with scarcely an exception, by those who now form the Administration, nevertheless, they felt it impossible to avoid the responsibility of action under the altered circumstances which presented themselves to their consideration. Sir, difficult as was the position in which we found ourselves, I cannot, upon reflection, feel that we ought to have taken any other course than that which we pursued. I think it was impossible, under the circumstances, to avoid offering to the House a scheme of government for India, which, on the whole, we thought would be most advantageous to that territory.

Now, Sir, the House will permit me to observe, that there was some similarity, but at the same time great differences, between the two schemes which were proposed by the noble Lord and by Her Majesty's Government. They resembled one the other in one particular; they both proposed that the government of India, so far as it was conducted in England, should be conducted by a sole and responsible Minister, who should possess an undivided authority. The noble Lord proposed, in addition, that there should be a certain number of individuals—a limited number—nominated by the Crown, who should be called the Council. We, on the other hand, proposed that the Minister, with undivided authority, and with sole responsibility, should be assisted in the conduct of affairs by a Council, which, in point of number, and the quality and materials of which it was formed, should not be a Council in name merely, but in fact. Now, I would call the attention of the House to what, on the consideration of the Act of the Queen, on Friday next, and of the Resolutions which I shall then venture to propose, is the main issue which the House will have to decide. No doubt, there are a vast number of secondary considerations and arrangements with which we shall have to deal—some of them, unquestionably, of considerable importance—such as the distribution of patronage, and matters of that kind. But there is at the bottom of this question one main issue, upon which the attention of the House ought to be concentrated before they consider any other of the circumstances which will come under their attention. Now, Sir, there are two schools, if I may use the phrase, who have laid down dogmas upon which they say the new Government of India ought to be framed. The first is one which boasts of simplicity of arrangement. They tell you there is no difficulty in constructing a Government for India, and that the sim-

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pler your form of government the better. All you have to do, they say, is to establish a great officer of State, with undivided authority and with sole responsibility, sitting in a House of Parliament, and assisted in the administration of his office by some clerks and under secretaries. The principle on which this school found their system is simple; it is this—that India ought to be governed as every other dependency of the Crown is governed. Now, Sir, I join issue at once, with great respect, with that school. I deny that India ought to be, or can be, governed in the same way as the other dependencies of the Crown. I deny that there is any analogy between India and any other dependency of this country. India, Sir, is an empire of many kingdoms and of many nations, peopled by populations influenced by different religions, different laws, and different customs, and containing a variety of races, equal to that which exists in Europe. It follows, I think, from that, that he who governs India must be a man who should possess vast and varied information on the subject with which he has to deal; and I cannot believe that an English statesman, however gifted he may be, appointed to the office of President of the Council of India, or Secretary of State for India—suddenly and perhaps unexpectedly appointed—from his general reputation, or the possession of Parliamentary ability, can possess the requisite knowledge and information for such a post. Well, then, he must consult somebody; and who must he consult? He must consult the permanent officers of his department, and his under secretaries and his clerks become his Council. I have, as all have, I am sure, the greatest respect for the permanent civil servants of the Crown. No one can have been brought into communication with that large and valuable body of Her Majesty's servants without entertaining for them feelings, not only of respect, but often of admiration. But, Sir, it is impossible to deny that, if they have a deficiency, the quality in which they are deficient—and necessarily so from the career they have to run—is an absence of that feeling of responsibility which we, from our training in this House, all of us, to a greater or less degree, must possess. They live, too, necessarily in a circle of peculiar opinions—opinions which they have adopted often from force of conviction, but sometimes also from the power of habit. I do not believe, then, Sir, that this system of the simple school, of suddenly effecting an immense revolution, such as that proposed by the late First Minister, and substituting for the complicated system of government which still prevails, a mere Minister of the Crown, assisted by some permanent civil servants, would be one which would work in a manner satisfactory to the country.

But, then, Sir, the friends of that school—and they are active and able—tell you that it does not much signify whether this new Minister is really capable from his knowledge or experience, or whether the civil servants to whom he trusts for the ordinary administration of business are efficient, because—and this is the second principle of their doctrine—India must be governed in India. Now, I beg the House calmly to consider how much is involved in that phrase. "India to be governed in India," means that the Governor General of India is to be placed in the possession of power which the constitution of this country has not hitherto contemplated, and which may produce effects upon the fortunes of this nation, the magnitude of which it is impossible to predict. Why, Sir, a Governor General of India would, under these circumstances, unchecked by an authority having competent knowledge in this country, occupy a position which no despot at any time has approached. Conceive the career which might tempt an individual in possession of such a power—a career, perhaps, of conquest, exercising an immense influence over the finances of India," and recoiling, perhaps, upon the finances of this country. No one would be able to check him, no one competent to control him. Complaints there might be of mal-administration, and of the exercise of arbitrary power; but when the complaints came home, they must be referred to him for explanation, and he would give that satisfactory information which superior knowledge can always give upon every subject. What power would not this new authority possess at home in influencing votes? In what relations would the Governor General of India stand to the Ministry in England, and especially if it be a weak Ministry? What opportunities at his command to sustain a weak and failing cause! Inquiry into the conduct of the Administration would be stopped by providing for all claimants upon Ministers, out of a patronage which would be inexhaustible. The more, Sir, I reflect upon this "simple" plan, the more I am convinced of its danger and impracticability.

Well, Sir, there is another plan which has been brought forward in this House in the form of a Bill, and that has been stigmatised as a complicated plan. I cannot say that the plan of the noble Lord deserves this epithet. The plan of the noble Lord is really—though slightly veiled for form's sake—the plan of that school of simplicity to which I have adverted; for in it the Minister would possess a very limited Council of nominees, yet those nominees could not perform the functions of a Council, for the several departments over which they would have to preside would occupy the whole of their attention. In every great department—in the military and judicial departments; in the department of finance—the Minister should be subject to the control of a Committee, whose combined mind should influence affairs; but if you have a Council very limited in number, containing only a few nominees of the Crown, you will find each department of Indian administration subjected to one individual only, as it would be to an under secretary or a clerk. Well, Sir, the Bill which I had the honour to bring forward was stigmatised as being of a complex and complicated character. Now, I am not prepared to agree that such a character, if it possessed it, would be altogether a fault in the Bill, or that in framing a government for an empire like India, we should look solely to simplicity as the great point to be achieved. A great writer has said, that of all affectations the affectation of simplicity is the most offensive; and, if I am not mistaken, what is true in literary composition and manner, is equally valid when speaking of political institutions. We have had during the last half century or so, a great many new constitutions established in Europe, all remarkable for their simplicity—constitutions the children of philosophy, the offspring of an enlightened age, and all taking as their basis first principles and abstract truth. What has been the fate of those constitutions? On the other hand, our own constitution is not a simple construction; our own constitution is extremely complicated; and yet our own constitution has worked much better than any of those modern inventions. Therefore, for my part, I certainly am not disposed to give in my adhesion to the principle that simplicity should be the chief quality to be aimed at in framing a new constitution for India. It is very easy to ridicule a proposal for a new Government.

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I do not believe that there is any form of Government in existence—that there is any institution that has long flourished, and that we are accustomed to look upon as a mere matter of course, that it would not be easy to prove theoretically to be utterly impracticable, although it has been in practice for centuries. I do not know any institution which appears to us more natural and simple than the mode in which the general administration of this country is carried on by a Committee of the Privy Council, called a "Cabinet." We are all accustomed to it. It seems to us the most natural institution possible—the legitimate offspring of our Parliamentary life; and yet if it were proposed for the first time, and I were in Opposition, I think I should experience no difficulty in showing that, of all the absurd inventions, of all impracticable suggestions that have ever been thought of, it was the most ridiculous. I could show how absurd it was to take one man out of one House of Parliament, and another man out of the other House of Parliament, those Houses of Parliament being assemblies between which there exists by no means an entire sympathy, but which, on the contrary, are often in a state of conflict; only think of making one man a Cabinet Minister because he is connected with the agricultural interest, another because he is connected with the commercial interest, and the third because he can make a good speech. Everybody would say at once if he heard such a system proposed for the first time, that it was the most absurd that was ever devised, that it could not work, and that the person by whom it was conceived could not possibly be entitled to the public confidence. But if it were further provided that the Government of the country should consist exclusively of men who had seats in the house of Lords or in the House of Commons, what declamation should we not hear against such a special qualification? How natural it would be to say that this absurd institution would shut out from the Government such men as Mr. Hallam, Mr. Grote, and Mr. Mill, and that it would be totally impossible it could work. And yet it must be confessed that our system, which does all this, does actually, on the whole, work very satisfactorily, and has worked very well for a century and a half. Although speaking with becoming diffidence on a subject like the government of India—on which I am bound to express my belief, from all that has passed during the last

two months, there does not exist in this country that matured opinion which should accompany, and which has always hitherto accompanied in this country the solution of great questions — still I cannot but agree, from what I have observed to have passed within these walls, that the majority of the House are in favour of a Council to assist the new Minister for India. But if they are in favour of a Council, assuredly they must be in favour of a real Council. Now, I am the last man to deny that there are great faults in our present system for the government of India in England. Many of those faults are acknowledged even by the members of the governing body. But that our home administration has also great merits no one will dispute. It does not require any elaborate argument to prove that fact; it is amply demonstrated by the very existence and the maintenance of our Indian empire. But what are the special excellencies of the East Indian Direction which have never been questioned, and are universally recognised? The knowledge that exists there—the experience that exists there—the aptitude to deal with all the forms and details of Indian administration—these are the qualities which have made the Government of the East India Company successful, and which have counteracted the evil effects of delay and of a divided responsibility. It appears to me, therefore, that if you resolve to have this Council, it should be a real Council, and should possess those elements and aptitudes for which the Court of Directors have been eminent. I say, in the first place, that such a Council ought to be numerous. I do not think that any one who has examined with attention all the matters that come under the consideration of the present Court of Directors can believe that they could be efficiently dealt with by the limited number of mere nominated Councillors that the noble Lord opposite (Viscount Palmerston), for instance, proposes. All those great heads of business, to some of which I have alluded, into the details of which I will not now enter—for I desire to be as brief as possible—and which could not certainly be arranged under less than eight principal heads, would each require a Committee for proper consideration. A Committee in the case of the government of such distant dependencies gives that quality of criticism and control which never can result from the labours of a single individual. A single individual is a mere administrator. But if you want a Council you must have committees; and if you are to have committees to deal with such large questions as the army, finance, the judicial establishments of India, the relations of the Native princes with our Government, and other subjects which I need not here enumerate you must have a Council considerable in numbers to supply efficient Members. But if you make up your minds to have a Council considerable in numbers, I believe that a proposal for entrusting to the Crown the nomination of all those members is one which this House, with the jealous feeling for public liberty by which it has always been influenced, would be very unwilling to adopt. I do not mean to enter, upon this occasion, into any argument as to what should be the exact number of Councillors, but I will assume, for the sake of argument, that it should be the number proposed in the Bill I had the honour to introduce into this House—namely, eighteen. Are you prepared to entrust the nomination of these eighteen Councillors to the Crown? I believe that it would be a dangerous measure —that it would be one of which this country would not approve, and which posterity would strongly condemn. Well, then, you must come to the principle of a limited nomination by the Crown. Let us assume that the Crown should nominate nine of these Councillors, or one-half of the whole number. We proposed that when the Crown nominated those nine members the greatest security should be given that they should be efficient men—that is to say, that they should be men who had a large experience of India—men of that amount of knowledge of India that they should be able to supply the Minister for India with information upon all those matters which might be brought before the Council. We proposed arrangements which would have secured a representation in the Council of the civil servants, and of the armies of the three Presidencies, and of the members of the great Indian Governments. It has been alleged that this restriction was unwise. It has been said, that by insisting on these conditions you might shut out very able men who might otherwise be placed in the Council. Undoubtedly you might in some circumstances; undoubtedly if you make a general arrangement there may be exceptional cases in which you would have great reason to regret its operation. But you must not legislate for exceptions; you must look to the great

object of your legislation—which, in the instance I am supposing is the formation, of a real Council, possessing adequate knowledge and experience; and you must endeavour to secure the services in that Council of men who, possessing special knowledge with regard to the state of the Punjaub, or of the southern provinces, or any other Indian question, may be able to give the Minister the best advice. I think, then, that our arrangement was a wise and prudent arrangement; and when I am told that some clever man might by that means not find a place in the Indian Council, I hope the House will allow me to inform them what would be, on the average, the number of individuals from whom the selection in this case could be made either from the armies of India or from the civil servants, or from the members of the great governorships. The number of those men—men who had filled the highest offices in India, would not probably, on an average, be less than eighty; and I cannot but think it would be preposterous to suppose that among that number the Minister for India could not find a person fully qualified to fill any vacancy in the Council that might occur.

But I see it stated in the manifesto of the East India Company—and here I may observe that the attack made on the privileges, and even on the very existence of the Company, have given rise to an extraordinary exhibition of intellectual power on the part of their officers—I see it stated in their manifesto that this proposition was specially objectionable, inasmuch as it would give a representation of class interests. Now, I must say that I was never more surprised than when I found this objection to the scheme urged on the part of the East India Company. I have certainly often heard it stated in this House, and elsewhere, that nothing is more baneful to a State than class legislation. That is a proposition I can understand. But what is class legislation? I mean by that expression legislation in favour of a class, because in the assembly where the legislation takes place that class preponderates; and I admit that such legislation is of a most vicious character. But the representation of class interests is not the same thing as class legislation; it is not even likely to lead to it, but naturally leads to an exactly different result. I have always heard that no basis of popular representation is more sound than the representation of classes, which is, in short, the constitution of this House. Is this an assembly in which we could maintain the justice or the expediency of a different basis? Have we not here Members for towns and Members for counties? Have we not Members for England, and Members for Ireland, and Members for Scotland? Are not all these classes and interests? I want to know what has made our Parliament so successful and so famous but the fact that it is a real representative assembly, and represents all class interests?

As far, therefore, as regards the construction of this Council on the principle of nominations, I maintain that if that principle is adopted by the Crown it must be limited, and that if you are to have a numerous and a real Council, it should not extend to more than about a moiety of the members of that body. But how are you to obtain the remaining members? Well, I must say that I do not see how you can obtain men of the necessary character, independence, and high qualities, and capable of bringing to the Government of India all the requisite knowledge and experience, unless you have recourse to the elective principle. But great objection is taken to that principle. The elective principle, we are told, is "unconstitutional." It is said that it is unconstitutional to have a royal and salaried councillor elected by the popular voice. Now, I admit the immense difficulty of encountering any argument that is based on the "unconstitutional" objection. I never yet have found any definition of what that epithet means; and I believe that with the single exception of the word "un-English" it baffles discussion more than any other in our language. I fully admit that it is anomalous to elect by the popular voice a royal and a salaried officer. But let us consider as practical men what it is we are dealing with upon this occasion. Are we not dealing with the greatest anomaly that has existed in modern times—the East India Company? What is the character of that Company? What has been the character of its whole career? Have you not suspended throughout its entire continuance the executive power of the Crown in order to delegate it to an elected Committee? For who are the members of the Court of Directors? Are they not, in the very language of your laws, the trustees of the Crown, but trustees chosen by the popular mode of election?—and do they not receive salaries when they are elected? And what is there more unconstitutional in a Royal and

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salaried Councillor than in a royal and salaried trustee? I think, then, that the objection against the election of these Councillors cannot be maintained. But if they are to be elected, the next question is, by whom should they be elected? In the Resolutions we have placed on the table of the House we have indicated one source from which they should, in our opinion, be elected; and allow me to say a few words upon that point. All persons will admit, whatever may be the faults of the East Indian direction, that limited, and even ridiculous, as the noble Lord the Member for Tiverton described the constituency that returned the Directors, very able and experienced men have been elected into that council. No one can urge it as an argument for the destruction of the East India Company, that the Directors have been inefficient men; on the contrary, it is notorious that these men, elected, according to the noble Lord, by this "limited and ridiculous constituency," have been on the average men far above the usual level of public intelligence. Well, we propose a constituency to elect a certain number of these councillors of an analogous character to that constituency which at present exists, and which has for so long a period produced such efficient representatives, but I think I may say infinitely improved in two important respects. First of all, it is much more numerous; and, secondly, it is far more varied. I hold in my hand a return, drawn up with great care, from which it appears that the constituency to which we would entrust the power of returning part of the elective members of the Indian Council would number between 7000 and 8000 persons, possessing a capital of £59,000,000 invested in India. It is hardly necessary for me to say that the members of this constituency must on the average be persons of considerable intelligence. But I am aware that what is supposed to be a fatal objection has been urged to the formation of such a constituency; and that is, that it would be impossible to canvass them. But what was the great argument advanced against the continuance of the rule of the East India Company when we renewed their charter in 1853? Every one admitted, upon that occasion, that the government of India worked well, and that very able men on the whole had been elected by the "limited and ridiculous" to the Board of Directors: but it was said that an election could only be secured by a canvass so degrading that the most eminent men would not submit to the worry and humiliation. The cry in this House then was—"Above all, we must put an end to canvassing." But the fault which is now ascribed to our proposed new Indian constituency is, that it would be impossible to canvass them. I believe it would be impossible to canvass them, and I think that is one of the great recommendations of the measure. I think it would be a very great improvement on the present system that a man who aspires to the office of an Indian Councillor should know that he had nothing on which he could rely but his capacity and his character, and that by these alone could he obtain a seat in the Council. In considering the construction of this body we had to remember the great question whether we could bring English opinion to bear on that special Indian knowledge with which we should, by the scheme we had proposed, amply furnish the Council. Unless this could be effected, an obvious evil and inconvenience might arise. Men formed exclusively in India, men brought up in the military or in the civil service of that country, might be gifted with great intelligence and possess great knowledge, but, born as they had been in the abuses of the system, they are not sensible of the existence of those abuses; and with such men exercising supreme authority you could not feel sure that you would be able to obtain for the inhabitants of India that redress from the grievances under which they suffered, that English protection ought to secure. But if, on the other hand, you selected for your Indian Government Englishmen animated by exclusively English feelings, you exposed yourselves to the danger of finding reckless innovations introduced in ignorance of the manners, habits, and laws of the various nations of India; and then you must be prepared to meet disturbance and disaffection in that country. You should in such a case try to combine the Conservative and reforming elements, so to establish a due balance of power, and obtain the advantages both of special Indian knowledge and of English progressive opinion. Now, how was that to be done? Who were the persons to be elected? You were hardly prepared to elect Members of Council from the agricultural interest. That interest is in no way instantly and immediately concerned in the welfare of India. If India were lost to us to-morrow, that loss would be no more to the agricultural interest than it would be

to the great body of the people from the impoverishment of the national resources which would follow. But there were persons in this country who had an instant and immediate interest in the well-being of India, and to whom the good government of India was an object of the first necessity, because they sent their manufactures to the people of that country, and received from them ample supplies of raw materials. They had a positive and an instant interest in the good government of India, because they cannot have the people of India good customers unless they are well governed. If any proof were wanted of the truth and soundness of what I am now stating, I need only ask the House to look at what has been the course of what is called Indian reform in this country. From what quarter does the cry for Indian Reform come? Have the people of England ever cared one jot about Indian Reform? No, they have not; and for this very simple reason, which I took the liberty, on a former occasion, to state to the House, that the people of England do not pay for India; because, so long as Indian finance is separated from English finance, and so long as the people of England do not pay in consequence of misgovernment in India, so long, depend upon it, they will not care for Indian reform. But the cry for Indian reform came from a particular quarter—it came from Lancashire, and for a very good reason. The people of Lancashire know very well that if India were exhausted by unjust aad impolitic wars, and if the resources of that country were not developed, their own trade must suffer; and therefore it was that they raised a cry for Indian Reform—which meant that they wished to have a government that would secure to them valuable customers, who would give them plenty of raw materials in exchange for their manufactured articles. And thus it is that Indian reform, although it involves some of the highest considerations that can occupy the minds of statesmen, and even touch the hearts of nations, has never, with all its interesting topics, occupied for a moment the attention of the people of this country beyond that comparatively limited circle employed in the great seats of our commerce and manufactures. We thought, therefore, that it was desirable that we should bring the representatives of these interests into this Indian Council. I will not now touch upon the constitutional objection to this proposal, because it is disposed of by the fact that it cannot be more unconstitutional to be elected by an English constituency than by any other constituency. We proposed that the great seats of trade should, to a certain extent, be represented in the new Council. We found, however, that we could not confine ourselves to the pedantry of selecting only those places which were most remarkable for their commercial relations with India. Dealing with the question as I believe it becomes statesmen to deal with all great settlements of the kind, we were led to consider the claims of the three nations of which this united empire is composed. We proposed that the City of London should be represented in this Council. We were not unmindful of the anomalous position which the City of London occupies with reference to the other metropolitan districts; but we felt that in legislating upon such a subject, it would be necessary to deal in a practical spirit with the materials which we had before us. The City of London is the great emporium of this country—its port is the great seat of the trade, and its relations with the commerce of India close and extensive; and we thought that if we had attempted to embrace in this scheme the whole of the metropolitan population, the whole scheme would have fallen to the ground. Then we took Glasgow, the greatest commercial city in Scotland, and a city which carries on an extensive commerce with our great eastern empire. Then, again, we felt that it would be impossible to introduce a proposition of this kind without acknowledging the claims of Ireland. I should like to know who would be prepared to bring forward such a scheme and entirely pass over Ireland? I can easily fancy the indignant invective with which such a proposal would be received. But as we passed over the capital of Scotland, so we thought that the capital of Ireland could not be offended by being subjected to the same fate; and we selected in its stead the prosperous and thriving town of Belfast. That town may not at this moment have any very considerable commercial relations with India, but we must remember that in all great commercial and manufacturing towns there is a sympathy binding them together; so that if Belfast suffers, Manchester must suffer; if Manchester suffers, Glasgow must suffer; and if Glasgow suffers, Liverpool must suffer. We proposed that the three kingdoms should be represented in this Council through these cities; and we also proposed that

that special interest which is more intimately connected with India than any other in this country should be represented through Manchester and Liverpool. But how were the Councillors to be chosen? I have now come to what I believe is the great objection which has been urged—or which has been felt rather than urged—in this House to the scheme, and which I hope I can show has been advanced without the due consideration of the subject which its importance demanded. It has been suggested to me over and over again since I made that proposition, that in the Chambers of Commerce and in the municipalities of those towns we might find sufficient constituencies for our purpose. I believe I need hardly inform the House that this is an expedient which frequently recurred to our minds. But we did not think it could be maintained for a moment that a chamber of commerce, which is a mere club, could, with its fleeting character and its evanescent materials, be regarded as a constituency; and as regards municipalities, it was obvious that they would only be the means by which the patronage of the Council would be divided between a small number of families in great towns. Under these circumstances we availed ourselves of that machinery which was at hand, and which has been stigmatised in this House with the same alacrity as in other places—namely, of the Parliamentary constituencies. Now, I have not heard much argument against that scheme; but I have heard something else which has superseded argument—I have heard the language of contumely, and the devices of invective poured on that proposal and on the bodies to which we wished to delegate that trust. Every one, in every place and upon every occasion, seemed to be astonished that what is called a "tenpounder" should for a moment be entrusted with this franchise. Nor do I forget, nor can I ever forget, the almost horror-stricken tone with which the hon. Member for Wolverhampton (Mr. Thornely) asked me if I really and seriously meant to propose that this duty should be entrusted to the freemen of Liverpool. Now, I only wish to lay before the House, upon this occasion, the results of my reflection and observation; I cannot pretend to compete for a moment with that power of sarcasm, with that force of invective with which the great constituencies of England, and more especially the great constituencies of the commercial towns, have in this case been overwhelmed by the Liberal party. But I remember—and we should guide our conduct as much as possible by experience—I remember that when some forty years ago the freemen of Liverpool were called upon to exercise their trust and select a Member of Parliament, they sent to this House Mr. Canning. And what did this House do when they got Mr. Canning among them? Why, they made him as soon as possible President of the Board of Control for the affairs of India. Can it, then, be said that the freemen of Liverpool are not to be entrusted with the election of a Member for the Indian Council, while the man whom they did elect was thought worthy of being made President of the Board of Control? And what happened a few years afterwards? Mr. Canning thought fit to retire from office, and to leave those colleagues with whom he had long acted, and except that he retained his seat in Parliament, he retired into private life. There was another election, and the freemen of Liverpool again returned him, no longer a Minister, to this House. And what happened then? Why, the first thing that happened was, that King George IV., although not particularly well affected at the time to Mr. Canning, appointed him Governor General of India. So that the freemen of Liverpool were persons quite fit, quite sagacious and intelligent enough, to elect a man who was competent to be the Governor General of India. Mr. Canning did not accept this office—a higher, a nobler destiny awaited him. He remained in this House, of which he was the brightest ornament, and to which he was fondly attached; but he found the conduct of the public business of the House incompatible with the proper discharge of his duties to the constituency of Liverpool. He resigned his seat; and whom did the freemen of Liverpool elect in his stead? No less distinguished a personage than Mr. Huskisson—a gentleman quite qualified, I should think, to be a member of the Council for India. We heard a great deal the other night of the merits of Lord Canning. I am not prepared to enter into any controversy upon that subject; but, be the merits of Lord Canning what they may, this is quite certain—that Lord Canning would never have been Governor General of India if the freemen of Liverpool had not elected his illustrious father as their representative in Parliament. [*Laughter.*] I am afraid, Sir, that I am not quite understood. I

did not mean to cast a sneer at Lord Canning; all I mean to say is, that the career of Mr. Canning naturally contributed to the eminent position of his son. I think it would be as well, on both sides of the House, if we were for a moment to consider the tone in which we are accustomed to speak of the constituencies of this country. I do not arrogate for those whom I represent, or for the great body of whom they are a portion, any superiority over any other body in this country; but I think the House will agree with me that those interested in the cultivation of land in this country form a class highly respectable for their private virtues and public spirit. Indeed, I think their importance to the State, as the principal employers of labour still must be recognised by all men in their calmer moments as one of the best securities of social order. But if an agricultural constituency, after a sharp contest, accompanied with a good deal of feeling, under the influence of considerable excitement, happen to elect a Member of Parliament, what do we hear? They are described as serfs, they are denounced as the instruments of feudal tyranny, and the most inventive and skilful cultivators of the soil are described as illiterate boobies. That is the way in which one great portion of the constituency of the country is spoken of. Again, if the conduct of the electors who live in towns and cities is in question, you would suppose from the conversation you hear, that while the farmers of England are mere serfs, the dwellers in cities and towns are absolute and arrant traitors, disaffected to all the institutions of the country. I need say nothing about the freemen—they, are the very pariahs of politics. But, sir, if this be the true character of the great body of the constituency of England what must we be who are their choice? I, however, have no doubt—and I do not suppose that any one who hears me has any doubt—that the vast majority of the constituency of the country, whatever instances there may be of corruption and intimidation, are influenced in their conduct and in the choice of representatives by a sense of duty and a feeling of patriotism. If not, what hope can there be for the country? I have no doubt, that had not, as I think, a storm of unfounded prejudice arisen and prevented our proposition with respect to extending to the great towns the right of electing a portion of the

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Council of India from being adopted, the people of those communities would have acted as the people of England always act under the fair and generous guidance of their natural leaders, and would have elected men for this Council who would have been an ornament to the constituencies which sent them and of great service to the State. Nor has anything which I have yet heard induced me to falter in my conviction that the proposition which we made was a wise proposition, and I believe it is one that hereafter will be so regarded.

But let me revert to the important subject which is before us more strictly. If we are to have a Council for India—a real Council—how can you form it unless you have, partially at least, recourse to the elective principle? You may extend the application of that principle in various ways; but the recognition of it as a principle of instruction to the Committee I defy you to renounce without renouncing the means by which you can make the Council numerous, learned, full of experience, and of that high character and distinction, capable of guiding a Minister however undivided his authority, however sole his responsibility, with advantage to the state and with safety to the empire. Now that is the proposition which you have before you. All other subjects are matters of secondary importance, however great they may be; the distribution of a capital, the forms of procedure, the question whether you will send out a Commission to investigate the finances of India—and our plan for that investigation was matured and complete — all these are questions of detail; but upon the question whether you will have a real Council of India in this country or not, everything hinges. The Resolutions I have laid upon the table, if they be adopted—modified, perhaps, in some degree, expanded, perhaps, in some direction—but if the spirit of the Resolutions be adopted, I do not despair on the part of the Government of constructing a Bill which will secure a good government for India, so far as it can be carried on in England. But if the Resolutions be not adopted in the spirit in which they are introduced—if prejudice, imperfect knowledge, or political combination, arrest their course, let me entreat the House by some effort to take this great Indian question out of the dangerous sphere of political passion and party conflict. Unless you can produce a Council

equal in knowledge and experience to the Court of Directors which now exists, and free from its failings, it is much better that you should not renounce, that you should not relinquish that Court—a Court which has done good hitherto, and govern by a machinery which deals with interests as vast and various as any which can be considered by this House. Unless you accept the spirit of the propositions you have had brought before you, which, if carried into effect, will create a body in this country that can control with effect the Government of India in India—if you take the contrary course, if you adopt the principle of that school of barren simplicity to which I have already referred, if you accept a proposition like that of the late Government, which only veils the hideous dangers which such a scheme of policy must entail—you may depend upon it the fate of the Indian empire is sealed; and you will deserve to lose that empire because you arrogantly declare that you will attempt to govern it without knowledge and without experience.

Motion made and Question proposed,—

"That this House will, upon Friday next, resolve itself into a Committee to consider the Act of the 16th and 17th Victoria, c. 95, 'to provide for the Government of India.'"

Viscount PALMERSTON: Sir, anybody who had entered the House without knowing the business of the evening, and listened to the eloquent speech of the right hon. Gentleman, would naturally have inferred that he was moving the second reading of the India Bill, No. 2; for the able and elaborate speech which we have just heard contained hardly anything—at least, that I caught—applicable to the Motion before the House; but the whole, or at least the greater part of it, was devoted to a vindication of the unfortunate measure to which I have referred. Sir, it would seem that, following the example of those eloquent men on the other side of the Channel whose harangues upon certain mournful occasions we have heard or read with great admiration, the right hon. Gentleman has pronounced a funeral oration upon a deceased friend, the India Bill, No. 2. But while the orators in France are chosen from the friends of the dead, and had, probably, paid to them during their last illness the best offices of friendship, and all those cares and attentions which the best medical skill could devise or the most anxious solicitude render, the right hon. Gentleman has appeared as the murderer of the "dear departed" to whose eulogium we have just listened with so much surprise and pleasure. Strange that he should be the person to pronounce an unlimited panegyric upon the victim of his own hands. The right hon. Gentleman, like Antony, came to bury his Bill, and not to praise it; but carried away by his feelings, has treated us to an elaborate defence of a measure which, nevertheless, he has thought fit to abandon. We have been assisting at a sort of Irish wake. The right hon. Gentleman did not say or sing in the language of the afflicted peasant, "Och, hone, why did you die?" but we are entitled to ask the right hon. Gentleman, now that he has told us how highly he estimates the merits of the deceased Bill. "Why did you kill it?" The right hon. Gentleman, to speak seriously, has referred to topics connected practically neither with the India Bill, No. 2, nor with the Resolutions before the House. He began by passing a very severe censure on the British constitution. He said—speaking no doubt from his own personal experience—"What can be so absurd as the present constitution of a British Cabinet?" "What can be so ridiculous," he said, "as putting one man into a Cabinet, because he understands agriculture; what can be so absurd as putting another man into a Cabinet, because he has an extensive knowledge of commerce?" And the climax of absurdity, according to the right hon. Gentleman, was putting a man into a Cabinet, because he could make an eloquent speech. "Ay," said the right hon. Gentleman, "if I were on the other side of the table, if my tongue were unloosed and I were released from the shackles and trammels of office, I could tell you how absurd is the constitution of a British Cabinet." Sir, I do not follow the right hon. Gentleman through his theoretical declamations. I am content with the British constitution, and, so far as my experience of Cabinets go, I am content with them. But, indeed, the censure of the right hon. Gentleman reminds one of those Latin lines:—

"Balnea, vina, Venus corrumpunt corpora nostra,
Sed faciunt vitam balnea, vina, Venus."

A knowledge of agriculture, an acquaintance with commerce, and powers of oratory may be absurd qualifications for a public career and for official existence; but, nevertheless, they are elements of our political life. I should not upon this occasion, Sir, have thought it right to go into

the comparative merits of the different measures that have been laid before the House for the government of India, if the right hon. Gentleman had not rendered some notice on our part absolutely and essentially necessary. In praising his own deceased Bill, he has pronounced a very severe censure on the arrangements which we propose—not quite so severe a censure as that which he passed on the Manchester scheme—but he declared that our plan was nearly as bad, although its bad qualities were a little veiled from sight. Both had the defect of simplicity, which the right hon. Gentleman seems to think the greatest political sin—a perfectly inexpiable offence; Certainly it is a charge which I never heard brought against the defunct Bill of the right hon. Gentleman. We all remember the manner in which that Bill was received by the House and by the country. I have heard a story of the Spanish Sovereign who reigned when *Don Quixote* was first published, who, seeing a man reading a book and laughing immoderately, sent a courtier to ask what he was reading and why he was laughing. The courtier came back and said that he was reading *Don Quixote.* "I thought so," said the monarch; "whenever I see a man laughing I know that he is reading *Don Quixote.*" And so it was with this India Bill. People met one another in the street, and one laughed and the other laughed and everybody laughed. "What are you laughing at?" said one. "Why, at the India Bill, to be sure. What are you laughing at?" "Why, I was laughing at the India Bill, too." That was the reception that it met with out-of-doors; and so far, the public, as well as the Cabinet, had something to do with the death of that unfortunate and immature measure. Well, Sir, the right hon. Gentleman admits that, although the House in giving us leave to bring in our Bill, and in giving the present Government leave to bring in their Bill, did not affirm any of the detailed conditions of either Measure, nevertheless that there did appear to be a general assent to the principle that the Government of India was to be transferred from the Company to the Crown. The right hon. Gentleman laid that down as the basis on which both our Bill and his own were founded. But if that were acquiesced in by the House when we introduced our Bill, and if it were taken for granted by the Government when they introduced theirs, why are we now to go into Committee to rediscuss and to reaffirm a principle which both sides of the House have admitted to be the principle upon which Legislation should be based? I merely mention this in passing; but it appears to me that the first Resolution is the repetition of a doctrine which is generally recognised, and which only few persons dissent from. But, without adverting to the Resolutions, I shall confine my observations to one or two points arising out of the elaborate defence which the right hon. Gentleman has made of his Bill. He has argued with great perseverance and with great ability—as he always argues everything—in favour of the principle of elective members for the Council he proposes, and he has particularly dilated upon the propriety of having in the Council persons elected by Parliamentary constituencies. Now, Sir, if that be so strongly his opinion, may I be allowed to ask him whether he intends to reinsert that provision in the Bill which I presume would be the consequence of the Resolutions being adopted? Does he look upon that provision as being only, like Juliet, in a trance from a potion given by the Government for a temporary lull until it be reawakened and transferred into the new Bill, or does he acquiesce in the general verdict of the public by which that part of his measure has been condemned? I presume that his praises did not imply any intention of reviving that provision; and while we pardon the paternal affection, therefore, which was displayed by the right hon. Gentleman over the tomb of the deceased, we may assume that there will be no attempt to restore that most objectionable feature of the Measure. The right hon. Gentleman argued at great length in favour of some portion of the Council being elected; and referring, in illustration, to the example of this House, he said, "We never hear any objection to members of this House being elected—why should you object to the members of the Council being elected?" But, it seems to me, that the whole of that argument is founded upon a false analogy. Is that Council to perform the functions of this House? If so, let all the members be elected, and by Parliamentary constituencies if you will. If you intend it to be a little Parliament to administer the affairs of India, well and good; but then, what becomes of your principle of transferring the Government of India to a responsible Minister of the Crown, who, as stated in the Resolution, is to perform

all the functions and to possess all the power and all the responsibility of a Secretary of State, and who is to administer the affairs of India in this country in the same manner and to the same extent as the Secretary of State for the Colonies or the Secretary of State for Foreign Affairs administers the business of his department? The two things are perfectly incompatible. I will not dwell upon the principle which is admitted by every constitutional lawyer and by every man who is versed in the subject, that it is not in accordance with a fundamental doctrine of our constitution, that any person who forms part of an Executive Government should owe his appointment to any other source than the Crown acting through its responsible advisers. Here, in this House, are the elective members of the Indian Council. What we want is that the Indian Minister should be accountable to Parliament for his conduct, and that he should not be shielded from responsibility by a Council owing its appointment to independent sources, and not amenable to the Crown, the effect of which would be to oppose, to thwart, and to impede the action of the Minister. If it be thought so essential to have elected members in the Council—if you mean that a man is necessarily a better councillor for being elected than if he were nominated by the Crown, why are not all to be elected, and why should any be nominated? The right hon. Gentleman says that people have ridiculed the idea of giving the appointment of councillors to the freemen of Liverpool; but he said, "Did not the freemen of Liverpool elect Mr. Canning, and did not this House appoint Mr. Canning to be President of the Board of Control?" Why, no; this House never made any such appointment. Mr. Canning was elected by the freemen of Liverpool to represent them in Parliament because he was an eminent public man, a great orator, a great statesman, and a most able and distinguished man. They chose him, not on account of any particular knowledge which they believed him to possess of the affairs of India, but because they believed him to be a good man to manage the affairs of England. It was not this House that elected Mr. Canning to office, but the Crown, in the exercise of that constitutional discretion which vests in the Crown the appointment and selection of public servants who possess the confidence of this House. In the same manner Mr. Huskisson was not chosen by the freemen of Liverpool that he might be made President of the Board of Control, but because he was eminently conversant with matters of trade, and had studied the principles of commerce, and because the people of Liverpool, being mainly interested in the commercial prosperity of the country, thought Mr. Huskisson would be a useful Member of the Legislature, and a supporter of sound commercial principles. Therefore I say, that the analogy which the right hon. Gentleman has endeavoured to establish has entirely failed. I own that it appears to me that the Council in the Bill of the present Government is too numerous. I do not profess to have that knowledge of the working of Indian business which should make me competent to express an opinion, but it seems to me that eighteen is an inconvenient number, and that, so far from aiding, if they all take part in the discussions, you will have "too many cooks;" and although "in the multitude of counsellors there is safety" is a good general axiom, you may overdo it, and the number may be too great. But what are intended to be the functions of this Council? It was not that the Council were to be the responsible governors of India. It was not intended that they should be a Council to originate, direct, and decide; but a Council to be merely those advisers which the right hon. Gentleman so well described as so essential an element in the management of Indian affairs. The right hon. Gentleman well said that public men, who have devoted their attention to Parliamentary warfare, national interests, and European concerns, naturally come into office without that detailed knowledge of the affairs of India which is necessary to enable the Government well to administer the affairs of India. The right hon. Gentleman also truly said that India is not like one of our other possessions abroad—that it does not contain only a single population—that India is not all under our sway—that the Indian Government involves relations with independent Princes, with men of different religions, laws, habits, and institutions, and that unless you have a practical knowledge founded upon local experience, you are likely, in your ignorance, to go wrong, and do great mischief. Well, Sir, we felt that as well as the present Government. We felt that it was necessary to give counsel and support to the Government of which the Minister for India is only the organ—because the Cabinet is

the quarter from whence comes the decision on all matters—and it is that the Cabinet may be furnished, through the Indian Minister, with local knowledge, that we proposed to give him a Council to advise and assist him, but not to control and overrule him—because the moment you do that the responsibility of the Government ceases, and then you have a double Government re-established for India. These matters will probably be argued at greater length on a future occasion; but I could not allow the observations of the right hon. Gentleman to pass without notice, because I think that the more men come to reflect upon that which was intended to be the principle of the change we proposed—namely, the transfer of the Government and the responsibility from the Company to the responsible advisers of the Crown—before we consent that this shall be the fundamental principle upon which we are going to act—the more convinced we must be that the Council ought to be a Council of advisers, and not of controllers. You do not want to establish a new Board of Control, but to transfer the Government in such a manner that the Ministers of the Crown shall be responsible to this House for the entire direction of Indian affairs. There seems a fatality in Indian affairs by which an inveterate principle of duality clings to everything. There appears to be a fatality attending Indian affairs. We have had for a long time a double Government—that is, two different, and, to some extent, conflicting authorities for governing India. That was felt to be inconvenient and injurious. We attempted to correct it. Pending that event, we were turned out; there came in a new Administration and a new Bill. The present Government were not satisfied with that, but adopted two methods of proceeding — by Bill and by Resolution. I only hope that they will push that principle a little further, and make it necessary, for the purpose of completing the measure, that we should have two Sessions; certainly, the course they adopt is likely to lead to that result; but I will say nothing more on that subject for the present. That which induced me to rise was to vindicate our measure from the charges of the right hon. Gentleman—to show the principal points upon which his measure differed from ours and from the principle laid down by others representing the more simple measure—and to convince the House that many of these points on which their measure differs from our simple measure are not consistent with the fundamental principles of the British constitution, and are inconsistent with the fundamental principle on which it is proposed that the transfer of Indian government should be made to the Crown. It is not my intention to move any Amendment.

MR. GLADSTONE: Sir, the House has listened for two hours to a most interesting discussion on a subject of paramount importance. In that discussion we have had preferred the views of those who are friendly to the one plan of proceeding with regard to Indian affairs now before the House, and, to a certain degree, of those who are friendly to the other. I quite agree with the noble Lord who has just sat down that we could hardly have expected the statement which we have heard from the right hon. Gentleman the Chancellor of the Exchequer; and my object in rising is to say a few words upon what I conceive to be the point which is to be now properly decided by the House of Commons. That point is not the one which formed the gist of the introductory speech, which was a vindication of the Government measure; neither is it that which formed the gist of the speech of my noble Friend, who in perfect fairness endeavoured to uphold his own plan in opposition to that of the Government. What is the question which we are now about to decide? We are invited to vote, that on Friday next we will resolve ourselves into a Committee to consider the Acts of Parliament relating to the government of India. I, for one, do not join in any degree in the censure which has been cast upon the suggestion of the noble Lord the Member for London (Lord John Russell), that the best method of proceeding on this question would be by Resolution. I believe that it would have been a happy circumstance—it would certainly have been so in the view of those who think that the present is the best moment for legislating for India—if the original method of proceeding had been by Resolution; and I am quite certain, from Parliamentary recollections and tradition, that there is abundant precedent, if precedent be required, to justify and recommend such a course. But the proposal of my noble Friend, whatever other effect it had, had that of replacing us practically in the position in which we stood the other night when we met to discuss the Motion of the hon. Gentleman the Member for Huntingdon (Mr. T. Baring):

We are now called upon, not to act upon any vote which we may have previously given, but to make a completely new commencement of the work to be executed. I am one of those who originally felt, and felt with great sincerity and truth, that the moment was not an opportune one for entering on so formidable a task. So long as the flames of war remain unextinguished in India, so long shall I continue to be convinced that we are acting rashly and unadvisedly in legislating for that country. But I do not ask that the House shall revive the discussion of the question raised by the hon. Member for Huntingdon—a question which was discussed with great ability, both by the promoters of the views of the hon. Gentleman the Member for Huntingdon and those who took an opposite view. The decision of the House on that question is upon record, and is to be held good and sound, while the circumstances under which it was given remained unchanged. But do those circumstances remain unchanged? Was there not a hope held out to us even at that time, that before we proceeded far with Indian legislation we might have had to congratulate ourselves on the termination of the military outbreak in India? Was there not a hope that when the majority gave its decision in February, that in the month of April considerable progress would have been made towards the passing of the Bill introduced by the late Government? Well, we have since that time lost between two and three months; and I do not think that there is a man among those who hear me, however sanguine his temperament may be, who will deny the proposition, that if we have moved at all in the matter of legislation in Indian affairs since the Motion of the hon. Member for Huntingdon, we have moved backwards. My noble Friend, in his amusing and interesting speech, adverted to that principle of dualism which has unhappily accompanied and dogged all these proceedings, and he says he hopes that that principle would not be carried any further; that we have sought to get rid of a double Government, and we had here two Governments, two Administrations, two Bills, and then Resolutions with a Bill; and my noble Friend, while remarking upon these circumstances, expresses a hope that we shall not have two Sessions also. I confess, Sir, it is sometimes difficult to me to distinguish between the ironical and the earnest; I did, however, think that the vein of irony strongly marked these observations of my noble Friend, and that he considered it as probable that this Session might not see the settlement of these India Bills; and while anticipating this result as probable, my noble Friend did not seem disposed to deprecate such a delay as a great misfortune. With great force on a former occasion the noble Viscount observed, that the evil arising from postponed legislation was but secondary in its character, but the evil of rash, ill-considered, and ill-digested measures was most serious and irreparable, and was attended with immeasurable results. My right hon. Friend on this side of the House (the Chancellor of the Exchequer) made a suggestion similar to that of the noble Viscount, when he said that unless we appoint a Council equal in knowledge and experience to the present Court of Directors, we should do well altogether to postpone the consideration of this question. Now, Sir, looking not only to the time that has elapsed since this question was first mooted, but also to the validity of the original reasons for legislation on the subject—looking to the misgivings of the authors of the several Bills as to their results—looking to the present state of our public affairs, and the period of the Session at which we have arrived—combining all these circumstances together, I cannot, Sir, permit this Motion to be put from the chair without respectfully protesting against the affirmation to the proposition. I, however, have other reasons besides these. I frankly own, that if we had before us the elements of a good and efficient plan for the future government of India, or even a plan to which this House could wisely give its assent, upon the understanding that certain Amendments might be made in its details when in Committee, that then I should be disposed to admit that, under the authority of the vote of February last, we might, consistently at least, go forward with the work of legislation. But is that the state of the case before us? We have heard to-night from the Chancellor of the Exchequer an eloquent and elaborate defence of the original Bill which he introduced. Well, I do not know what effect that defence has produced on the minds of hon. Members generally; but I must confess, that if I felt any doubts and scruples as to the efficacy of the provisions of his Bill, they have not been in any degree removed by the defence of my right hon. Friend. But my objections are not confined to the Bill which my right hon. Friend has proposed. I am bound both in fairness and candour

to say, without meaning any censure or offence to the noble Viscount or my right hon. Friend, that in neither of the plans put forward for the future government of India, can I see anything like the elements of a good settlement of this question. Let me make one remark upon the plan of the late Government as illustrated by the noble Viscount himself, when my noble Friend was arguing against the elective principle in its application to the Council of India. When he spoke of the sole and undivided responsibility of the Secretary of State in relation to Indian government, I thought I traced in my noble Friend's speech, as well as in his former declaration on the same subject, an inadequate sense of the difficulties of the legislation with which he proposes to deal. I cordially subscribe to the principles laid down by the Chancellor of the Exchequer, that if we are to add a Council to the organization of the future home government of India, it ought to be a Council equal in knowledge and experience to the present Court of Directors. I should certainly be most reluctant to see any Bill going up from this House, which substituted for the present Court of Directors any body, call it what you will, and appoint it how you choose, which was not fully equal for every purpose, for advice, suggestion, and general administration—and speaking morally, I will even say control—to the present Court of Directors. Why, what is the greatest difficulty we have at present to encounter and confront in this matter? In my opinion, it is your attempting to govern, by means of one people, another vast population separated from us not by distance only, but also by blood, by language, by religion, by institutions; in fact, by all that can serve to draw a line of demarcation between man and man. Is it not the greatest problem of politics to conduct the government of one nation by the exclusive machinery of another nation? And is it not the greatest difficulty which we have before us to provide for a system of government—to provide duly for the protection of all the interests as well as for the feelings of the people of India? I admit we may point with pride to the pages of our Parliamentary history, as furnishing evidence of the success with which we have administered the affairs of distant countries; I confess, however, I have not an equal faith in the efficacy of our Parliamentary institutions in defending the interests and the institutions of the people of India. The question which we are bound to ask ourselves before all others—with all others—and above all others—is, what is the best system of protection we can provide by law, not only for the maintenance of all those interests to which I have referred, but what is best calculated to evince our respect, our care and tenderness towards the feelings and prejudices of those over whom we happen to be placed. This I will say of the Court of Directors—that it has practically been a body protective of the people of India. I am not friendly to the operation of that body—though it possesses the elective as well as the nominative principle in its constitution—nor am I blind to its defects; I am even less friendly to the severance which exists at present between the Executive and the deliberative element in the Indian Government; but this I must say, I think we should not assent to any plan that makes less provision than that supplied by the Court of Directors for the protection of the interests as well as the prejudices of the people of India. Sir, I look in vain in the plan of Her Majesty's Government, and still more in vain in that of the noble Viscount, for any protective power that can at all be compared in point of efficacy to the system established in the Court of Directors. But there is another topic to which I wish to call your attention, and which I believe is new as far as these discussions have gone; it is one, however, which involves an important point which presses forcibly on my mind in connection with the proposed legislation. The first great want we have is, to provide adequate protection for a people against the ignorance, the indiscretion, and the errors either of the people themselves, or of the Parliament or of the Government of this country. But besides that consideration there is a second, which I am afraid has hardly yet been named since we began to debate this question. I know not what may be the feelings of others upon this point, but entertaining, as I do, so strong an opinion upon it, I am bound to give expression to it. It appears to me, Sir, that there has grown up of late years, as an unforeseen effect, partly in consequence of circumstances beyond our control and partly of our own legislation, a system fraught with danger not only to India itself but likewise to the privileges of Parliament and the public interests at home. I allude to the undue, and I will even add, the unconstitutional exercise of power by the Executive Government through the medium of the treasury and the army of India. I cannot look back to

the history of our wars in connection with India, during the last twenty years especially, without seeing that the power lodged in the hands of the Queen's advisers and the Executive has been alike at variance with the interests of the country and the rights and privileges of the House of Commons. I will take the last instance as one which, I think, is more fully illustrative of the point to which I am now adverting. I will take, Sir, the instance of the late war in Persia. Now, I do not mean to discuss the policy of that war, nor the reasons which actuated the Government in entering upon it. Neither do I wish to comment upon the manner in which it was waged or the terms in which it was concluded. But this I say: if wars are to be made through the means, in the first instance, of those resources which the Indian army and the Indian finances afford to the Executive Government, without the knowledge and consent of Parliament—if we are to be apprised of the existence of those wars for the first time at a moment when we have launched ourselves into the midst of those military operations—if we are never to be consulted in regard to them until the time arrives when it is necessary to draw funds from the British Exchequer for their support, then, I say, two consequences must follow. In the first place, you establish a system destructive to the last degree to the interests of India itself, because it serves to create great financial difficulties in that country. God knows the difficulties of governing India, even under ordinary circumstances, are very great—difficulties naturally arising from the fact of taking into our own hands the management, from so great a distance, of the affairs of a nation whose characteristics are so widely different from our own. That is a state of things which in itself constitutes a problem, for which, perhaps, it is vain to look for a satisfactory solution. But, besides all these difficulties, you have been accumulating a debt which it is the fashion to make light of, but which I consider to be more crushing in its proportions than the gigantic debt of England. As regards the latter, it may be said that we are merely mortgaging our own estates; but when we are speaking of the debt of India, we must recollect that it is a debt charged upon the country whose revenues we are drawing in this country by virtue of the power of the sword. It is, therefore, an element of the greatest difficulty in our way, that of being compelled to enter into such hostilities without perhaps our knowledge or consent. But apart from that consideration, I say that it is unjust that the Executive Government, for purposes of its own or for any purposes of the people of England, should have the power of entailing those tremendous charges on the people of India. I believe that the consequences are most injurious, so far as the people themselves are concerned. But the objection does not appear stronger or more conclusive as regards the people of India, than the objection which arises from this system in its bearings upon this country and the House of Commons. I frankly own that, as far as the liberties of Parliament are concerned, it seems to me that there is little difference between war declared without our consent against Persia and one declared against Russia. I can make no distinction in either of the plans before us regarding India, as regards this vital question. I confess I should like to see a limitation to the power of the Queen's advisers in relation to this point. It is better to speak out. I do not think, Sir, we can be secure, nor can we be following the dictates of prudence or circumspection, unless we place a limitation on the power of the Crown in respect to the use of the Indian treasury and the army. I do not find any such limitations of powers proposed in either of the plans before the House. The plan of the Chancellor of the Exchequer is altogether silent upon this point. The plan of the noble Viscount the Member for Tiverton is not so silent in regard to it, but the provision which my noble Friend has introduced into his Bill draws a distinction between wars in Asia and in other parts of the world; and it directs, in regard to the former, that when military operations are actually begun, a communication of the fact shall be made to Parliament within a month after it has taken place, or after the Houses have actually met. Now, Sir, I do not hesitate to say that this provision is far worse than none at all—it amounts substantially to a legislative sanction of a system with respect to which we are at least entitled to say, that up to the present moment it has never had the countenance or approval of Parliament. I do not intend to enter at large into a discussion of these matters. I mention those cases now, which in my opinion should be satisfactorily settled, in order to ensure something like good legislation for India. We should protect the Indian people against the errors of

England, and we should protect the British people and the British Parliament against the undue exercise of power by the Executive Government. Now, in neither of these plans do I see any provision tending to secure either of those results. The objections to both of the measures in detail, I am afraid, are so numerous, and would involve such unlimited demands upon the time and patience of this House to solve the difficulties which exist, that I should despair of a satisfactory settlement of the question in its present shape. I complain that I do not find in these plans, either the spirit or the intention which seem to me to be essential for satisfactory legislation. On that ground, as well as upon the general grounds which have been previously urged, I must respectfully remonstrate against the Resolution which is about to be put from the Chair. Although I know not whether this remonstrance will be more than an idle sound, I nevertheless confess I do anticipate that, as the Session advances, as the weeks glide away, the satisfaction of those who concur in it will become stronger and more decided; and the disposition of those who do not concur in it will likewise gradually develop itself in regrets, that they had not, while it was yet time, taken their stand upon the same ground which I presume to occupy, in protesting against attempts at legislation, which, under the circumstances of the moment, I do not believe will be attended with any satisfactory result. I cannot conclude my observations without quoting the still more memorable language of the right hon. Gentleman the Chancellor of the Exchequer, who said—I hope I do not misrepresent him—

"Although we now advise the House to enter on the question of Indian legislation, yet during the last two months—since I have become a Member of the Government—every day of my experience has more and more convinced me that there does not at present exist among us that maturity of opinion which is requisite on questions of the first order in point of difficulty and importance."

COLONEL SYKES, who rose amid some confusion, was understood to commence by expressing his readiness to reserve his observations until a future opportunity, if that were the pleasure of the House; but he could not help expressing his entire concurrence in every syllable uttered by the right hon. Gentleman the Member for the University of Oxford, in the course of his eloquent and convincing speech against legislating for India at the present moment. The conviction entertained by himself on that point, when he last addressed the House with regard to the Government of India, had since been increased tenfold by his communications with India and further careful consideration. What pressing necessity was there for immediate legislation? Where was the urgency? Had the Indian Government broken down? Was not that Government putting down the mutiny in India? Had not Delhi been taken by the means then at the disposal of the Indian Government, and by the perseverance, indomitable courage, and fertility in resource of the authorities in the North-West Provinces, without assistance from the Imperial Government? It was not, therefore, because the Indian Government had broken down, that the House was asked to legislate immediately for India—quite the reverse. What said that able man, who wrote with such graphic force, the correspondent of *The Times*, to whom the country owed so much for revealing the shortcomings in the Crimean war, with regard to the present efficiency of the Indian Government in carrying on the military operations in India? He would quote his statement, not from *The Times*, but from a country newspaper, which thought it worth while to contrast the efficiency of the Indian Government during the mutiny, with the inefficiency of the English Government with respect to the war in the Crimea. That country paper contained the following paragraph:—

"EFFICIENCY OF THE INDIAN GOVERNMENT.—We are told—and nowhere more loudly and persistently than in the columns of *The Times*—that the Indian Government is effete and inefficient. The more valuable is the following testimony to the efficiency of the Indian Government by the correspondent of *The Times*, whose task it was to chronicle the utter inefficiency of the English Government, in the same department, at Balaklava:—'At Raneegunge commences the system of conveyance for which the Indian Government deserve very great credit, and by which we were enabled to concentrate our troops with certainty and comfort. The men were sent up daily in detachments of 150 or 200 by rail to Raneegunge. There closed carriages, drawn by oxen, were provided for them, into which they were transferred and sent up country at the rate of thirty-five miles a day. All along the road bungalows were prepared, where the detachments received their meals with the utmost comfort, and where they could rest, if necessary, during the day. These arrangements never failed on any occasion. The accommodation sheds are clean and airy, and the cooking was excellent, so that the men, many of whom had served in the Crimean war, were loud in their expressions of praise and wonder. At

present the stream of troops has ceased, but I was an eye-witness of the excellent preparations made by Captain Sadler and by the Commissariat officers for the reception of part of Her Majesty s 35th Regiment, which arrived there by rail the day after I came.'" — *Bradford Advertiser*, April 3.

Had the Court of Directors broken down in the performance of their duties in England? Why, Sir, 50,000 royal troops, of all arms, artillery, horse artillery, cavalry, engineers, and infantry, had been handed over to the Court for transmission to India; and this large army had been provided with every comfort, and had been landed at the several Presidencies in India, he believed without the loss of a man, except from customary mortality. It were well that the same thing could have been said in the transmission of the British army to the Crimea. Without saying anything as to the just and elaborate praises bestowed by the noble Lord the Member for Tiverton, the Chancellor of the Exchequer, and the late First Lord of the Admiralty on that glorious corporation which the Government now sought to abolish; and without referring to certain extracts with which he had prepared himself, but which he should reserve till a future occasion, he would ask the Chancellor of the Exchequer what were the grounds on which he called upon the House to legislate now? The first reason advanced for immediate legislation was, that it was said that the House had determined by a majority of 145, that the Government of India should at once be changed. Now, every Member of that House knew, and no one knew it better than the right hon. Gentleman opposite and the noble Lord the Member for Tiverton, that that vote compromised no single Member of the House, and that it was simply a courteous concession rarely refused to a Government. It was said again, that the Government of India was a double Government, consisting, as it did, of the Court of Directors and the Board of Control; *ergo* it ought to be abolished; but, surely, before such an argument could be allowed to prevail, some stringent proof should be adduced of the absolute failure of the system of double Government. Talk of a double Government! Why, he could only say, that among a thinking people like the English he should never have expected to hear such "bosh" as had been uttered upon the subject. The very fact of there being a check in any case upon the Executive implied the principle of a double Government, and our constitution was based upon checks. Why, the very check exercised upon a Prime Minister by his colleagues in the Cabinet implied the principle of a double government. The Prime Minister might propose to his Cabinet some measure which he deemed important in foreign or domestic policy, but he finds, on discussion, that the majority of his colleagues are opposed to his views. Is it to be believed that he would persist in carrying out his own views in opposition to the opinions of the majority; and in case he does not, *ipso facto*, there is a double government in the Cabinet itself. Another reason brought forward for the proposed change was an allegation that public opinion had been strongly expressed in favour of a change. Now, public opinion is expressed by means of petitions to Parliament, by articles in the public press, and by public meetings; and he could see from those sources no indication whatever of any very strong feeling in the public mind that the government of India should be transferred to the Crown. By the twenty-second report upon the petitions presented to the House, he found that 306 petitions had been presented relating to affairs connected with India, and of all that number only three prayed for the transfer of the government from the country to the Crown. So much for public opinion, then, upon the subject. To hear what had been said with regard to public opinion, and then to consider how it had been displayed, reminded him of the old story of the three tailors in Tooley Street, who used to commence their articles with "We, the people of England." It was alleged, also, that the House of Commons having decided by a majority of 145 that a Bill should be brought in by which the government of India should be transferred from the Company to the Crown, unless legislation proceeded, the government of India would be paralysed, because the present government of India had been rendered practically defunct. But he could speak with some knowledge of the people of India, and he knew the feeling of the Natives with regard to the *raj* of the Company. There were two words in the mouth of every Native with regard to it — *Kismut* and *Ikhbal* which signified "prosperity" and "good fortune," and the withdrawal of the present measures against the Company would rather strengthen their belief in the *Kismut* and *Ikhbal* of the Company than weaken the influence of its raj. At

the present period, when a feeling of distrust was growing up in the Native mind, owing to the petitions which had been presented for putting down caste, the extension of Christianity which implied action and overt measures on the part of the Government, and to other causes, it was important not to weaken the feelings with which the Natives regarded the rule of the Company. The present time was most inopportune for legislation; but it was the opinion of many that after the country had been pacified, the best course to pursue would be to place a Minister of the Crown at the head of the Court of Directors. If it were finally resolved to transfer the government of the Company to that of the Crown, let the House wait until India was pacified, and then let the name of the Queen be introduced as that of an angel of mercy, with an amnesty for the past, and offering future peace, order, justice, and prosperity to the people of India.

Sir HARRY VERNEY said, that he believed that since the vote of the House of Commons to which reference had been made, a great number of persons who had voted in favour of the Motion of the noble Lord had materially changed their views, and now believed that the present was not a fitting time to legislate for India. The Bill of the noble Lord proposed a great change in the system of the home government of India; it proposed to do away with the Court of Directors, which acted as a check upon the Board of Control, without adducing any instance of that check having proved injurious to the welfare of the people of India, and to substitute for it a Council for assistance. Now, the House ought not to consent to abolish the checks which existed at present without it being shown that they had produced injurious effects. All these checks it was now proposed to abolish. Instead of weakening the existing Government, what ought to be done was to increase the efficiency of the Court of Directors, so as to enable them to prevent those costly wars which arrested the internal improvement of India. It was to the plunging of India into a series of such wars that those financial difficulties to which the right hon. Member for the University of Oxford had referred were to be traced; and had the right hon. Gentleman concluded his speech with a Motion, it would have received the support of a large proportion of the Members of the House. The day might, indeed, come when the name of the Queen ought to be made paramount in India; but for a considerable time past the public had had more confidence in the Court of Directors than in the Board of Control. His only fault with the Court of Directors was that they had not shown sufficient firmness, and had allowed themselves to be too easily over-ruled. Had they brought their knowledge to bear on the minds of the people of England, they would have been in a very different position from that in which they now stood. It had been said that we owed our possession of India to the valour of our soldiers. Our soldiers had no doubt exhibited great valour and military skill in India; but our splendid empire was chiefly owing to the high moral qualities displayed by the officers, and especially by the civil servants of the East India Company, under whom the Native population knew that they enjoyed more substantial justice and better government than under their own Princes. Many of those officers whose services were little known at home had, by their deeds, shed a halo of glory around the British name. They had converted desert wastes into fertile territories, and transformed barbarous tribes, formerly living by plunder and every species of abomination, into civilized and humanized subjects, willing to espouse our cause and fight our battles against every foe. It was to be regretted that the right hon. Member for the University of Oxford had not concluded his speech with a Motion that would have had the effect of preventing it from proceeding in a most impolitic and unwise manner, and thus elicited the general opinion of the House; for the attempt to legislate on that important subject in the present Session was calculated to endanger the best interests both of India and of England.

Mr. GREGORY said, he entirely concurred in the concluding observations of the hon. Baronet, for he believed that the speech of the right hon. Member for the University of Oxford was consonant with the sentiments of a large portion of the House; and that if the question were brought to a vote it would be found either that the majority would be adverse to proceeding with the Resolutions in Committee on Friday, or, at least, if a majority were not found, there would be so large a number of Members anxious to defer the consideration of the question to a future time, that the minority would command sufficient attention in the country to enable the House

to obtain further time, until they were far better prepared for legislation than at present. There were certain misconceptions which ought to be cleared up, and if that were done, the difficulties in the way of legislation would be far less. Those misconceptions existed in the minds of right hon. Gentlemen and noble Lords sitting on the front benches of both sides of the House. On the one side there were considerations of the retention of Toryism, and on the other the bringing back of Whiggery, and it was thought that these considerations were the axes and pivots upon which every political question was made to revolve. But the future government of India was in the minds of the people of this country a consideration far superior to the mere shifting of the occupants of the Treasury Bench. He wished to divest his remarks of every species of party complexion, and to address himself simply to the question; and he would say to the right hon. Gentlemen opposite, "We do not mean to be factious, but we do not consider that the country or the House are at present able to draw a good bill such as would ensure the proper government of India; they are not sufficiently instructed on the subject." He hoped that such language would be fairly listened to by both sides of the House. It appeared to him that "fear," and "anger," and "triumph" were all bad advisers, and yet those were the feelings which had been passing through their minds since the commencement of the Indian mutiny. We were now at the third of these stages—the exultation of triumph. But when the work of putting down the mutiny should be over, they would be able to consider calmly what remained to be done, and they would have an opportunity of ascertaining, from those eminent men who were still spared to them in India, their opinions of the causes of the outbreak, and what course they ought to pursue hereafter. Those men at present could not give any opinion. Their whole time had been occupied in providing for the desperate emergencies of the present and the future, and they had not been able as yet to make the necessary investigation. The Natives of India might also have some reasons to give for the causes of the outbreak. Even if they went through all the letters, and speeches, and pamphlets which had been written and published, they would be at a loss to arrive at any satisfactory conclusion. He was one of those who voted with the majority who gave leave to the noble Viscount to introduce his Bill; but since that discussion every day's experience had more opened his eyes to the difficulties of the subject, and he felt convinced that there were at present obstacles in the way of legislating which were almost insurmountable; and as a proof of that he might refer to the Bill of the right hon. Gentleman, and the Bill of the noble Lord himself, which, he said himself, held water so thoroughly, but of which men of the greatest experience held a very different opinion. The truth was, the House was working in the dark, and no light had been thrown upon the path in which they were proceeding; that path was encumbered by every species of difficulty. He wished the right hon. Gentleman (Mr. Gladstone) had added the sanction of his high authority to a Motion for not going into Committee at this moment. This, however, must devolve upon some Member of the House, and he would, therefore, take the responsibility upon himself, and move the following Amendment: — "That at this moment it is not expedient to pass any Resolution for the future government of India." He only made these few observations because he had precluded himself from going into a discussion of the Resolutions of the right hon. Gentleman (the Chancellor of the Exchequer) in detail. He had simply confined himself to one topic—namely, that they were hurrying on in a way which he could not understand, and legislating upon no principle whatever. The flames of mutiny had not yet been trampled out in India; and, until they were, it was more than foolish to discuss the different nostrums and opinions with which the Notice Paper was covered. Peace was near at hand, and that would be the proper time to decide calmly and judicially on the future Government of India.

Mr. W. EWART seconded the Amendment, on the ground that, although he might not fully concur in the reasons which had led the hon. Member for Galway to propose it, he thought so much delay had taken place in dealing with the subject, and so great a difference of opinion existed, that immediate legislation was inexpedient. The Bill of the noble Lord (Viscount Palmerston) proposed to establish a Council of a particular description; the Bill of the Chancellor of the Exchequer would have established a more extended Council; and a wide difference of opinion existed on the subject between the two great parties in that House. There was, however, another party, of whom he was one, who thought it unnecessary to have any Council at all.

He found that the Chamber of Commerce at Manchester had expressed their opinion against the appointment of a Council, and this view had been strongly supported in some of the public journals. The Chamber of Commerce at Liverpool had petitioned the House to defer the further discussion of this subject until next Session, and prayed that a Select Committee might be appointed to consider the future government of India. He thought, therefore, that as two Bills had been laid before the House unsuccessfully, they should not further procrastinate by debating these Resolutions for five or six days, or it might be for as many weeks. He would not say that immediate action might not have been desirable, had it been taken at the beginning of the Session; but, since that time, there had not only been a change of Ministers but a change of circumstances, and he thought it would be almost impossible to arrive at any satisfactory decision on the subject during the present Session.

Amendment proposed,—

To leave out from the word "That" to the end of the Question, in order to add the words, "at this moment it is not expedient to pass any Resolutions for the future Government of India," instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

LORD JOHN RUSSELL: I understand the hon. Gentleman who has moved the Amendment to propose, in fact, that there should be no legislation with respect to India during the present Session. I think, however, as the hon. Gentleman is ready to take upon himself the responsibility of proposing that the House should reverse the vote which it came to some days ago, he should have taken on himself the additional responsibility of giving notice of his intention, and that the House should not have been allowed to disperse after the speech of my noble Friend (Viscount Palmerston), in the belief that no serious opposition was contemplated to the Motion of the right hon. Gentleman the Chancellor of the Exchequer. I would submit to the hon. Member for Galway (Mr. Gregory) that, whether it be desirable or not that we should abandon all hope of legislating on this subject during the present Session, it is at least desirable that notice should be given of such an Amendment as he has proposed; and that, if it is to be discussed, it should be debated in a full House. Hon. Gentlemen will recollect that at an early period of the Session, on the proposition of the Government, after hearing the arguments so clearly and ably urged by the hon. Member for Huntingdon (Mr. T. Baring), and after full deliberation, the House determined by a majority of 145 to allow the noble Lord then at the head of the Government to introduce a Bill, the object of which was to transfer the administration of the Indian government from the East India Company to the Crown. I think, if we are prepared to reverse that decision—if we give up in despair the accomplishing this great object—the subject ought to receive equal consideration, and that we ought to have an opportunity of hearing the opinions of the most eminent Members of this House. I own that I should be very sorry to see the House thus reverse its decision. I think the present Government are perfectly justified in saying, "Although we deemed the introduction of a measure on this subject premature and inopportune, yet we see the evils which must follow if, after the government of India has been condemned by a great majority of the House of Commons, in a full House, no measures are taken to substitute some other authority." I think such an argument is perfectly just on the part of the present Government, and that they are right in deeming it their duty to place in abeyance their former opinion and to endeavour to legislate for the government of India. An objection has been taken to proceeding with such a measure at so late a period of the Session. Now, my belief is that in 1813, in 1833, and in 1853, the Bills were proceeded with in this House at a much later period of the Session—I should say at least two months later than on the present occasion; and what is the object which should prevent us from now considering this great subject? Other questions of great importance have not been brought forward or have been postponed; the Estimates for the year, at least the Military Estimates, have been nearly disposed of; and there really does not seem to be, in regard to any other business, a reason why this House should not devote itself constantly and perseveringly to the consideration of the government of our Indian empire. It is said that it is a disadvantage to consider a question of this kind when our attention is absorbed by the dangers which still surround our troops and our establishments in India. But, at the same time, the decision of the House has been already pronounced—pronounced, too, when Oude was yet in the

hands of the enemy, and when we had not achieved those victories and gained those advantages the news of which have subsequently reached us. Besides, I must say that, although it may be some impeachment of the wisdom of Parliament and of the foresight of our statesmen and of the nation, it has generally happened that there has been no very earnest attention paid to the subject until circumstances rendered that attention absolutely necessary and unavoidable. My belief is that, if in 1853 the Government of Lord Aberdeen had proposed any change of this kind, we should have been met by the opinion of a great majority of this House, that, while everything was quiet and undisturbed in India, it would be most rash and ill-advised to attempt such a change. It does so happen, however, that at this period we have all had our attention called to, we have all had our minds fixed upon, the subject of India. There is hardly any Gentleman, however little he may have thought of India up to the month of April last year, who has not since that time paid considerable attention to the question. Well, suppose we hear in a few weeks that the mutiny has been actually suppressed; suppose there are nothing but those little skirmishes with small bodies of mutineers and bands of robbers who infest the country long after a great rebellion is quelled —public interest would cease on this subject; it would at least very much abate; other questions would arise, and would occupy our attention; and I doubt very much whether, if in the beginning of 1859 we were to consider the India Bill, there would be as much knowledge and as much deliberation given to the subject as will be devoted to it at present. I therefore, for one, do not see why at least in the very beginning of our deliberations we should not proceed to consider the Resolutions which the Government have proposed. No question has to-night been raised whether we shall proceed by way of Resolution or not. The proposition of the right hon. Gentleman is that we should go into Committee on Friday upon the Resolutions. Most unfortunately, as I think, he gave us a long defence of his own Bill, which, as my noble Friend the Member for Tiverton truly said, he had already murdered with his own hands. We are not going now into the subject of that Bill. *De mortuis nil nisi bonum.* We have nothing to do with the Bill. We shall frame Resolutions, and I trust we shall be able—after several days of deliberation, no doubt—to come to some conclusion upon this question. The great subject of slavery—which was likewise considered in Resolutions before the present Lord Derby introduced a Bill — occupied some seven or eight days at least in Committee. We may occupy as many days, or more, in discussing these Resolutions; but I do not think the points for consideration are so numerous as some Gentlemen seem to think. The first point is already decided, when you go into Committee on these Resolutions—namely, that it is desirable to transfer the whole authority in India from the Company to the Crown. The next question is, whether the Secretary of State or the other Minister whom you set up shall have a Council to assist him. That is one point which must employ the attention of the Committee; but it does not, I think, admit of very long argument. The arguments, either one way or the other, appear to me to lie on the surface. The next question is with regard to the nature of that Council, if one should be appointed; and upon that subject I confess I entirely agree with the observations made by my noble Friend the Member for Tiverton. I think it is wise to have a Council for the purpose of assisting the House. I think it is well that the nation should be informed by persons of Indian experience what their opinion is with respect to any measure which, however plausible it may be, and however much it may be countenanced by the Minister, would involve the danger of offending either the religious opinions or the social prejudices of the people of India. I think it advisable likewise to have a Council, for the purpose of enabling the Minister himself to ascertain at every step he takes what is the opinion of men who have official experience and knowledge of the subject. But I should think it would be a very great mistake if we attempted to give an independent authority to such a Council, and in that manner again divide that Ministerial responsibility the unity of which is the whole object of the measure. Give the Minister every assistance; surround him with advisers whose opinions may be of most value to him; do not shrink from giving them salaries and a position which may enable us to obtain the very best men who return from their important functions in India; but when you have done this, leave the Minister himself to be responsible; unless he is su-

preme he could not have that responsibility: let him, therefore, be supreme in his Council, and stand up in Parliament to defend the policy of which he is the author and the advocate. There is one point of very great importance upon which the right hon. Gentleman touched—as to the election of a portion of the Council. Now, I have thought over this point a good deal, and if I could have satisfied myself that there was any body of electors who would name any members of the Council better than the Crown, I should, setting aside altogether the theory of representation, which I think does not apply to this case, have been ready to confide to that body of electors the power of nominating members of this Council as readily as I would confide it to the Sovereign. But I own I have been unable to satisfy myself either that that body of electors would not be so numerous as to be unsuitable—consisting, as it would, of persons likely to have very little interest in the good government of India—or, on the other hand, that it would not be so limited as to give rise to cabal and intrigue. I feel satisfied, therefore, that the best mode of constituting this Council of India is, with the restrictions and qualifications which both Governments have proposed to introduce, by intrusting its nomination to the Crown and by making the Government responsible for it being a good Council. I know that in the opinion of the present President of the Board of Control — than whom there are few men of greater ability, than whom there is scarcely any man who possesses greater knowledge of India — the appointments by the Crown of Members of the Board of Directors—a power which was given by the Act of 1853—have been most wisely made, and that the persons so appointed have been very fit for the office. I believe that would be the case with any Government, from whichever side of the House it might be chosen. There might now and then, at rare intervals, be an unfit or partial appointment; but I think with the limitations which would exist the tenor of those appointments would be such as would tend to the benefit of India and of this country. These very restrictions impose upon the Crown almost the necessity of appointing not only men of experience, but men who will be as little, even less, likely than any persons in this country to be political partisans. We have heard all our lives, with regard to men in India, that they take no interest in the party politics of this country. There was an instance, I think, a little while ago in which Lord Hardinge had long discussed of Indian affairs with, and had the assistance of, an officer who was constantly with him, and only at the end of two or three years discovered him to have been a man of extreme politics in England. They come back, these men, whatever their original politics might have been, with very little interest in and caring very little about the mere party politics of this country. I believe that life in India—whether in a military or a civil capacity—is so different from life in this country, it is so absorbing and requires so much attention to every step which is to be taken, that a man gets gradually weaned from those habits and those partialities which influence politicians in this country. Therefore I think there is every chance that whoever is Minister of the Crown will exercise the power of appointment without considering the politics of the men he has to choose, or, if he considers their politics, that it will be very difficult for him to nominate any persons who will aid his own party interests in this House. Upon this question, then, I should differ from the right hon. Gentleman. I have already given notice of some Amendments which I shall venture to propose upon these Resolutions, and I will not therefore go into any points beyond those which I have already mentioned. What I wish to point out is, that if this House does not think fit to consider the question of India in the present year—and with such a decision I should not agree—the matter ought to be most deliberately weighed, and that we should consider what will be the effect of making this sudden change in our course and of leaving India with its present government. I know that some Gentlemen who have spoken have rather slided from one argument into another on this subject. "Why should you legislate this year upon India?" they say, "there is surely no great hurry;" and then they add—"The government of the East India Company is as perfect a one as you can have. Why do you want to change?" But if there is no reason for alteration, why hold out the hope of legislating next year? If the present government of India is not to be changed, let us plainly say so. If you don't mean to alter it, don't hold out the hope when you advocate its postponement till next year, that you will then enter into a question which you say ought not to be considered at all. If the present govern-

ment of India be a perfect government, then by all means let it be maintained. A great majority, however, of the House of Commons has decided that an alteration in our Indian Administration should be made. I am one of those who entertain that opinion. I believe the proposed alteration will tend to render that Administration more efficient, and to effect in time a great change in India itself. I do not, nevertheless, think that the immediate change will be so vast or so perilous as some persons seem to suppose. The Board of Control exercises now, as has been justly said, the supreme power in the management of the affairs of India. It can, when it pleases, overrule any decision at which the Court of Directors may have arrived. You would not, therefore, in making the contemplated alteration, be in reality increasing the power of the Crown; you would simply be providing a different mode for transacting the business connected with the administration of our Indian empire. That different mode would, I believe, lead to the further consideration of the fiscal system of India, and in the course of years to many changes which, in my opinion, would turn out to be for the benefit of that country. That is, after all, the main object which we ought to have in view. If this alteration to which the House of Commons is asked to give its assent be for the advantage of India and of those millions over whom we rule in that great empire, why then let it be made. If, upon the contrary, you are convinced that no alteration can be effected which would not prove injurious to the interests of the people of India, then why should you this year, or next year, or upon any future occasion, give your assent to a proposal which, in your opinion, must have that result? I trust the House will, at all events, see the propriety of agreeing to the Motion of the right hon. Gentleman the Chancellor of the Exchequer—a Motion to which I shall certainly feel it to be my duty to give my support.

Mr. MANGLES said, that the argument which had been urged by the noble Lord who had just spoken, to the effect that, because no notice had been given of the Amendment under discussion, hon. Members who made it their business to be at their posts upon that occasion were not at liberty to give a vote the result of which would be to negative the Motion of the right hon. Gentleman the Chancellor of the Exchequer, was one to the justice of which he could not assent. If he understood the forms of the House correctly, it was not at all necessary that a formal Amendment should be moved, in order that hon. Members might be enabled to vote "Aye" or "No" upon that motion; and he believed that those forms presented no obstacle to the discharge of what he deemed to be his duty in opposing any proposition the object of which was to take away from the East India Company that power and authority which, it was his conscientious belief, it had exercised so well, and with so much advantage both to India and to this country. He had, upon a former occasion, however, declared his willingness, and he begged to repeat the declaration that evening, if Parliament should decide upon taking that step, to lend every assistance in his power, as a private Member of that House, to render as perfect as possible any scheme which might be devised for the future government of India; entirely disclaiming all party considerations, which, in dealing with so important a subject, ought, he contended, to have no place. Viewing the question, then, in that spirit, he felt bound to say that the propositions of the right hon. Gentleman the Chancellor of the Exchequer were, in his opinion, so far as the constitution of the new Council and the functions which it was meant to discharge, far more in accordance with sound policy than those which had been submitted to the notice of the House by the noble Lord the Member for Tiverton, whose views upon the question appeared to find an echo in the noble Lord the Member for London. Those two noble Lords had spoken of the Council merely as a Council for the assistance of the Minister. Now he (Mr. Mangles) concurred with the right hon. Gentleman in thinking, that if we were to have a Council which was deserving of the name, it should perform all the functions and possess all the real and substantial power which was at present vested in the Court of Directors. It would be better to have no Council at all than one which would be a mere sham; better than to leave nominally the management of the affairs of India to a body calling itself a Council, but possessing no authority, having no power even of placing its opinions on record, would it be to have, in its stead, only an Under Secretary and a number of clerks—although such a proceeding would, no doubt, be most unwise in itself, and one calculated to lead to the

most disastrous results. Anything, however, he should repeat, was preferable to a sham. The sort of Council which ought to be appointed was one which should be competent to advise the Minister, and which should have the power, if that Minister took a course which was contrary to argument and to reason, to place its opinions upon record, and thus to afford Parliament and the country an opportunity of pronouncing its judgment upon the policy which, in defiance of those opinions, might have been adopted. A Council like that was what was wanted, and anything else would be a delusion and a snare. The noble Lord the Member for London had urged the necessity of the new Secretary of State for India, or whatever else that officer might be called, being supreme, and had contended that, in order that that object might be attained, it was desirable the Council should be a body without much power or authority. The noble Lord had, however, towards the close of his speech, answered his own argument upon that point, when he stated that the President of the Board of Control now exercised a supreme power. He (Mr. Mangles) should be sorry to maintain that the authority of the Imperial Government should not constitute the *ultima ratio* with respect to the affairs of India, but he should like to see it occupying that position to no greater extent than was under the present system the case. He should, in short, wish to see the new Council possessing an authority quite as great as that of the present Court of Directors—an authority which enabled it to maintain its independence, and to be the competent adviser both of the Minister and of the Cabinet. That responsibility should rest with the Minister; and, at the same time, substantial power in the Council was, no doubt, a problem which it was difficult to solve. It had, however, been solved in practice ever since the passing of Mr. Pitt's Bill in 1783; and it would not be difficult, he believed, to work it out for the future in the same way, if they were determined to alter the constitution of the Government. He believed it would be practicable to form a Council which would be an independent body; and, being an independent, a useful body. He should vote, of course, against going into Committee for the purpose of considering these Resolutions, or any Resolutions; but, if they should so resolve, he should turn his attention in Committee to making the Council really useful. One word more. He regretted to hear the right hon. Gentleman the Chancellor of the Exchequer speak of the form of procedure in the case of the proposed Council as a secondary question; and he should recommend him to reconsider the conclusions in reference to that important portion of the subject at which he seemed to have arrived. He might depend upon it that the utility of the Council depended very much upon the point which he seemed to consider merely one of detail. If the Council were to see nothing but what the Secretary of State chose them to see, and were to do nothing but what he chose them to do, they would be an ineffective and useless body. The Council ought to possess, as the Court of Directors now possessed, the power of taking the initiative in preparing all measures relating to India; the power of alteration, rejection, and even of framing totally different measures, being vested, as it was under the existing system, in a Minister of the Crown. He should, of course, feel it to be his duty to vote against the Motion for going into Committee to consider the Resolutions under discussion, or any Resolutions which had a similar object, but if those Resolutions should be carried, he should lend to the Government all the aid in his power to render the new Council a real independent and useful body.

Mr. BAILLIE thought the House laboured under some mistake as to the real nature of the Amendment of the hon. Member for Galway (Mr. Gregory.) The question which it had raised was not, as the noble Lord the Member for London seemed to imagine, whether all legislation for India should be abandoned during the present Session, but whether the House should proceed to legislate by means of the Resolutions which had been laid upon the table, reserving to itself the power, if it should decide in the negative, of proceeding by Bill if it chose. ["No, no!"] The words of the Amendment were, "It is not expedient to pass any Resolutions for the future government of India;" it did not therefore contain anything which would in the event of its being carried preclude the House from passing a Bill with that object. The House would recollect the grounds on which the noble Lord the Member for London had advised his (Mr. Baillie's) right hon. Friend the Chancellor of the Exchequer to withdraw his Bill and to proceed by Resolution. The noble Lord said that the House of Commons was

called upon to legislate for the interests of 100,000,000 of people, whose future happiness and well-being depended in a great measure upon the legislative scheme which Parliament might sanction; and that he therefore thought it would be but just and reasonable that all parties should come to the discussion of a subject so important with that calmness, deliberation, and absence of party feeling which beyond all question ought to characterize their proceedings when dealing with the interests of so many millions of men not represented in that House. These were the reasons which induced the noble Lord to press the Government to proceed by way of Resolution; and it was, he (Mr. Baillie) believed, the general feeling prevailing among the great body of the Members of that House and he believed that it was a feeling of this kind which induced the noble Lord the Member for Tiverton not to press the second reading of his Bill when it stood on the paper for the second reading. The question, therefore, now before the House, though they had been entering into a general discussion that evening with respect to the future government of India, really was a very simple one, and had reference merely to the mode of procedure; whether by way of Resolution, or whether, if that mode should be rejected, by way of Bill. With regard, however, to what had fallen from several hon. Members, who had proposed that there should be no legislation for India during the present Session, he thought that if the House came to that Resolution at the present time it would really cut a very ridiculous figure in the eyes of the country. Believing, therefore, that the general feeling of the House was that they ought to proceed by way of Resolution, he trusted that the hon. Member's Amendment would be rejected.

Sir GEORGE GREY said, he certainly did not understand the Amendment moved by the hon. Member for Galway in the sense in which it was understood by the hon. Gentleman the Secretary of the Board of Control. He did not understand the issue which was now raised, and on which the House was now to divide, to be whether legislation for India was to take place by way of Resolutions or by way of a Bill. The terms of the Amendment stated that it was inexpedient at the present moment to pass any Resolution with respect to the government of India; but the whole speech of the hon. Member who moved it, as well as the speeches of other Members, had been, in fact, a reproduction of the arguments used in the month of February last against any alteration of the government of India during the present Session of Parliament and during the present state of India. It was in this sense that he understood the Amendment of the hon. Member for Galway, and so, understanding it, he had been prepared to vote with the Government and against the Amendment, and to proceed, in fact, with the Resolutions on Friday next, in order not to raise obstacles to the course which the Government had chosen to adopt on their own responsibility with a view to lay the foundation of a Bill; but if he were told that the issue on which the House was to divide was whether they should proceed by way of Resolution or by way of Bill, he must then withdraw his vote from the Government. He thought that, with the confident views entertained by the Chancellor of the Exchequer as to the principle on which the House ought to legislate, the course which the Government should have taken after withdrawing their Bill was to lay on the table another Bill, with such Amendments as they thought necessary. Such a course would have saved time, and avoided that delay which might now take place, and which might entail the risk of no legislation with respect to India being adopted during the present Session. At the same time, feeling, as the right hon. Member for Oxford University said, that there were Parliamentary precedents for the course of proceeding proposed by the Government, and that the forms of the House did not preclude the Government from adopting it, he would not interfere with that discretion which was generally allowed to a Government; and as, upon consideration, they had first laid a Bill on the table of the House, and had then withdrawn it because they afterwards thought that it would be most expedient that a Bill should be founded on Resolutions, he should not have been prepared to press his difference of opinion in respect to the course of proceeding to the extent of a division against the Government. But then they ought to understand on what the House was about to divide, and as he understood that the Amendment was intended to express an opinion that the decision arrived at in February last was a wrong decision, and that there ought to be no legislation for India under present circumstances, he should support the Government against the Amendment.

MR. GREGORY explained that the object he had in moving the Amendment was to get rid, if possible, of all legislation with respect to the Government of India during the present Session; but he had worded the Amendment so as to render it applicable to the present case, thereby leaving himself at liberty, when the time came, to support any similar proposition with respect to the Bill of the noble Lord the Member for Tiverton, supposing that the present Resolutions should be got rid of by his Amendment.

MR. WALPOLE said that, after the explanation of the hon. Member for Galway, he thought it would have been better if the hon. Member had worded his Amendment in a different form, and simply said that it was not expedient to legislate with regard to the government of India during the present Session. Such a Motion would have raised, in the simplest manner, the issue now raised by the Amendment as now explained—whether it was advisable—aye or no—to legislate during the present Session with respect to the home government of India. Now, he was one of those who supported by his vote the Motion moved by the hon. Member for Huntingdon (Mr. Thomas Baring), thinking that legislation with respect to the home government of India was a great mistake at a time when an extensive mutiny was going on, for you thereby made it uncertain in the minds of the people of India what their government would be, and were proposing a great change when great military operations were being carried on. Having voted with the hon. Member for Huntingdon in favour of his proposition, that they ought not to legislate under such circumstances for India, he should, unless that Motion had been made and rejected, entirely have concurred in the present Amendment; but he wished the House carefully to consider whether that was a position the House could now take consistently with its own dignity. The House had affirmed by a large majority that it was expedient to legislate for the government of India—for that was the effect of the majority obtained by the noble Lord the Member for Tiverton on the introduction of his Bill; and it was now proposed that they should take a step in April directly in the teeth of what might be considered a Resolution of the House affirmed most deliberately in February last. Let the House, then, be apprised beforehand that such was the proposition about to be submitted to it. Let there be due notice on the point. Whatever course they might ultimately take, let them not rescind a Resolution without notice; and if it were now the opinion of the House that legislation with respect to the government of India was not advisable, he ventured humbly to submit that the proper mode of determining that question would be to give notice that on Friday next a substantive Resolution to that effect would be proposed. By such notice all the Members of this House would be apprised of what was intended to be done, and there would be the fullest opportunity for the delivery of reasons on one side and the other. He ventured to say that they would by such a course put themselves more right in the public estimation, and be deemed to conduct their proceedings with more gravity and deliberation, than by now rescinding, without notice, a Resolution come to in February last by such a large majority of the House; for such would be the effect of passing the present Amendment. Though strongly tempted to follow the noble Lord opposite on one or two observations he made with respect to some of the Resolutions proposed by the Administration in respect to the Government of India, he forbore to enter into that discussion, because he thought it better to confine himself simply to the point raised by the Amendment; otherwise, he felt fully confident that on discussion it would be shown that the two great points of the establishment of an independent Council and the withdrawal of patronage from mere Ministerial or English influence would be better obtained by some such proposition as that of the Government than by the proposition of the noble Lord the Member for Tiverton.

SIR FRANCIS BARING desired to make a few observations with respect to the Amendment of the hon. Member for Galway. He had voted upon a former occasion in favour of a postponement of legislation upon the subject of India, and he should give his unhesitating support to the present Amendment; but at the same time he could not but feel that there was a good deal of force in the argument of the right hon. Gentleman (Mr. Walpole) that if the House was to be invited to change its course it was desirable that some notice should be given. With respect to the argument of the right hon. Gentleman, however, as to the inconsistency of the House in April arriving at a different conclusion from that it adopted in

February, he did not attach much weight to it, because he believed that even if it did not change its opinion in April it, probably, would do so in July. He would suggest to the hon. Member for Galway that it would be better to give a notice which would bring the question fairly before the House, and obviate any objection as to the House being taken by surprise. Instead of a hurried debate the matter could be fully considered, and although the minority might be a small one, he would never be ashamed of forming a unit in it, as, in addition to reasons which formerly existed, there were now other circumstances of a domestic character—a change of Government and the state of the House—which still more rendered it inexpedient to undertake at this time legislation with regard to India.

Viscount GODERICH said that, having given notice of his intention under certain circumstances to propose an Amendment, he felt it necessary to make a few observations upon the state of things now existing in reference to this subject. As he understood the Amendment of the hon. Member for Galway, it was intended to raise the question whether there should be any legislation in regard to India during this Session, and if that Motion were pressed to a division he (Viscount Goderich) would feel it his duty to vote against it. But, after the speech of the Chancellor of the Exchequer, it was very important that the House should determine not to pledge itself that evening as to the course it would take on Friday next. Upon that evening he conceived it would still be open to any Member to raise the question whether they should proceed by Resolution or by Bill, and he thought circumstances had occurred this evening which rendered it necessary that the House should reserve to itself a perfect freedom of action upon that point; for he could not agree with the noble Lord the Member for Tiverton who had described the speech of the Chancellor of the Exchequer as a funeral oration over the Bill which he slew on Friday last, but which had a singular resemblance to the speech which the right hon. Gentleman would probably have made in moving the second reading of his measure. That speech also raised a suspicion that the point at which they had now arrived was really intended to represent the second reading of the Government Bill, and that the object of the present proceeding was to tide over the ordeal of a second reading and to go into Committee upon the propositions of the Government without submitting them to the House as a whole. If that were so, it was necessary to guard themselves against the supposition that by supporting the proposition made by the Chancellor of the Exchequer in preference to the Amendment of the hon. Member for Galway they intended to express any approbation of that course. He desired to reserve to himself the fullest freedom of action upon that point. He had not proceeded with the Amendment of which he had given notice because that was contingent upon the withdrawal of the Government Bill; and that Bill having been withdrawn he did not wish to take a course which might expose him to the charge of unfairness towards the right hon. Gentleman the Chancellor of the Exchequer.

Mr. HORSMAN said, he thought that the difficulty of legislating for India, which was before sufficiently great, and the responsibilities of Parliament sufficiently serious, had been considerably increased since the Bill of the late Government was introduced into the House. There had now been imported into the subject a new element of embarrassment—the fact of a large portion of the House who voted for immediate legislation having now changed their opinions. ["No!"] Some hon. Members cried "No;" but to warrant his remark he need only refer to the fact, which could not be controverted, that the Amendment to postpone legislation, which was now made, was moved and seconded by Members who voted in the majority upon the former occasion. When those hon. Members, in spite of their former votes, moved now to defer legislation, he was justified in saying that the House was aware of the fact that they represented a change of opinion which had spread far beyond themselves. In truth, there was an opinion growing in that House that they had committed what the right hon. Gentleman the Home Secretary hesitated to express, but which he (Mr. Horsman) had no difficulty in designating—a great mistake—in entangling itself with Indian legislation without some previous information of Indian requirements. There was a feeling that the House had plunged hastily and precipitately into the gulf of legislation, and had thereby done nothing but mischief; for, as it turned out, they had unsettled everything and settled nothing. He agreed with the

noble Lord, the Member for London, that the period of the Session was no bar to their proceeding with legislation; but although it was true that all former Government Bills with reference to India had been introduced later than April, yet it must be remembered that every one of those Bills was preceded by inquiry; and that in former cases the House came to the consideration of the measures proposed, strengthened by previous inquiry, and with an agreed basis for legislation. But was the House now agreed upon the basis of legislation for India? He must say, that taking the two Bills together with the Resolutions about to be submitted, he could not find in them the materials of a measure which would meet the requirements of India, or raise the credit of that House. Take the first question of the Council. There appeared to be at the beginning of the Session a general agreement that a Council must be an essential part in any legislation; but when they came to the formation of that Council, as proposed by either of the Bills now before the House — a Council to be composed of able men, possessing knowledge without power, influence without responsibility, complete subordination with perfect independence; it was found that neither the Bill of the late Government, which he admired for its simplicity, nor the Bill of the present Government, which, with all its complications, contained one or two good points, provided effectually those much desired elements. Both measures also possessed one vital defect, of passing over the question of providing for the government of India in India. That difficulty could not be disposed of by bridging over the distance between the India House and the Board of Control. They might evade or ignore the difficulty, but the result of such evasion would only be a perpetuation of the difficulty. The House was now in this position. There were few Members sanguine enough to believe that anything like effectual legislation would take place this year, and many were now converted to the opinion that the attempt was a mistake. But, if that opinion did really exist, he would ask the House, ought they to adopt the suggestion of the Home Secretary, and out of regard to their character for consistency to allow a false pride to stand in the way of the public interest? In private life an individual who had made a mistake received the approbation of the world for the moral courage which enabled him to acknowledge it—however unpleasant it might be to retract, yet a retraction made a man stand higher, not only with his own friends, but with the world at large, because he established his moral courage, and displayed his virtue, by sacrificing his feelings to duty. Why should it be different with the House of Commons? Many of them felt that their opinions were changed. Why should they not acknowledge it? There was no doubt some difficulty in entirely rescinding the Resolution at which the House arrived at the commencement of the Session; but since that resolution was come to, circumstances had materially changed. At that time the task of legislating for India seemed to be simple and easy. Now it had been found to be very difficult, and it appeared from expressions they had dropped, neither the Chancellor of the Exchequer nor the noble Lord the Member for Tiverton, were very sanguine as to settling the question this Session. Under all these circumstances, he, with great deference, suggested a means of getting out of the difficulty, preserving their consistency, and at the same time discharging their duty. He took it that the House had agreed, as nearly unanimously as could be expected on a great question of this sort, that the Government of India should be transferred from the Company to the Crown, and to that decision he believed that the East India Company themselves were prepared to bow. He, therefore, thought that on Friday they might very easily come to a vote adopting the first Resolution of the right hon. Gentleman, declaring that that transfer should take place, and so close that question against all further controversy and dispute; but that when they came to the second Resolution, it would be desirable that some gentleman who voted in the majority against the Motion of the hon. Member for Huntingdon, should move as an Amendment, that further inquiry was necessary, and that a Committee should be appointed to devise the best means of carrying the first Resolution into effect. He believed that such an Amendment would express the opinions of a very large number of Members of that House, would be supported by some of the most distinguished of the majority, who had opposed the Motion of the hon. Member for Huntingdon, but had since changed their opinions, would represent the feeling of a great majority of the people out of doors, and would, at the same time, relieve the House

Mr. Horsman

from the embarrassment under which they were wasting this Session, and might probably in a future one, return to the discussion of this subject without adequate knowledge. He should himself be unwilling to initiate such a Motion, but he thought the feeling of the House so strong on the subject, that if no other Member undertook the task, he would not shrink from it.

Mr. VERNON SMITH said, he did not believe that the opinions of the liberal party or of the country upon this question had altered, and would beg to remind his right hon. Friend the Member for Stroud (Mr. Horsman) that if he or those hon. Members who had voted against the Motion of the hon. Member for Huntingdon had since changed their opinions, all the Members of the present Ministry who supported that Motion had suddenly become enamoured of immediate legislation. At the same time he was surprised to hear the right hon. Gentleman the Secretary of State for the Home Department (Mr. Walpole), while expressing his desire to go on with legislation, say that the original proposal for legislation at this time was a great mistake. The proposal of his right hon. Friend the Member for Stroud, that the House should agree to the first Resolution, and then submit the other to a Committee upstairs, was the most inconvenient that he could imagine. There might, indeed, be something in the argument of the hon. Member for Huntingdon, at the time that he proposed his Motion against proceeding immediately to legislate, respecting the Government of India—that they ought to be deterred from legislation by the dangers and difficulties which they might create in India; but that was properly met by the reply, that it was not proposed to interfere with the Executive Government, the Government in India, but with the Government at home—a change which would not affect the mutiny, for as to the Home Government the mutineers cared as little about it as any one who had never heard of it. It was a mistake to suppose that the people of India had any great affection for the Company, or cared very much what was the government in this country. He had asked many experienced Indians what the Natives said of the Company, and the reply was, "Very little;" when he asked what they thought of the Board of Control, the answer was, "Nothing at all"—that the real government was supposed, as was most natural, to be the Governor General. Under these circumstances, the late Government contended that there was no reason why the Home Government should not be changed, although the country was in a state of mutiny; and all that had happened since had strengthened that argument. If the hon. Member for Huntingdon was right in saying that the introduction of that measure would shake the Government in India, all that had happened since must have shaken it still more, and the proposal of his right hon. Friend the Member for Stroud would shake it worse than anything. His right hon. Friend could not have considered this question with his usual acuteness, because it was evident that the whole question was contained in the first Resolution. Directly you adopted a Resolution to transfer the government of India from the Company to the Crown, you must reconstitute the Court of Directors and the Board of Control. The Secretary of State, the President of the Council, or whatever he was to be called, must correspond directly with the Government in India. That he did not was one of the greatest of the existing evils. His principal object in rising, however, was to say that he entirely disapproved the proposal to proceed by Resolution, and that nothing should have induced him to assent to it except his desire to lay aside all minor differences in order to carry a Bill for the government of India, if possible, during the present Session. His right hon. Friend (Mr. Horsman) thought that was not possible; but he could not be ignorant how completely the condemnation of two Administrations must have paralyzed the springs and energies of the Home Government of India. He was well acquainted with the energy and industry of the gentlemen who conducted the business at the East India House, but he ventured to say that not one of them had, since he knew that there was to be an alteration in the constitution of the Government, acted with the same spirit with which he previously discharged his duties; and such would continue to be the case until the promised alteration was made. Therefore, of all courses the worst would be to postpone legislation from this Session to another, in order that the subject might be referred to a Committee. His right hon. Friend said that all previous changes had been preceded by inquiry; but that was the very reason why none was needed now. If his right hon. Friend read the Report of the Committee of 1852,

and the evidence taken before it, he would find that all the questions raised by the two Bills before the House were then discussed, and grave and weighty opinions were given upon them. He entirely agreed with the right hon. Gentleman the Secretary of State for the Home Department, that nothing could be more childish than now to rescind the decision upon the Motion of the hon. Member for Huntingdon; but he did not wish it to be supposed that he was in favour of proceeding by Resolution instead of by Bill. His noble Friend (Lord John Russell), who was for the present the leader of the House, as they were going to consider his Resolutions, was quite consistent, having in December last suggested to him (Mr. Vernon Smith) that it would be desirable to proceed by the introduction of Resolution. But it should be remembered, that there was some difference in the state of things between December and April. Two Bills had been introduced in the interim. But the reason why he (Mr. Vernon Smith) thought the proceeding by Resolution inconvenient was, that it was in effect a violation of the rules of the House, by going, as it were, into committee on a Bill before they had read it a second time. When his noble Friend (Lord John Russell) suggested the proceeding by Resolution, he could hardly have meant that the House should go into the consideration of a Resolution on such a question; for instance, as whether the Council should consist of 11 or 18 members. The consequence of proceeding by Resolution—before a Bill would be that, they would have a double discussion upon the details of the Bill—it was therefore merely a dilatory course, and one that must lead to confusion. He regretted extremely that the Chancellor of the Exchequer, in introducing his Motion that night, instead of simply stating his reasons for adopting the mode of proceeding by Resolution, should have gone into a wide discussion as to the comparative merits of his own Bill and that of the Bill of his noble Friend the Member for Tiverton and himself. He would not then, however, enter into that question; he would simply say, on the subject of nomination, that he entirely agreed with his noble Friend the Member for London, that if there could possibly have been devised any principle of election which it would have been a reasonable thing to attempt, he should have been ready to give such a principle his support; but he (Mr. Vernon Smith), himself, when he was at the Board of Control, went over every possible scheme of election that could be suggested, and could find none that was at all compatible with any common-sense view of the question. One thing was certain, and that was they could not have any representation in India, because the House would never dare to face the difficulty that beset such a proposition—namely, that if they wanted a representation in India they must represent the Natives. He defied any man to get up in that House and propound such a proposition. The result was, that the Government now proposed to vest the election in the tax-consumers, for every one of the civil servants and old pensioners contemplated in their proposition, was interested in the payment of his dividends out of the revenues of India, and he (Mr. Vernon Smith) did not know what other interest they had in that country. He contended that it was a total mistake as to what representation meant to say that such persons should delegate members to an Indian Council, and therefore it was that the late Government, resorted to the principle of nomination. It seemed to be assumed in some quarters that nominated persons must necessarily be dependent. According to the right hon. Gentleman the Member for Enniskillen (Mr. Whiteside) they were "the miserable tools of a corrupt Ministry," and the right hon. Gentleman the Chancellor of the Exchequer had that night talked of "barren nominees." Such, at least, had not been the character of the nominees that had lately acted in the direction of the East India Company; and, as for their independence, there was the hon. Member for Leominster (Mr. Willoughby)—did any man doubt his independence? Did the right hon. Gentleman the Chancellor of the Exchequer call him "a barren nominee," or "the miserable tool of a corrupt Ministry?" No; the nominees to whom he (Mr. Vernon Smith) had alluded, had acted in the most independent manner, and he contended that men appointed on the principle of nomination for a certain term of years would be found as independent of the Crown as the elective members themselves. One word as to an observation which fell from the right hon. Gentleman the Member for the University of Oxford, who said there was nothing in the Bill of the late Government to limit the power of the Secret Committee. The right hon. Gentleman was mistaken in that, for there was a clause in the Bill compelling the Minister of the Crown to bring before Parliament,

after a certain time, the orders by which he had entered upon any war in the East, and that clause was inserted partly in consequence of certain observations which fell from the right hon. Gentleman himself on one occasion in reference to the Persian war, and which the late Government had felt so much that they did—what had never been done by a Ministry before—ask the House to pay a portion of the expenses of that war, in order to bring the question fairly before the House, and show the country that where a war had been incurred, partly for European, and partly for Asiatic purposes, it was not fair to throw the whole charge upon the revenues of India. His right hon. Friend objected to the Bill of the late Government that it made that lawful by legislative enactment which before had been done without the sanction of law—namely, the declaration of a war in India without communication to Parliament. Surely his right hon. Friend must have forgotten that it was already lawful by legislative enactment that the President of the Board of Control had now power, under a clause in the India Bill, to issue orders to go to war through the Secret Committee, without informing Parliament upon the subject. He (Mr. Vernon Smith) contended that one point of superiority in his noble Friend's Bill consisted in its doing away with the Secret Committee, which was not proposed to be done either by the Bill or the Resolutions of Her Majesty's present Government. These, however, were questions which the House would have ample opportunity of discussing in Committee. He thought that the mode of proceeding by Resolution was a cumbrous and inconvenient one ; but rather than oppose any plan which was likely to lead to a settlement of this great question in the present Session, he should assent to it ; and he hoped the House would by a large majority reject the Motion for postponement of the hon. Member for Galway.

Mr. P. O'BRIEN said he rose to controvert the assertion of the right hon. Member for Stroud (Mr. Horsman), that the opinions of those who three months ago were in the majority in favour of legislating for India had undergone any change. He thought the House was perfectly competent to proceed at once to legislate for the future government of India. The affirmative vote in favour of immediate legislation had been come to when our success in India was still in the balance. We had now subdued Oude, and our arms were triumphing in every quarter, and the miserable remnant of the rebels who had risen against our authority were flying in every direction. Would it be consistent with common sense now to retrace their steps? He hoped that the question would not be discussed in the spirit of party. India was quite removed from the category of party politics, and could only be legislated for beneficially in a spirit of strict impartiality. The time for legislation had arrived, and he could not understand the reasons on which his hon. Friend the Member for Galway proposed to arrest the progress which had been made. The amount of information contained in the enormous pile of blue-books already on the table on the subject of India contained all that was to be desired, and he could not see the necessity for instituting further inquiry, or understand the object of deferring the question any longer. The period for dilly-dallying had gone by, and India deserved to be treated in a spirit different from that in which it seemed likely that reform, church rates, and other questions would be dealt with. He trusted his hon. Friend would withdraw his Amendment.

Mr. WHITESIDE said, the right hon. Gentleman the late President of the Board of Control (Mr. Vernon Smith) had done him some injustice in the observations he had addressed to the House. When on a former occasion he (Mr. Whiteside) ventured to argue that the House was not prepared for legislation on the question of the future government of India he contended that it would be unwise to give to the Government of this country the nomination of the Council ; but he had never insinuated that the five or six Gentlemen nominated members of the Council in the Bill of the late Government were not most able and excellent men. But he had a still better opinion of them now than he had before, inasmuch as the hon. Member for Reigate (Sir H. Rawlinson), himself a nominated member of the Council, had delivered as good a speech as any that had been delivered in the course of that debate in favour of an independent and elective Council. The right hon. Gentleman (Mr. Vernon Smith) had referred to the representative or what was called the elective system. Now the Bill of the Government was not founded upon the representative system, though the right hon. Gentleman gave it that nickname, and having assumed that it asserted a principle which it did not, next proceeded to its demolition. The Go-

vernment Bill (No. 2) asserted that there ought to be an independent Council, and not one nominated by the Crown. How was it to be chosen? Upon some elective principle; and then you must get the best persons you could, not to represent the people of India or anybody else, but to be in fact a check upon the Executive and a limitation upon the power of the Crown in the Council. If he (Mr. Whiteside) could agree that it was a simple matter to legislate for India; that the less one knew about the subject the easier it was to legislate upon it; that the sooner it could be disposed of when they were not the least acquainted with the magnitude and difficulty of the subject the better—then he admitted that they could not dispose of it too quickly; but when the hon. Gentleman the Member for the King's County (Mr. O'Brien) argued thus against the formation of the Council, he thought he would find in the blue-books to which he had alluded, but which it was to be shrewdly suspected he had never read, the very strongest arguments and the most cogent evidence from the best witnesses that could be found in the world to sustain the principle asserted in the Bill introduced by the present Government; but on that subject he would not now enter. This was not a matter that could be disposed of at once. He had read that Sir William Jones once occupied himself three or four years in maturing a single principle relating to the government of India. Not so was it with certain hon. Members of this House, who at a moment's notice were prepared to throw off a plan for the government of that country. [Cheers]. He alluded to the noble Lord opposite and the right hon. Gentleman the late President of the Board of Control, who had framed a constitution for India which, like all despotic systems, was very simple, for it centred all power in themselves, and then his friends and supporters cried out, "See how simple a thing it is to frame a constitution!" Why, the inhabitants of France might say the same! His (Mr. Whiteside's) notion was that as the House proceeded with the question they would find the difficulties which surrounded it increase upon them, and he did not think that those difficulties had been lessened by the speech of the right hon. Gentleman, however they might have been removed by the speech of the hon. and learned Member for the King's County, who had the happy talent of clearing away all obscurity and making any subject which he once took up clear to the apprehension of the House.

Sir Edward COLEBROOKE said, he hoped the hon. Member for Galway would not press his Motion to a division. It would be most unfortunate if they should come to a decision upon a point of so much importance without its having been fully debated. He therefore entreated the hon. Member to withdraw his Amendment, and that the House should come to a clear understanding that a vote on this question would be come to on Friday evening.

Mr. CROSSLEY said, that when this Session of parliament commenced it was generally thought it was to be one of the most important Sessions they had had for many years. They were to have had their parliament reformed; they were to have had church rates abolished; and they were to have had the present double Government of our Indian empire abolished, and a proper and responsible Government established in its place. These great promises seemed to be gliding away. The Reform Bill had been given up; and, looking to the course adopted last Wednesday, he feared there was only an indifferent chance of the abolition of church rates being carried this Session; and now if they were to postpone all legislation on India he thought they would only be a laughing-stock for the country. A great mistake, he thought, had come over the minds of many hon. Members. They seemed to think they would be much wiser next Session than they were then. Now he, for one, did not believe that they had anything to gain by procrastination. They knew just about as much now as they would then. It was not the government in India they were professing to deal with, but the government of India at home. They found, during the recent outbreak, that when they came to call the Minister to account for misdoings, he said the fault did not rest with him; that all he had to do was to throw down the reins and stick the spurs into the East India Company. Now they wanted to alter that state of irresponsibility, and he saw no reason why they should not proceed at once to make that alteration. They seemed to be all agreed that the Government of the East India Company must be transferred to the Crown; they seemed to be all pretty well agreed that the responsibility, must rest with the Minister; the point, therefore, they had to settle was as to the kind of assistance the Minister should have. He

(Mr. Crossley) thought that whilst no expense or trouble should be spared in affording him the very best possible assistance, that assistance ought not to be of such a character as would, in the least, screen him from responsibility. For these reasons he strenuously opposed the postponement proposed by the hon. Member for Galway.

Mr. GREGORY said, he could not possibly misunderstand the feeling of the House, and would therefore ask permission to withdraw his Amendment, reserving to himself the right to bring it forward afterwards.

Amendment, by leave, *withdrawn.*

Main Question put, and *agreed to.*

Resolved,—

That this House will, upon Friday next, resolve itself into a Committee to consider the Act of the 16th and 17th Victoria, c. 95, "to provide for the Government of India."

SUPPLY.—REPORT.

Mr. FITZROY brought up the Report of the Committee of Supply.

Sir GEORGE LEWIS asked the Chancellor of the Exchequer whether, as the Bill relating to Exchequer bonds had not been delivered, he would have any objection to postpone the second reading, which stood on the paper for to-night?

The CHANCELLOR of the EXCHEQUER replied, that if the right hon. Gentleman wished to raise a discussion relating particularly to the Exchequer Bonds Bill he would be glad to consult his convenience in every possible way; but if his object simply was to call attention to the financial arrangements of the Government generally, he hoped the right hon. Gentleman would not press for the postponement of that particular measure, which the public interests required should not be arrested unnecessarily in its course. The right hon. Gentleman might make his observations upon the Bill relating to stamps upon checks, or upon that for equalizing the spirit duties in Ireland.

Sir GEORGE LEWIS stated that the remarks which he wished to make concerned principally the Exchequer bonds and the War Sinking Fund; and as a Vote had been taken for paying off the existing Exchequer bonds, he was not aware that the passing of this measure was a matter of peculiar urgency. If, however, the Chancellor of the Exchequer thought otherwise, he would reserve what he had to say until the introduction of the Bill relative to the War Sinking Fund.

The CHANCELLOR of the EXCHEQUER repeated that it was important the Exchequer Bond Bill should not be postponed; but he would consult those more especially concerned in the question, and acquaint the right hon. Gentleman with the result.

Resolutions *agreed to.*

WAYS AND MEANS,—THE HASLAR SLIP.

Mr. FITZROY brought up the Report of the Committee of Ways and Means.

Mr. BENTINCK wished to know if the right hon. Gentleman opposite, the late First Lord of the Admiralty, was prepared to state to the House that the arrangement with respect to the gunboats at Haslar was entered into with the sanction of the Board of Admiralty, more especially of the naval officers composing it; and whether it was made by his own directions or after consultation with his civilian colleagues in the Admiralty. The object of his question was to ascertain whether the money had not been laid out without the sanction of a majority of the naval Lords, and against the opinion of the naval officer at Haslar. He apprehended that the answer would show that there ought to be some more competent control than that which now existed over the expenditure of the money granted to the Admiralty.

Sir CHARLES WOOD thought he had given a very distinct answer to the question of the hon. Gentleman upon a former occasion. The process of hauling up vessels was not a new one; it was discussed when he was at the Admiralty twenty years ago, and different plans had been proposed in the office of the Director of Works, who had charge of the engineering department of the Admiralty. Nor was the question one upon which a naval officer was more competent to give an opinion than a person who had never been at sea. For his own part, he thought that the Haslar slip was a very convenient mode of preserving the gunboats, and in that opinion every Member of the late Board of Admiralty concurred. He could assure the hon. Gentleman that he had not been in the habit of giving orders without consulting his colleagues. He did not consult either the authorities at Portsmouth or Haslar, but he did consult the Admiralty, and the work was done by the order of the Board. He had never heard any objection from any one until after the thing

was done. As to the method being imperfect, he admitted that the method of launching the boats when wanted was not satisfactory.

SIR CHARLES NAPIER denied that the question was as to the launching of the boats; it was whether the boats were hauled up at the proper place. He had before stated that the wrong place had been selected, but if no other place could have been found, the plan was the most ingenious ever devised. He had made inquiry how far the boats would have to go when they were launched, and he found that the first boat would have a distance of 700 feet to traverse, the second 40 feet more, the third 80 feet more, and so on. He believed that the Admiralty would only be able to launch the thirty boats in twenty-eight days. If the £5,000 asked for was only to complete the housing of the boats now launched he should not object to the Vote; but if it were intended to ask for money to haul up the other gunboats he should oppose it. He wished to impress upon the Admiralty the necessity of obtaining possession of a piece of land near the Quarantine Ground at Malta. He was informed that Lord Lyons and other officers were strongly of opinion that the opportunity ought not to be lost. The harbour at Malta was very circumscribed, and the importance of Toulon as a dockyard and arsenal made it desirable to enlarge our harbour at Malta as much as possible. He might perhaps take this opportunity of mentioning that he had in his hand a letter which showed how nicely the Admiralty looked after our ships on the south coast of Africa. The writer said that they had had no coals in his ship for the last two months, and that the *Miranda* had not coals enough left to cook the men's dinner. If the Admiralty kept our steam cruisers without coals they might as well have sailing vessels on the coast of Africa.

MR. CORRY could assure the hon. and gallant Admiral that the £5,000 asked for was not intended to build slips for more gunboats, but would be applied in improving the means of launching those now hauled up. A vote was intended to be taken for purchasing the land near the Quarantine Ground at Malta, alluded to by the hon. and gallant Admiral.

Resolution *agreed to.*

Bill *ordered* to be brought in by Mr. FITZROY, Mr. CHANCELLOR of the EXCHEQUER, and Mr. HAMILTON.

Sir Charles Wood

THE ROYAL MILITARY ACADEMY—EXAMINATION FOR ADMISSION. COMPETITIVE EXAMINATIONS.

MOTION FOR ADDRESS.

Order read for going into Committee of Supply.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

MR. MONSELL said, that the object of the Motion he was about to make was to ask the House to interpose to prevent any alteration in the system of education for the Royal Artillery and the Royal Engineers. He regretted that a subject so deeply connected with the welfare of the army should be brought forward at so late an hour, when the minds of Members had been pre-occupied by other subjects; but he had no alternative. It was for the House to decide whether the system which had been established in 1855, and which, by the consent of every one, had worked admirably up to the present time, was to be altered; whether the open system of admission into the Royal Military Academy at Woolwich was to be got rid of, and all who desired to be admitted should be obliged to pass through the military school at Sandhurst. He had no fault at all to find with the Secretary of State for War; he had done his best to mitigate the rigour of the decree that had been issued against the existing system, and had allowed two more open competing examinations to take place. If the right hon. and gallant General would now state that he was prepared to continue the present system, he might save any further discussion and debate. Before he came to the question he intended to raise, he would beg to advert to a rumour which had been somewhat industriously circulated that, on account of the very great success of Irishmen at those competing examinations, this question was rather to be considered an Irish question than one affecting the interests of the army and the country. He disclaimed any such motive in bringing forward the subject. If the maxim *detur digniori* had, up to the present time, meant — give the highest prize to an Irishman, he was sure that English and Scotch gentlemen would not wish, on that account, to shut up the lists, but would rather endeavour, by the improvement of their own schools and colleges, to make their pupils able to compete with those from the sister country. The admission to Woolwich Academy was open to all natural-born

subjects of Her Majesty between 17 and 20 years of age. They were admitted by competitive examinations. Those examinations were conducted by gentlemen of the greatest eminence in the several branches of science; and it was now the universal opinion that the system was working admirably. With regard to the value of competitive examinations, he felt that he need not say a word, for it was fully conceded at the Horse Guards. It was a very gratifying fact that the Board of Military Officers, presided over by the Commander in Chief, had subscribed to the system of competitive examination to which so much objection had been made, when he first introduced it in 1855. With regard to the age of admission, which was at present from 17 to 20 at Woolwich, he could satisfy the House of the inexpediency of the alteration in the age of admission with regard to Sandhurst by quoting the results of the examinations which had taken place within five years in the *Ecole Polytechnique* of France, in which the age of admission was between 16 and 20. Of the boys between 16 and 17 scarcely any passed; of those between 17 and 18 only a small number, whilst almost all the successful candidates were taken from boys between 18 and 20. The exact numbers are as follows:—

Ecole Imperiale Polytechnique.

Ages divers auxquels les Elèves ont été admis dans les Promotions de 1854 *à* 1857 *inclus.*

Eleves.	Annees.			
	1854	1855	1856	1857.
Elèves de 16 à 17 ans.	5	8	5	5
„ de 17 à 18 ans.	32	23 (c)	26	23
„ de 18 à 19 ans.	60 (a)	75	54	49
„ de 19 à 20 ans.	62 (b)	61	40 (d)	41
„ de 20 à 24 ans.	8 (e)	„	„	2 (e)
	167	167	125	120

Observations.

(c) Dont deux inadmissibles dans les services publics.

(a) Dont un inadmissible à la 1re. Division, et un inadmis, dans les services publics.

(b) Dont trois inadmissibles à la 1re. Division.

(d) Dont 2. Inadm. id.

(e) Elèves militaires engagér.

The system which it was proposed to substitute for the present one was admission by competition to the Royal Military Academy at Sandhurst of boys between the ages of 16 and 18. After passing through Sandhurst, they were to be admitted to Woolwich, which was to cease to be a place of theoretical instruction, and to be a place for practical classes only. The two questions on which he would ask the decision of the House were as to the expediency of altering the age of admission from 17 to 20 to 16 and 18, and next as to the expediency of giving a monopoly to Sandhurst, to the prejudice of other schools. He believed the effect would be not only to inflict a great injury on the service, but on Sandhurst College itself. At no one of the five or six competitive examinations which were held at Woolwich did a pupil from Sandhurst present himself. Was it expedient under such circumstances, to give a monopoly of instruction to Sandhurst—a college which up to the present time had not entitled itself to any very large amount of public favour? It was distinctly stated in the Report of the Commissioners on Military Education that all the great military powers of Europe preferred educating the officers of the Artillery and Engineers apart from the officers of the line; and for this very obvious reason—that in large schools the character of the instruction must conform to the capacities of the greater number, and, therefore, the effect of educating officers of the line in the same academy with the officers of Engineers and Artillery must be to reduce the standard of education to the level of that required for the line. In Sardinia there was a common school for boys between the ages of 12 and 14; but that case bore no analogy to the case under discussion. At Addiscombe the Artillery and Engineer pupils were educated with the line pupils, but there they were in the proportion of three-fifths to two-fifths, so that the scientific element prevailed, and the standard of education was not lowered. But it would be different at Sandhurst, where there were to be 500 boys, only 80 of whom were to be instructed for the scientific corps. If there were inherent objections to the education in common of young men intended for the scientific corps and for the line in foreign countries, in this country the system of purchase which prevailed considerably increased the force of those objections. It was well known that in the Royal Engineers and Royal Artillery there was

no purchase, while purchase was allowed into the line regiments. According to the new system, if a young man succeeded in entering Sandhurst, the chances were six to one that he would not succeed in the final competition for entering into the Engineers or Artillery, and if he did not succeed in obtaining an entrance to Woolwich, and was not rich enough to purchase into the line the whole time which he would have spent in Sandhurst would be thrown away, and after a long training and much expense he would be left without any career open to him at all. Then, if a young man of mathematical attainments succeeded in the final examination at Sandhurst, he would have to pass a year and a half or two years if he elected to enter the Engineers or Artillery, whereas if he selected a line regiment he would be able to join his regiment at once; and if a person with money and interest, he would be able to rise more rapidly than if he entered the scientific corps. Therefore, whether with regard to the rich or the poor, there were objections to the amalgamation of the two bodies. The only step which he would ask the right hon. and gallant General to take was in the words of Colonel Wilford, the head of the Royal Military Academy at Woolwich—to allow theoretical and practical instruction to be imparted together up to the day a cadet received his commission, to raise the age of admission from between 16 to 18 to between 17 and 20, and to allow gentlemen at whatever schools they were educated to compete with the cadets at Sandhurst for admission into the Royal Military Academy at Woolwich. This would give an impetus to the education of the country generally, and to Sandhurst itself. That was not an unreasonable request. He did not want to interfere with the establishment of a great college for the line at Sandhurst, but he desired to leave the system pursued at Woolwich untouched. Everybody now admitted that the existing system worked admirably, and that the boys admitted to Woolwich were not only persons of superior intellectual attainments, but were in every other respect qualified for the service to which they aspired; he believed that it was now felt to be necessary to raise the mathematical standard that had hitherto obtained at Woolwich, on account of the high attainments of the cadets that had entered by competition, and a consequence would be, he thought, materially to advance the general education of the country. It was notorious that under the stimulus of the existing system, different schools had organized a military department and trained their pupils for admission to Woolwich; and he understood that those great schools, Eton and Harrow, were prepared, if the system was permanently established, to lay themselves out to give their pupils that amount of mathematical instruction which would be necessary to give them a good chance of success at Woolwich. He believed, however, that the effect of forcing every pupil who wished to enter Woolwich to pass through Sandhurst would be to reduce the education of our scientific corps below that of the scientific corps of any other nation in Europe. Under the new system, the boys would be obliged to go to Sandhurst—to a school in which the great majority of the pupils were intended, not for the Engineers or Artillery, but for the line. Under such circumstances it would be impossible that a high amount of mathematical training could be imparted there. He would then go to Woolwich, where he would receive only practical instruction. Compare this system with the system pursued in France, where the pupil, after passing through the *Ecole Polytechnique*, the highest mathematical school perhaps in the world, was sent to the College of Metz, in which the theoretical instruction was continued, united with a practical course of instruction. Compare the probable scientific attainments of an officer who had been for two years under the direction of the highest mathematical abilities which France can produce with those of one whose whole scientific training had taken place at Sandhurst, in a line college where the scientific education would be regulated by the requirements of the line. Was it possible that the latter could be equal to the former in some of the particulars which were most necessary to the formation of a good artilleryman or engineer? He entreated the right hon. and gallant General not to alter a system which had worked exceedingly well, and which was acknowledged by every one to produce the very men that were required for the scientific departments of the army; not to allow the scientific corps of this country to be intellectually lowered, but to permit the pupils of other schools to compete with the *eleves* of Sandhurst for admission to the Royal Artillery and Engineers. The right hon. Gentleman concluded by his Motion.

Mr. Monsell

Mr. LEFROY seconded the Motion. He was persuaded that the system of competitive examination, as established at Woolwich had created the greatest satisfaction in the public mind and had been productive of the best results, by stimulating the progress of a high-class education throughout the country; and he trusted that the right hon. Gentleman, instead of consenting to alter it, would maintain it, and would endeavour to carry out the excellent practical recommendations of the right hon. Member for Limerick.

Amendment proposed,—

To leave out from the word "That" to the end of the Question, in order to add the words, "an humble Address be presented to Her Majesty, praying Her Majesty that no alteration may be made in the principle of the existing arrangements which regulate the admission to Cadetships in the Royal Artillery and Royal Engineers," instead thereof.

Sir FREDERIC SMITH expressed his concurrence in many of the observations of the right hon. Member for Limerick (Mr. Monsell). It was true that at Addiscombe young men intended for the Indian service were educated for the Artillery, the Engineers, and the line; but, as the right hon. Gentleman had stated, the great majority of those pupils entered the scientific branches of the army, and a very small proportion entered the line. He believed that there the system of educating for the three branches of the service was attended with considerable advantage, because the minority went into the line, and the education was of a character suited to the majority; but if a similar course were adopted at Sandhurst, and the whole army were to be educated there, he believed—as the majority would not go into the scientific corps—that the effect would be to lower the general standard of education. The gentlemen educated at Woolwich were fit to compete with those educated at the *Ecole Polytechnique*, and he hoped that his right hon. and gallant Friend the Secretary for War would not for any consideration break up the existing system, which had produced such excellent results. There could be no question as to the high mathematical attainments of those educated at Woolwich. Many of them were fit to compete with the wranglers at Cambridge. The contemplated alteration would very much lower the standard of military education.

Sir WILLIAM WILLIAMS said, he had on a previous occasion expressed himself to be as strongly in favour of a system of competitive examination as any person in the United Kingdom, and that his only fear was that the Crown might, under that system, lose the power of nominating the gentlemen who were to compete at these examinations. He found that the power was reserved in the present plan, because the Commander in Chief had now a wholesome control with regard to the gentlemen who wished to enter the college at Sandhurst. The friends or relatives of those gentlemen were obliged to furnish the Commander in Chief with their names, characters, and attributes, in order that he might judge whether they were fit to compete. With regard to Woolwich—to be sure he was one of them himself—but he would appeal to Europe whether it had not produced as least as able artillery officers and engineers as any military college in the world. It was so in the Peninsular war—it was so in the Crimean war. He could assure the House that the apprehension of some persons that the competitive system would exclude the higher orders was unfounded. He knew two youths of great promise who were now receiving a military education under the existing system—one of them the son of an Earl, who was a Cabinet Minister, and the other the son of a Viscount, and he never met with young men of higher promise; but by the new regulation those two youths would be thrown out. He, therefore, warned the right hon. and gallant General the Secretary for War not to insist in enforcing it. He had given this question his most serious consideration, and should be happy to support the Motion.

General PEEL: I must begin by correcting the impression which seems to prevail that I have made any alteration in the system of military education. [Mr. Monsell: I never said so.] No, but an an hon. Member behind me did. The facts of the case were these. Up to 1855, and previous to the commencement of the Russian war, the system of admission to the Woolwich Academy was by the direct nomination, by the Master General of the Ordnance, of cadets between the ages of fourteen and sixteen. But in 1855, as the war proceeded, such was the pressure for officers in consequence of two battalions of Artillery and one and a half battalion of Engineers additional having been raised, that the Royal Academy at Woolwich was not able to supply the requisite number of cadets. Sir Hew Ross, in the absence of Lord Raglan, appointed seven-

teen cadets, without reference to study in the academy. When Lord Panmure was appointed to the office of Secretary for War, he instituted the system of open competitive examinations, and by that system a certain number of young men received provisional commissions, while others received admissions to the practical class at Woolwich. This system was continued through the years 1855 and 1856, so that there were three examinations for provisional commissions and as many for admissions to the practical class. When peace was proclaimed, both these modes of examination came to an end, as well as all entries to the theoretical class at Woolwich. It appeared that at that time Lord Panmure contemplated that the practical class should be established at Sandhurst, and so put an end to the class at Woolwich. When I entered on office that was the state of things. The last examination for Woolwich had taken place, and the first for Sandhurst, where the competitors for cadetships were to be of age between sixteen and eighteen, with the perfect understanding that cadetships would be conferred for a successful scientific examination. The only alteration I have made in the regulations is this:—It was represented to me that the sudden termination of these examinations at Woolwich would be of great hardship to those young gentlemen who had been preparing for the examination at Woolwich on the faith that it would continue; and that several would be excluded from competing at Sandhurst; therefore, with the concurrence of his Royal Highness the Commander in Chief, I appointed two more examinations for cadetships in Woolwich, in order to afford an opportunity for the examination of those persons who were preparing for the examination, whom these regulations would have excluded. There is also a general impression abroad that the admissions to Sandhurst will not be as free and open to competition as those which took place at Woolwich. But, in conjunction with his Royal Highness the Commander in Chief, I have so altered the terms of admission to the competitions that there will not be the slightest difficulty in obtaining admission to the competition at Sandhurst in the same way as heretofore at Woolwich. The parents or friends of candidates have now to furnish the Commander in Chief with certain necessary particulars; and any young man whose name has been properly forwarded will be placed on the list, and will be permitted to compete at any of the half yearly examinations to which his age entitles him. He will enter Sandhurst precisely on the same terms as he would have entered Woolwich. I have no preference for one system over the other; but I must say that the objections made to Sandhurst are altogether erroneous. One objection has been raised against Sandhurst on the score of expense. But the expense of obtaining admission to the scientific branch remains exactly as it was before. A cadet must pass two years at Woolwich—one in the theoretical and one in the practical class; and the expense was £125 a year, or £250 a year. Now, at Sandhurst the expense will be £100 in each year, and if at the end of two years the young man should succeed in obtaining at the class examination a position which will enable him to select the scientific branch of the service, he will obtain a provisional commission, which will enable him to maintain himself at the practical class. But I think it is not only for the advantage of the pupil, but also for the public at large, for it opens the way to a greater number of candidates than we can expect under the present system. A cadet now gets his admission to the school at Woolwich, and as he is then sure of his commission provided he reaches a certain standard, he has no object in endeavouring to pass beyond it; whereas, now the prospect of securing his commission will stimulate him to pass the further examinations. The right hon. Gentleman opposite is mistaken in supposing that the first competitive examination will not be of as high a standard as that for nomination to Woolwich. I believe that the examination will be quite as high as at Woolwich—possibly higher because the number of competitors will be greater—and I anticipate from it much benefit to those branches of the service that are not so properly scientific, as it will contribute to raise the standard of their education. I repeat, I have no feeling whatever in favour of the present system. I found it established by Lord Panmure, who has paid great attention to the subject, who sent forth a Commission to inquire into the means of military education in foreign countries, and with all these means of forming a judgment before him, came to a deliberate conclusion of having one college both for the line and for the scientific branches of the army. This was also the opinion of the Military Commission on Education,

General Peel

composed of military men and others, who were probably much more capable than Members of the House of Commons of dealing with this question. I would advise the House, therefore, to be cautious how they condemn this system of education by agreeing to the Motion of the right hon. Gentleman. Indeed, I do not think it is possible that the House can agree to the Motion, because if they will agree to no alteration in the present system at Woolwich, I want to know how faith is to be kept with those young gentlemen who have entered Sandhurst upon the understanding that they were to compete? I am not sure but the best method for the House to adopt would be to appoint a Committee to inquire into the best method of military education, because, whether we adopt the one system or the other, it will be attended with expense, which the House must sanction. The Motion cannot be acceded to, but I shall be happy to support a Motion to inquire into the best mode of military scientific education.

Sir WILLIAM WILLIAMS, in explanation, said there was not a single Artillery officer in the commission alluded to by the right hon. and gallant General.

General PEEL: One is an Engineer.

Mr. BUXTON said, he would briefly state the reasons that seemed to him decisive in favour of the Motion. One was, that the present system which it was sought to change gave a powerful stimulus to education throughout the country. The master of every important school now felt that some of his leading pupils might compete at these examinations, and knew it would be a great slur on him if they failed, and a great credit if they succeeded. A stronger motive could not be devised to make every schoolmaster give a vigorous and energetic education to his pupils. He further objected to the proposed system, because he thought it was bad that boys should begin to be educated for a special profession at so early an age. Nothing could tend so much to narrow and cramp the full development of a boy's mind as to confine him, from the time he reached so early an age as sixteen, among lads all of whom were destined for the military service, or any other special profession, and whose whole ideas, therefore, ran in that circle. It would be far better that he should mix with youths intended for various professions, as at Eton, Harrow, and Rugby, than that he should be thrown exclusively among boys preparing for the army. Their true policy was to secure the greatest amount of ability for the Artillery and Engineer corps. The artillery played the most important part in modern warfare. It had been said that at Inkerman Colonel Dixon's two guns did as much as anything else to decide the fate of the day. They should remember, too, when there was so much talk of foreign invasion, that it was the Engineers to whom the construction of our fortifications and our barracks and the conduct of sieges were intrusted; and in India public works, on which the prosperity of the people so much depended, were executed by the same corps. Some persons found fault with open competition, because it was thought that the higher classes would be elbowed out by persons who were not gentlemen. Nobody, however, doubted that that principle at least secured men of talent. On these and other grounds he would give his cordial support to this Motion. They were not the true friends of the aristocracy who sought to pamper and protect them. They had shown that at Oxford and Cambridge, in that House, on the field of battle, and in literature, they were able to hold their own with the foremost; and nothing could be better for them than to encounter the tug of war with those below them in rank. It was alleged that it would not be fair to the young men at Sandhurst to keep up this open competition. But was there a fear, then, that these young men would be defeated by their competitors? If, so, were we to throw aside men of higher for men of less ability?

Mr. Serjeant DEASY said, he feared the proposed change was a retrograde step towards the old system of nomination, which was obnoxious to the House and the country. That change went directly in the teeth of all the evidence before them. Persons of all ranks and all classes ought to be allowed to enter these services on equal terms, and he should be as sorry as the hon. and gallant Member for Calne (Sir W. Williams) to see the sons of the aristocracy excluded. But what was the testimony of the late Secretary of State for War, by whom the Commission for an inquiry into this subject was appointed? Lord Panmure, speaking of the working of the system, said that they had candidates from all classes, some clergymen's sons and some officers' sons, but not one belonging to what was termed the lower classes; that they were all what were called gentlemen's

sons, and their conduct proved that, whether really gentlemen's sons or not, they had all been educated for the society of gentlemen. Such was the evidence of that high authority as to the practical operation of open examination after it had been established a year. And Lord Panmure added, that the officer at the head of the establishment had given him his assurance that the system had been attended with great success, both as to the demeanour of the youths as gentlemen at mess and as to their acquirements as officers. The Commissioners had also reported strongly in favour of the existing system, and against the proposed change. After investigating the academies of all the great military States of the Continent, their conclusion was, that the proper remedy for the admission of improperly qualified candidates was to make the admission depend upon the results of open competitive examination, conducted with the utmost fairness to all. Colonel Banks, indeed, thought the admission of persons of all classes without distinction was extremely objectionable, and that all commissions for the Royal Artillery ought to be in the hands of the Secretary for War, or the Commander in Chief. But in answer to this the Commissioners stated that in those foreign schools which brought the principle of competition most freely into play, the instruction was most complete, and that as the success of that system at our own Universities was not confined to any one class, they were at a loss to understand the exact bearing of the objection to open competition. What pretext, then, was there for abolishing a system so strongly supported, and reverting to the principle of nomination; for that was the course recommended by the hon. and gallant Member for Calne ? The right hon. Gentleman the Secretary for War had said that Sandhurst was to be as open to public competition as Woolwich. But was everybody to be allowed, as a matter of right, to compete there ? [General PEEL answered in the affirmative.] He was glad to hear it; but even so, the system was still objectionable. It was objectionable because it would, practically, exclude all the students of the great public schools and the Universities—because this would be the inevitable effect of two of the conditions imposed—first, that the age of the candidates must be between sixteen and eighteen years; and, next, that they must undergo two years of preliminary education at Sandhurst. These restrictions would deprive the two great scientific branches of the army of what it was most important that they should possess—namely, that liberal and enlarged education which our public schools and universities alone supplied. Therefore, although the admission to Sandhurst might be a matter of right, the change would be attended with prejudicial results to the army, to the scientific services, and to the public generally, by excluding from competition persons who had been trained at the great seats of learning and at public schools. He hoped the right hon. Gentleman would take the sense of the House upon his Motion.

MR. SIDNEY HERBERT thought nothing could be more unjust than to assert that the steps lately taken by the Secretary at War and the Commander in Chief had been retrogressive, for in his opinion their conduct had been most creditable to them, for the Commander in Chief had entirely given up all the patronage of first commissions. He agreed, however, with the hon. Gentleman who spoke last, that they might give up the system of nomination without obtaining the full advantage of competition. Under the new system established by Lord Panmure, men who had not been through the theoretical class were admitted to the practical class at Woolwich. [General PEEL : Not latterly.] Well, that was the case during the war. A few years ago he had the honour of laying before the House a plan for the education of officers, and he proposed that Sandhurst should be enlarged, that the great mass of officers should be required to pass through that establishment, and that the age should be raised to 16 or 17 years, so that young men who had been educated at the public schools might enter there afterwards. He also proposed that young men who had passed through the first stages at Sandhurst should be allowed to compete for the practical class at Woolwich. His object was to keep open competition against Sandhurst. His principle was, that they would not have boys up to the mark unless there was competition between them in the schools in which they were educated, and also that they would not have professors or schools up to the mark unless there was competition between the schools. He thought there was great danger that Sandhurst would become a monopoly. It should be remembered that Sandhurst had the public purse to fall back upon, and thus could afford a better education than schools that had not that

advantage. The system of payment, too, was peculiar. Civilians paid a large sum; general officers paid less; other field officers paid a lower amount; subaltern officers paid still less, and there was a class of, he believed, twenty orphans of officers who received a gratuitous education. That last class had been introduced at the instance of a gallant Officer then present, and he (Mr. S. Herbert) as Secretary at War at the time, had done his best to resist it. The gallant Officer was undoubtedly actuated by most amiable motives, but he (Mr. S. Herbert) thought this was a peculiar species of sentiment which was unjustifiable. He doubted whether it was really an act of kindness to an orphan to place him in a profession like the army, which was undoubtedly expensive, and in which, except during war, advancement was very slow. He thought it also objectionable that civilians should be required to pay a large sum for the education of their sons, and should thus practically bear a portion of the cost of educating persons in whose advancement they could not have the slightest interest. He maintained that the charges at such an establishment should be regulated by the actual cost of the education, and he held that they had no right to offer an education for less than the actual cost, and to throw the difference upon the public purse, for by so doing they would destroy all the establishments that should compete with Sandhurst. With regard to the question now before the House, it could not be denied that the system of examination had been put back. The original plan was, that whenever there were examinations for the practical class at Woolwich, boys who were not educated at Sandhurst should be allowed to compete, and thus they would have a wider area and the chance of obtaining better men; but if the competition was confined to boys educated at Sandhurst, the area from which candidates were drawn would be greatly circumscribed. With regard to patronage, nothing could be more liberal than the arrangements in that respect. The system of nomination was abandoned, but the system of competition seemed to him to have been pushed back to too early an age, when it is really useless. You want competition to test ability after not before education is given. Now the result would be that no one would enter into competition at Woolwich but boys from Sandhurst, and there would be no variety of education. He understood his right hon. and gallant Friend to say that the present system would go on for two years. [General Peel: For two examinations.] Well, there was time to consider what ultimate arrangement should be adopted, and he hoped the subject would receive the careful consideration of his right hon. and gallant Friend. They had had Commissions upon Commissions which had accumulated an immense mass of valuable information on this question, and he would suggest to his right hon. Friend that instead of instituting any fresh inquiry, he should bring to bear upon it his own good common sense, and he would arrive at a much more speedy and satisfactory conclusion than was likely to result from the investigation of a Commission. He (Mr. S. Herbert) was satisfied that if competition in the practical class was to be confined to Sandhurst they would give that school a monopoly which would lower its character by destroying the spirit of emulation that competition with other establishments must create.

Mr. G. H. VANSITTART (who spoke amid continued cries for a division) urged the House to agree to the proposal of the right hon. Gentleman, and to leave the matter in the hands of the hon. and gallant General the Minister for War.

Mr. P. O'BRIEN said, it was unjust to compel men of reduced means to send their sons to Sandhurst, when they might obtain at other schools, and at a considerably lower rate, just as good an education, and one which would qualify them just as well for military appointments. Such a system would in the end prevent many young men from entering the army who would otherwise do so. He was a member of a University which took much interest in this subject, and he must say, looking to the success which attended the system, they were bound to inquire whether any reason existed for making a change. He would give his cordial support to the Motion of the right hon. Gentleman.

Lord ADOLPHUS VANE-TEMPEST hoped the right hon. and gallant Secretary for War would not oppose the Motion, but would, as the right hon. Gentleman (Mr. S. Herbert) had suggested, exercise his own good sense and military experience on the subject, and then he would probably be inclined to take the view embodied in the Resolution. It was usual sometimes to depreciate the knowledge and ability of English officers. Now, he (Lord V. Tempest) had served for a short time in foreign armies, and the result of his experience was that English officers, as a body, were quite

as well educated as those of any other nation. He would, however, suggest that so extreme a test as that now adopted should not be applied in the case of officers of the line. It was not necessary that these officers should be such wonderfully clever men; they did not require these special attainments; all that was wanted for the line was a good working efficient officer, possessing the education common to English gentlemen; and a competitive examination, which exacted other acquirements, would often deter good men from running the gauntlet. As to Staff, Engineer, and Artillery officers there could not be too high a test, and this was carried out by the system of public competition at Woolwich.

MR. ROEBUCK said, he wished to appeal to the right hon. Member for Limerick. His Motion was for an Address to the Queen, requesting her not to suffer any alteration to be made in the present system of education. Now, the terms of this Motion would prevent any improvement in the system. Moreover, it was not very clear what the present system was. From the statements of the Secretary for War he understood that Lord Panmure at the beginning of the war instituted open competition, that when the war ended he changed that system, and that the right hon. and gallant Gentleman (General Peel) had, for two examinations, prevented the alteration proposed by Lord Panmure from coming into effect. What, then, was the actual state of things? Was it the last or the first proposal of Lord Panmure which was now existing? The House ought to be very careful what they did respecting this Motion. If they wished to retain the present state of things they ought to know what it was, and not to pass a Resolution preventing any improvement whatever.

MR. MONSELL suggested a slight alteration in the Resolution, which would, perhaps, meet the views of the hon. and learned Gentleman (Mr. Roebuck). Instead of praying that no alteration might be made "in the existing arrangements," he would have it read "in the principle of the existing arrangements." In reply to the hon. Gentleman's question, he might state that the system now in operation was the one introduced during the war, namely, the system of competitive examination.

MR. WALPOLE said, that as far as he was able to follow the discussion, it turned upon two points. The one was, whether the system of competitive examination was to be continued? His right hon. and gallant Friend had expla ined, that that system was as much continued now as ever it was, and intended to be so continued. On that point, therefore, there could not be any longer any dispute. The other question was, whether the theoretical class of Woolwich was still to be open as a competitive class of examination in the same way as before? ["No, no!"] The idea was that there was some intention of doing away with the theoretical class—that was to say, to open it to a greater number of people than were at Sandhurst. The right hon. Gentleman (Mr. Monsell) said, that Sandhurst was to have a monopoly. In the examination of the practical class of Woolwich, his right hon. and gallant Friend had continued the principle they wanted for two examinations more. The whole of that which they wanted permanently was now done provisionally for two more examinations. The right hon. Gentleman the Member for Wiltshire (Mr. S. Herbert) said that it was desirable to continue the principle of this system. The principle had been continued to two more examinations. His right hon. and gallant Friend had no desire to alter the principle they were contending for. He submitted that these views would be much better carried out by leaving the matter in the hands of the Secretary for War, than by moving any specific Resolution on the matter ["No, no!"] Did they wish to determine the question without weighing all the difficulties that surrounded it. He had no doubt but that if the question were left in the hands of his right hon. and gallant Friend, the wishes of the House would be practically carried out.

CAPTAIN VIVIAN thought it was a matter of the utmost necessity that the question should be at once settled one way or the other. It was one involving the principle whether Sandhurst was to have a monopoly for those examinations.

GENERAL PEEL said, it was not intended to alter the principle on which those examinations were carried on. He thought that the effect of the Amendment would be to exclude Sandhurst practically.

Question put, "That the words proposed to be left out stand part of the Question."

The House *divided:* Ayes 177; Noes 217: Majority 40.

List of the AYES.

Adams, W. H.	Baring, T.
Adderley, rt. hon. C. B.	Bernard, T. T.
Agar-Ellis, hn. L. G. F.	Bathurst, A. A.
Alexander, J.	Beach, W. W. B.
Antrobus, E.	Bective, Earl of
Bailey, C.	Beecroft, G. S.
Baillie, H. J.	Bennet, P.

Bentinck, G. W. P.
Beresford, rt. hon. W.
Blackburn, P.
Boldero, Col.
Bovill, W.
Bramley-Moore, J.
Bramston, T. W.
Bridges, Sir B. W.
Bruce, Major C.
Bruen, H.
Bunbury, W. B. M'C.
Cairns, Sir H. M'C.
Carnac, Sir J. R.
Cartwright, H.
Cayley, E. S.
Charlesworth, J. C. D.
Child, S.
Christy, S.
Clive, hon. R. W.
Close, M. C.
Cobbold, J. C.
Codrington, Sir W.
Cole, hon. H. A.
Conolly, T.
Corry, rt. hon. H. L.
Cross, R. A.
Cubitt, Mr. Alderman
Curzon, Visct.
Dalkeith, Earl of
Damer, L. D.
Deedes, W.
Disraeli, rt. hon. B.
Dobbs, W. C.
Dod, J. W.
Du Cane, C.
East, Sir J. B.
Edwards, H.
Egerton, Sir P. G.
Egerton, W. T.
Elphinstone, Sir J.
Elton, Sir A. H.
Estcourt, rt. hon. T. H.
Farnham, E. B.
Farquhar Sir M.
Fellowes, E.
FitzGerald, W. R. S.
FitzRoy, rt. hon. H.
Forde, Col.
Forester, rt. hon. Col.
Forster, Sir G.
Fraser, Sir W. A.
Gallwey, Sir W. P.
Galway, Viscount
Gard, R. S.
Gaskell, J. M.
Gavin, Major
Gilpin, C.
Gladstone, rt. hon. W.
Graham, rt. hon. Sir J.
Greaves, E.
Greenall, G.
Gray, Captain
Hamilton, Lord C.
Hamilton, G. A.
Hardy, G.
Hartington, Marq. of
Hay, Lord J.
Hayes, Sir E.
Headlam, T. E.
Heathcote, Sir W.
Henley, rt. hon. J. W.
Herbert, rt. hon. S.
Hill, hon. R. C.
Hodgson, W. N.
Holford, R. S.
Hopwood, J. T.
Hornby, W. H.
Horsfall, T. B.
Hutt, W.
Ingestre, Viscount
Inglis, J.
Johnstone, hon. H. B.
Kendall, N.
Ker, R.
Kerrison, Sir E. C.
King, J. K.
Kingscote, R. N. F.
Knatchbull, W. F.
Knight, F. W.
Knightley, R.
Knox, Col.
Langton, W. G.
Laurie, J.
Legh, G. C.
Lennox, Lord A. F.
Lennox, Lord H. G.
Liddell, hon. H. G.
Lovaine, Lord
Lyall, G.
Lygon, hon. F.
Lytton, Sir G. E. L. B.
Macartney, G.
M'Clintock, J.
Malins, R.
Manners, Lord J.
March, Earl of
Maxwell, hon. Col.
Miles, W.
Miller, S. B.
Mills, A.
Milnes, R. M.
Montgomery, H. L.
Montgomery, Sir G.
Morgan, O.
Mowbray, rt. hon J. R.
Naas, Lord
Neeld, J.
Newark, Viscount
Newport, Visct.
Nisbet, R. P.
Noel, hon. G. J.
North, Col.
Packe, C. W.
Pakington, rt. hn. Sir J.
Palk, L.
Paull, H.
Peel, rt. hon. Gen.
Repton, G. W. J.
Robertson, P. F.
Rust, J.
Sclater-Booth, G.
Scott, hon. F.
Scott, Major
Seymer, H. K.
Sibthorp, Major
Smith, Sir F.
Smollett, A.
Somerset, Col.
Spooner, R.
Stanhope, J. B.
Stanley, Lord
Stephenson, R.
Stirling, W.
Sturt, H. G.
Taylor, S. W.
Vansittart, G. H.
Vansittart, W.
Verner, Sir W.
Walcott, Adm.
Walpole, rt. hon. S. H.
Warren, S.
Welby, W. E.
Whiteside, rt. hon. J.
Whitmore, H.
Willoughby, Sir H.
Wilson, A.
Woodd, B. T.
Wortley, Major S.
Wyndham, Gen.
Wynn, Col.
Wynn, Sir W. W.
Wynne, rt. hon. J. A.
Yorke, hon. E. T.

TELLERS.
Joliffe, Sir W.
Taylor, Col.

List of the Noes.

Adeane, H. J.
Akroyd, E.
Alcock, T.
Ashley, Lord
Atherton, W.
Ayrton, A. S.
Bagwell, J.
Baines, Rt. Hon. M. T.
Barnard, T.
Bass, M. T.
Baxter, W. E.
Black, A.
Blake, J.
Bonham-Carter, J.
Bouverie, rt. hon. E. P.
Bouverie, hon. P. P.
Bowyer, G.
Brand, hon. B. W.
Briscoe, J. I.
Brocklehurst, J.
Browne, W.
Bruce, H. A.
Buchanan, W.
Buckley, General
Buller, J. W.
Burghley, Lord
Bury, Visct.
Butt, I.
Buxton, C.
Buxton, Sir E.
Byng, Hon. G.
Caird, J.
Calcraft, J. H.
Calcutt, F. M.
Campbell, R. J. R.
Cardwell, rt. hon. E.
Cavendish, hon. W.
Cholmeley, Sir M. J.
Clark, J. J.
Clay, J.
Clinton, Lord R.
Clive, G.
Cobbett, J. M.
Cogan, W. H. F.
Coningham, W.
Conynham, Lord F.
Corbally, M. E.
Cowan, C.
Cox, W.
Craufurd, E. H. J.
Crawford, R. W.
Dalglish, R.
Davey, R.
Deasy, R.
Denison, hon. W. H. F.
DeVere, S. E.
Devereux, J. T.
Dillwyn, L. L.
Duff, M. E. G.
Duff, Major L. D. G.
Ennis, J.
Esmonde, J.
Evans, T. W.
Ewart, J. C.
Fagan, W.
Finlay, A. S.
FitzGerald, rt. hn J. D.
Foley, J. H.
Foley, H. J. W.
Forster, C.
Foster, W. O.
Fortescue, hon. F. D.
Fortescue, C. S.
Fox, W. J.
Freestun, Colonel
Garnett, W. J.
Gibson, Rt. hon. T. M.
Gifford, Earl of
Glyn, G. G.
Goderich, Viscount
Greene, J.
Greenwood, J.
Gregory, W. H.
Gregson, S.
Grenfell, C. W.
Griffith, C. D.
Grogan, E.
Gurdon, B.
Gurney, S.
Hall, rt. hon. Sir B.
Hamilton, J. A.
Hamilton, Capt.
Hanbury, R.
Handley, J.
Hankey, T.
Hanmer, Sir J.
Hardcastle, J. A.
Harris, J. D.
Hassard, M.
Hatchell, J.
Hayter, rt. hn. Sir W. G.
Hodgson, K. D.
Horsman, rt. hon. E.
Howard, Lord E.
Ingham, R.
Jackson, W.
Jervoise, Sir J. C.
Kershaw, J.
King, hon. P. J. L.
Kirk, W.
Kinglake, A. W.
Kinglake, J. A.
Kinnaird, hon. A. F.
Kirk, J. K.
Knatchbull-Hugessen, E
Langston, J. H.
Langton, H. G.
Lefroy, A.

Lincoln, Earl of	Seymour, H. D.
Locke, J.	Shelley, Sir J. V.
Locke, Jno.	Smith, J. A.
Lowe, rt. hon. R.	Smith, A.
Macarthy, A.	Somerville, rt. hn. Sir W.
M'Cann, J.	Stafford, Marquess of
MacEvoy, Edward	Stapleton, J.
Mackie, J.	Steel, J.
Mâckinnon, W. A.	Stuart, Lord J.
Maguire, J. F.	Stuart, Col.
Mangles, R. D.	Sturt, N.
Mangles, C. E.	Sullivan, M.
Martin, C. W.	Sykes, Col. W. H.
Martin, P. W.	Talbot, C. R. M.
Mellor, J.	Tancred, H. W.
Mills, T.	Tempest, Lord A. V.
Moffatt, G.	Thompson, General
Moncreiff, rt. hon. J.	Tite, W.
Morris, D.	Tollemache, hon. F. J.
Napier, Sir C.	Tomline, G.
Nicoll, D.	Trelawny, Sir J. S.
Norreys, Sir D. J.	Trueman, C.
O'Brien, P.	Turner, J. A.
O'Connell, Capt. D.	Vance, J.
O'Donoghoe, The	Vane, Lord H.
Ogilvy, Sir J.	Vivian, H. H.
Osborne, R.	Waldron, L.
Paget, C.	Warre, J. A.
Paget, Lord A.	Watkins, Col. L.
Paget, Lord C.	Weguelin, T. M.
Paxton, Sir J.	Western, S.
Perry, Sir T. E.	Westhead, J. P. B.
Philips, R. N.	Whatman, J.
Pilkington, J.	Whitbread, S.
Pinney, Colonel	White, J.
Price, W. P.	Wickham, H. W.
Pritchard, J.	Willcox, B. M'G.
Puller, C. W.	Williams, W.
Ramsay, Sir A.	Williams, Sir W. F.
Rawlinson, Sir H. C.	Willyams, E. W. B.
Rebow, J. G.	Wilson, J.
Ricardo, O.	Winnington, Sir T. E.
Richardson, J.	Wise, J. A.
Ridley, G.	Wood, W.
Roebuck, J. A.	Woods, H.
Roupell, W.	Wyld, J.
Russell, Lord J.	Young, A. W.
Russell, H.	
Russell, A.	TELLERS.
Russell, F. W.	Monsell, rt. hon. W.
Schneider, H. W.	Vivian, J. C.
Scholefield, W.	

Words *added*. Main Question, as amended, put, and *agreed to*.

Resolved,—

That an humble Address be presented to Her Majesty, praying Her Majesty that no alteration may be made in the principle of the existing arrangements which regulate the admission to Cadetships in the Royal Artillery and Royal Engineers.

EXCISE DUTIES BILL.

SECOND READING.

Order for Second Reading read.

Motion made, and Question proposed, "That the Bill be now read a second time."

Mr. Serjeant DEASY said, that as there appeared to be a wonderful unanimity among all parties, and all Chancellors of the Exchequer past, present, and future, in favour of the imposition of this tax upon Ireland, it would be unbecoming in him to take up the time of the House in opposing it; but having regard to a probable deficit of £5,000,000 or £6,000,000 in 1860, he wished to enter his protest against the principle involved in the Bill, that, whenever a deficiency occurred in the Imperial revenue, Ireland was to be resorted to in order to supply it. As an Irishman, he deemed it a very ominous thing to have his county praised and the Irish Members complimented by the Minister of the Crown, particularly by a Conservative Finance Minister; for he always anticipated that in that case some fiscal burden was sure to be placed on Ireland. The right hon. Gentleman's budget partook somewhat of an Irish character, and reminded one of the position in which many Irish gentlemen stood in reference to their inability to meet their engagements. Part of the right hon. Gentleman's debt was contracted contrary to all sound principles, and therefore he proposed to relieve himself of it altogether, and the other part it was inconvenient to pay, and therefore he resolved not to pay it. This expedient was resorted to in old times in Ireland, but it was abandoned at the present day. As the right hon. Gentleman was quite certain of passing the present measure, there were some measures of alleviation he ought to take into consideration. There were some local burdens imposed on Ireland which had fair claims to be transferred to the general Exchequer, and he would particularly advert to the expense of the general valuation, to which the hon. Member for Dublin had frequently called the attention of the House. If the Chancellor of the Exchequer were to make the general funds of the empire bear this burden, it would be a graceful act, and would give some value to the encomiums he lavished on the Irish Members.

Mr. P. O'BRIEN, who had presented a petition against the Bill, said, he felt it his duty to put before the House the opinion of a very large number of those engaged in the spirit trade in Dublin, and which was one of entire opposition to the proposal of the right hon. Gentleman the Chancellor of the Exchequer. In the year 1833, when the duty was very high, the number of gallons of whisky brought to charge was much below that which it reached in successive years, when the duty was gradually decreased, until in 1853 it reached the num-

ber of 8,000.000 of gallons brought to charge; and with the lowering of the duty offences against the Excise decreased. This showed that as a measure for increasing the revenue, the proposition of the Chancellor of the Exchequer was not likely to be a successful one. The measure might not affect large manufacturers, who could extend their trade in England, but to small manufacturers and traders it would be ruin. He thought it would have been a much better course to have imposed an additional tax upon tobacco; that would have been a national tax, and would not have been, as in the case of the proposed tax on spirits, a most unjust and partial burden on the people of Ireland. He moved that the Bill be read a second time that day six months.

MR. ESMONDE seconded the Amendment, because he found that the Chancellor of the Exchequer was animated with an unfriendly feeling towards Ireland, and as he had before attempted, during the last Derby administration, he was fixing a burden upon the weakest interest.

Amendment proposed to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

THE SOLICITOR GENERAL begged to remind the hon. Gentleman who moved the Amendment, that the opposition upon former occasions to an increase in the duties upon Irish spirits was based upon two grounds—first, that such increase would give encouragement to illicit distillation; and next, that the proposition to prevent illicit distillation by means of the Irish constabulary would have the effect of bringing that body into unpopularity. Those were objections which were good until disproved by experience, and that had since happened. An increase had been made in the spirit duties, but there had been no increase in illicit distillation, and the constabulary had performed the additional task imposed upon them with perfect efficiency, and without any sacrifice of the high reputation which they had always borne. The grounds upon which former objections had been made having been thus disposed of, it remained to be considered whether the proposition now made was just in itself. He had heard nothing from any hon. Member to induce the House to believe there was any reason why the duties upon spirits should not be the same in all parts of the empire. He had not heard that the dealers or manufacturers entertained the objections to the measure which some hon. Gentlemen had expressed; on the contrary, he believed that they would derive great benefit from it. The effect of the differential duty had been, that Irish spirits had been practically excluded from the English market; and the result of this measure would be to enable them to compete with those of Scotch and English manufacture.

MR. GROGAN thought that the hon. and learned Gentleman was altogether forgetting the retail dealers in Ireland, who were the most numerous class concerned in this matter, and who contributed the largest share of spirit duty to the revenue. The proposal might benefit the larger manufacturers; but that benefit might have been effected without increasing the duty 1*s.* 10*d.* a gallon. Large and respectably-attended meetings had been held in Dublin on this subject, and much opposition had at these meetings been expressed to the plan of the Government. The home spirit trade already laboured under a great grievance, which, however, applied equally to English as to Irish dealers, in not being allowed by the Excise for leakage and evaporation. In the case of brandy, and other foreign spirits, the person paying duty paid for the quantity actually taken out of bond; but this was not the case with respect to home manufactured spirits, including whisky. Whisky was manufactured from a mixture of corn and malt, and it took about three years' storing to put it in a marketable condition. Well, it was gauged at the moment when it was being put in bond; and though, during the three years it lay in store it might evaporate and leak to the extent of perhaps eight or ten gallons in a puncheon, yet, when it was being taken, the merchant was obliged to pay duty on the full quantity which it had contained when first put in bond. The subject was one which deserved the favourable consideration of the Chancellor of the Exchequer, and his giving it that consideration would, he believed, tend much to alleviate the feeling of irritation with which this proposition to increase the spirit duty had been received in Ireland. It was worthy of notice that in 1853 the duty on Irish spirits was 2*s.* 8*d.* a gallon; in 1855 it was increased to 3*s.* 4*d.* and 4*s.*; in 1856 it was further increased to 6*s.* 2*d.*; and it was now proposed still further to increase it to 8*s.*; so that if the proposal were agreed to, the

duty would, in the short space of five years, have been augmented from 2*s.* 8*d.* to 8*s.*, by a series of changes which it was not reasonable to suppose that any branch of trade could bear without suffering great injury. Under all the circumstances, he thought that a very fair case had been made out for the consideration of the Chancellor of the Exchequer.

Mr. M'CANN supported the Amendment. He believed that it was a great mistake to employ the constabulary for revenue purposes. He had been informed by eminent stipendiary magistrates that the system had already been productive of much evil, and in a few years it must be abandoned.

Mr. COGAN entered his protest against the increase of the duty, on the grounds that it was unfair to call upon one portion of Her Majesty's dominions to supply the deficiency in the Imperial revenue for the year, and that by encouraging illicit distillation great demoralisation would ensue. As a means of obtaining revenue by increasing the trade, he believed it would be a failure, inasmuch as the Irish distiller had it in his power even now to introduce whisky into England by paying the 8*s.* duty.

Mr. KIRK said, that though he agreed in the main with the Solicitor General's observations, he denied that there had been no complaints made by the Irish distillers against the proposal. So far from that, he himself had received bitter complaints from his constituents upon the subject, whilst the Irish papers were teeming with accounts of the seizure of malt and stills, and disputes between the constabulary and the peasantry.

Mr. MACEVOY said, that in 1853 and 1855 the noble Lord the present Secretary for Ireland opposed the increase of the duty on Irish spirits, and asked what circumstances had since occurred to induce him to change his opinion.

Lord NAAS said, in reply to the observations of the hon. Member for Drogheda (Mr. M'Cann), that he was enabled to state from particular inquiries he made when in Dublin the other day that the constabulary were performing their new duties in the most satisfactory manner. Their officers had reported that they had been most successful in many instances in detecting parties engaged in illicit distillation. He (Lord Naas) had always said that the amount of the spirit duty ought to be regulated and raised as high as possible, provided illicit distillation was not encouraged. He believed that the check now imposed on illicit distillation would enable the Government to have recourse to this rise in the duty without the slightest risk of encouraging the illicit manufacture. The fact of the enormous quantity of 7,000,000 gallons of spirits having been brought to charge in Ireland last year was the best proof of the small extent to which illicit distillation prevailed.

Mr. MACARTHY said, he remembered the time when a Chancellor of the Exchequer thought he was conferring a great boon upon Ireland by reducing the duty on Irish spirits by 1*s.* per gallon, and now the present Chancellor of the Exchequer considered he was granting a great boon to the people by raising the duty 1*s.* 10*d.* a gallon. How curious a race of people the Irish must seem in the estimation of Chancellors of the Exchequer to be made the subjects of such totally different rules of taxation. He would contend that the sum of £500,000, which it was thought the proposed increase would produce, would be no compensation for the demoralization that the measure would produce among the peasantry of Ireland.

Question put, "That the word 'now' stand part of the Question."

The House *divided*:—Ayes 227; Noes 35: Majority 192.

Main Question put, and *agreed to*.

Bill read 2°, and *committed* for *To-morrow*.

LONDON CORPORATION REGULATION BILL.—MOTION FOR COUNSEL.

Mr. BAINES moved, that leave be given for the Corporation of the City of London to be heard by Counsel before the Select Committee on the London Corporation Regulation Bill against Clause 66 of the said Bill.

Mr. WYLD suggested, that as the Corporation was to be heard by counsel before the Select Committee, the proceedings should no longer be private, but should be conducted with open doors.

Mr. WALPOLE said, he did not think that any advantage would be gained by carrying on the deliberations of the Committee in private.

Mr. COX knew that many of the citizens of London, as distinguished from the Corporation, desired to give evidence before the Committee, and to be represented by counsel. He thought, therefore, that the Committee ought to be an open one.

Motion *agreed to.*

Ordered,—

That leave be given for the Corporation of the City of London to be heard by Counsel before the Select Committee on the London Corporation Regulation Bill, against Clause 66 of the said Bill.

House adjourned at a Quarter after One o'clock.

HOUSE OF LORDS,

Tuesday, April 27, 1858.

MINUTE.] PUBLIC BILL.—1ª Exchequer Bills (£20,911,500).

OATHS BILL—COMMITTEE.

Order of the Day for the House to be put into Committee read. House in Committee accordingly.

Clause 1, (Oath to be taken instead of Oaths of Allegiance, Supremacy, and Abjuration.)

THE EARL OF WICKLOW rose, pursuant to notice, to move an Amendment on this clause; but before entering upon that subject he wished to recall to their Lordships' recollection what took place on the second reading of the Bill. On that occasion the noble and learned Lord who had charge of the Bill (Lord Lyndhurst) stated that in conformity with the expressed wishes of the noble Earl at the head of the Government—the noble Earl having expressed his opinion that the two provisions—one for altering the oaths, and the other for introducing Jews into Parliament—were such as ought not to be united together. This Bill had been so framed that the question of the admission of the Jews to Parliament could be separated from the other portion of the Bill. He was somewhat surprised at that declaration of the noble and learned Lord, but he did not then feel that he had sufficient recollection of the subject to express any doubt as to its accuracy. He had since then looked into the matter, and he found that in 1849, when a measure for the relief of the Jews was first introduced into their Lordships' House, it was framed in precisely the same manner, and with the same division of subject as that now under consideration; so much so that in that Bill, as in the present one, the question of admitting the Jews into Parliament was raised in the fifth clause. He did not believe, when the noble Earl at the head of the Government expressed his opinion that the two subjects—the question of the oaths and the question of admitting Jews to Parliament—ought not to be mixed up together, that his meaning was that they should be united in the same Bill, and only separated into different clauses; his real meaning must have been that both subjects, of the alteration of the oaths and of the admission of the Jews to Parliament were of such great importance that each ought to have a Bill to itself. It was impossible for any one who reflected upon the subject not to be of that opinion. The two subjects were absolutely incompatible with one another, and could not with any propriety be joined together. And now with regard to the Amendment he was about to propose—he would ask their Lordships to consider what was the nature of an oath, and how oaths ought to be regarded by the public mind. When they were called upon to take an oath, whether in a court of justice or at the Table of their Lordships' House, they performed a solemn act of devotion—they invoked the Deity to witness to the truth of the language they used. He must say, further, that upon the respect which the people entertained for the sanctity of an oath depended, in a great degree, the security of property and the maintenance of the institutions of the country. It behoved their Lordships, therefore, well to consider whether it would not excite in the minds of the people a disrespect for all oaths to find their Lordships, Session after Session, trifling with this important subject of oaths, and, under pretence of making an alteration in those oaths, to cloak and cover their design to effect another political and infinitely less important object; and when that other object failed, then the whole measure was rejected and cast aside. If the Jews were to be admitted into Parliament let it be done by a Bill brought in for the express purpose, as was done in 1829, when the measure for admitting the Roman Catholics to Parliament was introduced. He believed the only reason why those who were anxious for the admission of the Jews did not take the same course was, that they knew the feeling of the country was not in their favour. But as they had a Bill upon this subject, he would entreat their Lordships so to frame it as to render it acceptable to the feelings of the country. He would admit that, to a certain extent, the measure as it stood did effect a great improvement; but, it retained the most objectionable part of the three oaths, namely, that part of

the Oath of Supremacy which affirmed that no foreign prince, prelate, or potentate hath, or ought to have, any jurisdiction, spiritual or temporal, within the realm. The objections to the portions in the other oaths which were proposed to be removed were that they were useless and absurd; but the objection to this part of the Oath of Supremacy was that it was decidedly false; and he would endeavour to prove to their Lordships the justice of this observation. In doing so he must express his regret to have for his opponent the noble and learned Lord (the Lord Chancellor) who in the other House of Parliament had been the champion and the hero of this particular oath. As he understood the noble and learned Lord's argument, it amounted to this, that though the words, if taken in their literal sense, were not true, yet they were not to be construed according to their literal interpretation, but they were to be taken in a legal sense. Now, in reply to that reasoning, he asked, was it fit that the language of an oath should be so framed that the person who was to take it could not clearly understand it? Could the noble and learned Lord produce him a single oath out of the Statute Book which was so framed except this one? Was an oath a thing to require the interpretation of a lawyer, or ought it to be so obscure that the person taking it required a lawyer at his elbow, like a father confessor, to explain to him its precise legal interpretation? If the words at the end of the Oath of Abjuration were appended at the end of the Oath of Supremacy—if, after declaring that the Pope had not, nor ought to have, any spiritual jurisdiction within the realm, they were also called upon to say that they took this oath in its plain, literal, common-sense meaning, without any evasion, restriction, or mental reservation whatever—would the noble and learned Lord himself then venture to take the oath? And though these words did not occur in the Oath of Supremacy, but in the Oath of Abjuration, yet as that oath came the last of the three, he was not sure that the clause to which he had referred did not refer to and embrace all that went before. He had said that the Oath of Supremacy taken literally was false; but when it was first created in the reign of Queen Elizabeth it was literally true, and he knew of nothing which had occurred in the history of the country to sanction the opinion that the words were to be taken in a different sense—though he admitted that the march of opinion in this country had been so gradual that it would be difficult to say at what period it had become necessary to alter the oath. But so many changes had of late taken place with the full sanction of the Legislature, that it had now become necessary to consider whether the oath also ought not to be altered. One of the changes to which he referred was the endowment of the College of Maynooth for the express purpose of educating the youth of Ireland for the ministry of the Church of Rome, and with the full knowledge that the Church of Rome could not exist in Ireland except under the spiritual supervision and authority of the Pope. A still more decided step in this direction was taken by the Charitable Bequests Bill in Ireland, which was carried not many years ago, and by which the Roman Catholic hierarchy in Ireland were expressly stated, by virtue of their office as bishops, to be trustees under that Act. He would also refer to the Dublin Cemetery Act, in which it was stated that his Grace the Archbishop Murray should regulate and control the funerals of the Roman Catholics. Could anything be more clear than that by these Acts the Legislature admitted the spiritual authority of the Pope who appointed those bishops? And yet their Lordships were required to swear that the Pope had no spiritual or ecclesiastical authority within the realm. He might add, that he had personally attended the levee which George IV. held in the Castle of Dublin, in 1821, at which he received the Roman Catholic bishops in a body; and it was well understood that no attendance at the levee gave greater satisfaction to His Majesty and to the Ministers, because it denoted the degree of popularity with which His Majesty was received. The recognition of the bishops was carried still further when the late Sir Robert Peel established the Queen's Colleges in Ireland. At that time the noble Lord who held the office of Lord Lieutenant (Earl of Clarendon)—and he did not mean to blame him for it—addressed a letter to Archbishop Murray, in which he said—

"Your Grace had the goodness to promise that you would convey to Rome, for the consideration of the Pope, the amended statutes of the Queen's Colleges in Ireland, as the British Government has no official organ in that city."

He then went on to say—and their Lordships must remember that this referred to a Bill then passing through the Legislature—

"The list of visitors is not yet settled, but I can have no hesitation in stating that it will include the Catholic archbishop of the province and the bishop of the diocese in which the college is situated, and that in the professorships and other posts the Catholic religion will be fully represented."

He might misunderstand all these things, but it did appear to him that, bearing them in mind, it was impossible to argue with candour and fairness that even under the law the Pope had no ecclesiastical authority in these kingdoms; and, therefore, that this oath could not be justified and maintained. More than this, he was informed that a Roman Catholic bishop or clergyman who might be converted to the Anglican religion would, in virtue of his original ordination, become a priest or bishop of that Church. But while he condemned this oath he did not think that in taking it he was taking a false oath. An oath must be taken *animo imponentis*—in the sense in which it was imposed; and all that he understood to be meant by the Legislature when it established this oath was that it should be a declaration that the person taking it was not a Roman Catholic. In taking it, therefore, he did not feel that he was perjuring himself or taking a false oath. How absurd was it, however, that while one portion of their Lorships took their seats upon a declaration that they were not Roman Catholics, another portion made an equally solemn statement that they were of that religion? He knew how unwilling the Legislature was to change ancient institutions; but he would remind them that if the present Bill passed then the oath contained in it would not be the oath of Queen Elizabeth or King William III., but the oath of Queen Victoria; and was it right or decent that in establishing a new oath they should so frame it that those who took it should not understand its meaning. I wish to view it through my own understanding, not through the distorted medium of forensic sophistry. Why did not the oath now proposed follow the phraseology of that contained in the Bill of 1849? That oath contained all that was necessary and no more. It was to this effect—

"I will be faithful and bear true allegiance to Her Majesty Queen Victoria, and will maintain the succession to the Crown as established by an Act entitled 'An Act for the further limitation of the Crown and the better security of the rights and liberties of the subject.' And I do take this declaration and promise heartily, willingly, and on the true faith of a Christian."

That oath was framed by the authors of the present Bill; but they had now introduced an oath which, in its reference to the supremacy, was, in his opinion, highly objectionable, and which contained words offensive to a large portion of the community. He had heard no reason avowed why these words should now be introduced. There was nothing, however, to prevent those who desired it from inserting certain words to be taken by Roman Catholics, although, if such a proposition was made, he should most decidedly object to it. If, also, there were words in the Oath of Abjuration which were now absurd, ridiculous, and therefore profane, the obligation of taking them ought not to be imposed on Roman Catholics any more than on Protestants. The noble Earl concluded by moving his Amendment.

Moved—To omit from the First Clause the words—

("And I do declare, that no Foreign Prince, Person, Prelate, State, or Potentate, hath, or ought to have, any jurisdiction, Power, Superiority, Pre-eminence, or Authority, Ecclesiastical or Spiritual, within this Realm").

LORD LYNDHURST: My Lords, it is not my intention in rising on this occasion to enter at large upon the various topics to which my noble Friend has alluded, but to confine myself strictly to the terms of Amendment which he has moved. As I understand his Amendment, my noble Friend wishes to strike out of the first clause of this Bill all those words which relate to the Oath of Supremacy, because he regards those words as being in contradiction to the actual state of things in this country; inasmuch as he thinks that a foreign Power does exercise some authority within the meaning of the oath. That I conceive is the question distinctly raised by my noble Friend, though he has contrived to mix it up with a great variety of topics which appear to me to have no relation whatever to the question. I regret that my noble Friend has proposed this Amendment, because if he should succeed in carrying it, when this Bill goes down to the other House, as from its form it necessarily must, further difficulty will be added to a subject already involved in very great difficulty. If my noble Friend would condescend to look into the history of the oath, all the doubts which he has raised, and which operate on his own mind and apparently also on the minds of other persons, would at once vanish, and he would see that no uncertainty whatever can exist as to what is its real meaning. The oath does not relate to any vague, spiritual, or merely moral and ideal power over the

mind of man, but to a substantial power to be exercised by a jurisdiction which can enforce its decrees. Let me direct your Lordships' attention to the history of this oath. In ancient times, the jurisdiction over temporal as well as over spiritual and ecclesiastical causes was vested exclusively in the Crown. And how was it exercised? By means of courts of justice appointed by the Sovereign to carry his authority into effect. And thus the constitution existed for several ages. What followed afterwards? A part of this jurisdiction—this substantial jurisdiction—was usurped by the Pope of Rome. That usurpation was carried on precisely in the same form by means of courts of justice, exercising not an ideal authority—an authority in words, a mere vague influence—but a substantial power put into effect through their decrees and operations. Thus the matter rested until the Reformation. And what took place then? Why, this jurisdiction, power, authority, or pre-eminence was again united to the Crown. It was united to the Crown finally by an Act of Elizabeth passed in the first year of her reign, and the first chapter. That Act was entitled "An Act to restore to the Crown its ancient Jurisdiction over the Estate Ecclesiastical and Spiritual," and further "and abolishing all foreign Powers repugnant to the same." What are the enactments of that statute? It speaks constantly of "the usurped power," the "usurped authority," of the Court of Rome, and it extinguished that authority, which was not a vague power, I repeat, but a power exercised by courts of justice. The object of this Act of Parliament, then, was to abolish a usurped power—a power detracting from the authority of the Crown and setting up a corresponding authority in opposition to that of the Crown. Next, my Lords, comes the Oath of Supremacy, which had its origin in the Act of Parliament to which I have referred. It consists of two parts, one affirmative the other negative. What does the affirmative part state? Why, that the authority, the power, of Government in ecclesiastical, spiritual, and temporal affairs is vested solely in the Crown. And in the negative part it makes use of the very words to which my noble Friend has adverted. It denies that any other Power, any other State or Potentate, has any jurisdiction, authority, power, or pre-eminence in this realm. What does that relate to? Clearly, to the usurped authority which had been assumed by the Pope of Rome. It is impossible to read this Act without seeing that the authority affirmatively vested in the Crown is directly opposed to the authority negatived by the oath. The words "jurisdiction, power, authority and pre-eminence," therefore, do not refer to a vague power—a mere moral influence only, but to a substantive authority exerted and enforced by courts of justice. That is the obvious meaning of the very terms of the oath itself, and it is confirmed by every passage in the Act of Parliament which I have quoted. Thus the case stood in the reign of Elizabeth; and the oath bore that form until the time of William III., when a change occurred. What was that change? It struck out the affirmative and left the negative part of the oath. And because the affirmative part was so struck out, throwing as it did so clear a light upon the sense of the negative part, my noble Friend holds that the meaning of the negative part has been entirely altered. I say that its meaning has undergone no such alteration, and that the construction now to be put upon these words is the same as they bore in the 1st of Elizabeth, and as they have borne from the reign of William III. down to the present time. The oath has always been administered in that sense, in the meaning both of the persons imposing and the persons taking it; and it is only within the last few years that some modern caviller has thought of placing a different interpretation upon it. I trust, then, that what I have just stated, bringing to my noble Friend's recollection the history of the oath and the circumstances under which it was framed, will satisfy his mind that when he talks of jurisdiction, power, authority, and pre-eminence, these words mean a jurisdiction to be exercised by courts of justice—a power to be enforced by authority of law—not a vague, moral, ideal, or spiritual influence such as that to which he has referred as throwing doubt upon the meaning and force of this oath. With these explanations I shall conclude by expressing a hope that your Lordships will not consent to the Amendment of my noble Friend.

EARL GRANVILLE: I rise, my Lords, to make an appeal to my noble Friend not to divide your Lordships upon this question. My noble Friend has stated with great fairness the arguments by which he wished to enforce his views, and I am not prepared altogether to deny that there is some force in some of the arguments which he has adduced. At the same time my noble

Friend has failed to show that any practical inconvenience exists, and he has explained the reasons which induced him to consent to take the oaths as they are at present framed. My noble and learned Friend opposite has shown upon strong legal grounds the manner in which we may interpret this oath, and the view which my noble and learned Friend has enunciated has, I believe, been adopted by the most eminent lawyers and statesmen. Were it not so, I do not think that we should see this House as full as it at present is. A short time ago there was a practical grievance, which arose from two Peers objecting to take this oath; but they yielded to the sense of this and of the other House of Parliament, and took the oath, and now no practical inconvenience exists. To divide your Lordships upon this question, I am afraid, would obstruct the progress of a measure of general importance, and I trust, therefore, that my noble Friend will be content with having stated his conscientious objection to this form of oath, and will consent to withdraw his Amendment.

LORD CAMPBELL said, he earnestly joined in the appeal which had been made to the noble Earl. The highest authorities had concurred in the propriety of the form of the oath as it at present stood, and to divide the House upon the subject might tend to obstruct a measure of the greatest importance.

THE EARL OF WICKLOW said, that all the persons he had ever talked to upon the subject had agreed with the views which he entertained, with the exception of the lawyers. They, however, not taking, as other persons did, a rational and sensible view of the question, disagreed with him upon the subject. He should not, after the appeal which had been made to him, divide the House. Had his Amendment been carried he should have supported the proposal to admit the Jews to Parliament; but as it was, as he could not support the Bill, he should abstain from voting upon the Motion of the noble and learned Lord opposite (the Lord Chancellor) to omit the 5th clause, hoping that the result of that evening would be that matters would be left in the same state in which they stood at present; so that if the subject were again brought before their Lordships, the two questions of the admission of Jews to Parliament and of the alteration of the oaths might be dealt with separately and distinctly.

Amendment *negatived* without a division.

Clause *agreed to*.

Clauses 2, 3, and 4, *agreed to*.

Clause 5 (Form of Oath for Persons professing the Jewish Religion).

On Motion for agreeing to the fifth clause, which proposed to omit from the Oath the words "upon the true faith of a Christian,"

THE LORD CHANCELLOR said: My Lords, as I have for many years offered a consistent, and I hope I may add a conscientious opposition to every measure, which has been proposed for the admission of the Jews to the Legislature, your Lordships will not be surprised that I should present myself on the present occasion for the maintenance of opinions which I have so long cherished. While admiring, in common with the rest of your Lordships, the eloquence of my noble and learned Friend who moved the second reading of this Bill—while entertaining for him sentiments of the highest regard, and a respect almost amounting to reverence, I must confess that I cannot see the full force of his arguments in support of his present proposition. I cannot but feel highly flattered at receiving from my noble and learned Friend the gratifying testimony that in every instance in which I have conducted the opposition to what are called "the claims of the Jews," I have exhibited the most perfect fairness and good-feeling. I hope, my Lords, I shall ever persevere in that same spirit. There is no reason indeed why I should pursue a different course. I need scarcely assure your Lordships that I am influenced by no personal feeling—that I am actuated by no prejudice upon this question. I feel only an earnest desire to support a principle which I believe to be necessary to maintain in order to secure the welfare and even the character of this country. I think, my Lords, that justice has not been fully done to this great question by the advocates of the present measure. Discussions have, no doubt, frequently taken place upon it; but there has always been an express or tacit reference to one or two individuals who are distinguished members of the Jewish persuasion, who are regarded as types of the whole Jewish people. The persons to whom I allude are, no doubt, gentlemen of the highest character and respectability; they are gentlemen who live in social intercourse with their Christian fellow subjects, and who possess none of that exclusive spirit which is considered to be characteristic of the

religion which they profess; but to discuss a question of this importance, with reference to the admission or exclusion of gentlemen of this character, is, in fact, to substitute personal considerations for the free and impartial consideration of a great and general principle. There is another difficulty also, my Lords, which embarrasses me in dealing with this subject, and that is, that there is no debateable ground common to those who oppose and those who support the admission of the Jews to Parliament, upon which both of the contending parties can fairly meet. On the one hand, it is insisted that the religious character of the Legislature is deeply involved in the result; while, on the other, it is maintained, with equal pertinacity, that religion has nothing to do with the subject, and that the question is one simply of civil rights and political expediency. If I could consent to take that view of the question, it would be a matter of perfect indifference to me whether two or three members of the Jewish persuasion should become members of our Legislature. But I cannot, my Lords, consent to consider this question on that low ground. Much higher considerations have influenced my feelings and motives in regard to this subject; and I must still be allowed to press them most earnestly on your Lordships' attention. At the same time, my Lords, I have never declined to meet the advocates of the Jews on their own ground. I have always been ready to descend with them to the field which they have chosen; and I shall now, with your Lordships' permission, very briefly glance at the different arguments they have used and which do not appear to my mind so strong and so conclusive as they, no doubt, do to those who employ them. I must apologise to your Lordships, in the first instance, for going over a ground which has so often been trodden before that it is impossible to place your foot upon a spot where you do not find a previous impression. Old arguments must be met by old answers; and I cannot, therefore, pretend to offer anything new to your Lordships on this occasion. Indeed, the very suggestion of novelty on a subject which has been so long considered, and so often debated, would at once justify the suspicion, that the argument was unsound. The foundation generally laid, my Lords, for the right of admission of the Jews to the Legislature is, that in every free State the citizens are all entitled to a perfect equality of civil rights. I think that there is a fallacy lurking under that argument, arising out of an ambiguity of the term. If, by the term "civil rights," be meant what is ordinarily understood by it—namely, the right of enjoying property, of personal security; or, in short, of everything which can be comprehended in the words "civil and religious freedom," within the limits of the constitution—then, I say, I entirely agree with the proposition. But if, by the term "civil rights," be meant a claim to be admitted to political office or to Parliament, then I take it on myself to deny its accuracy. I contend, my Lords, that no such rights exist indiscriminately for all citizens. The right to political office is one conferred by the State with certain conditions and qualifications and which it thinks proper to impose; and you have only to glance at the qualifications and disabilities that exist, in relation to the various offices of the country, to see that I am perfectly right in the view which I am taking as to the qualification of this proposition. It can never be denied that it is competent to a Christian country to impose as a qualification for office, and especially for the highest offices of the State, the profession of the Christian faith, and to relax or to retain that qualification, in respect to different offices, according to its view of what is right and proper. I must, my Lords, have read very imperfectly the history of my own country, if I have not found throughout its pages traces of the particular qualification of the profession of Christianity being imposed as a condition, especially for the possession of supreme power, or for a seat in the Legislature. But it is said, that this is entirely a misapprehension of the facts, so far as the Jew is concerned—that there never has been an intention on the part of the Legislature to exclude the Jew from a share of legislative authority; that it is entirely owing to an accident and not to design, that he is at present excluded from taking his seat in Parliament. Now, my Lords, I think that the misapprehension on this point, is not on the side of those who are opposed to the claims of the Jews. I quite admit the historical account of the original insertion of those important words—"On the true faith of a Christian" in the oath; I quite admit the whole history of the discovery of that celebrated treatise on equivocation which was revised by the Jesuit Garnett; and that in conse-

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quence of the discovery then made, these words were inserted in the oath with the view of rendering it more binding upon the consciences of Roman Catholics. But taking the words themselves do they not stamp unmistakably upon the oath the intention of the Legislature to declare that every person seeking to be admitted into the Legislature of our country must be a Christian? It is true that there was at that time no intention to direct the terms of the oath against the Jews, for the purpose of excluding them from the Legislature; because it so happened that there was not then, I believe, a single Jew in England. The Jews were banished from this country in the reign of Edward I., as your Lordships well know; and they only returned here after the Restoration. It is a curious historical fact, that in 1663 there were no more than twelve Jews in England. When they returned to this country, they were regarded entirely as aliens—alien duties were imposed on them; and my noble and learned Friend knows very well that, in the reign of James II., they were relieved from the export customs duties. But in the reign of William III., in 1690, on the remonstrance of the merchants of the City of London, those duties were reimposed. My noble and learned Friend remembers too, full well, the statute which was passed in the 26th George II., to enable Jews to be naturalized without taking the sacrament. That statute was, however, repealed almost by popular clamour in the following year. [Here Lords LYNDHURST and CAMPBELL remarked that the statute only referred to foreign Jews.] With great deference to my noble and learned Friends, I believe that that is not the true intention of the Act. But observe the condition of the Jews at this time, and see how entirely it disables the argument which has been urged by their advocates as to their position in the reign of William III. It happens, curiously enough, that when the 1st of William III. was passed, the words "on the true faith of a Christian" formed no portion of the oath; and it might be contended with equal justice, by the advocates of the Jews, that from the 1st to the 13th of William III., it was competent to the Jew to obtain admission into our Legislature. However, when we find what was the condition of the Jew then—that he was regarded as an alien and that an alien duty was imposed upon him—surely no such argument as that could be maintained. Or can it be supposed that even at a much later period, even so late as 1836, when the Jews were incapable even of civil or military employments or of being members of corporations, it was possible for them to enter the Legislature even though there were no such words as those in question in the oath? Such an idea as this cannot be entertained for a moment. These important words "on the true faith of a Christian" were re-inserted in the 13th William III., and this appears to me to be one of the most striking legislative declarations of the intention of Parliament to provide against any person having a seat in the Legislature who could not profess himself to be a Christian. The Legislature bound up with the Protestant succession the acknowledgment of the faith of Christianity. I wish, my Lords, to correct a misapprehension which appears to prevail very generally on this subject. It has been supposed that the Legislature has been gradually widening its doors to the admission of persons of all religious denominations; and it is contended that the full recognition of civil and religious liberty is only incomplete by the want of this last crowning act which is to bring the Jews into Parliament. My Lords, it is a misapprehension to suppose that there has been any such gradual relaxation of the rules which excluded the members of different religions from Parliament. The only instance in which the Legislature has directly interfered, for the purpose of giving the right of sitting in Parliament, is with respect to our Roman Catholic fellow Christians. The Dissenters have always sat in Parliament although they were excluded from corporations by the Test and Corporation Acts. The Unitarian never refused to take the oath "on the true faith of a Christian." There was no particular law passed to allow Quakers into Parliament. On the first occasion that a Quaker was returned to Parliament a search was made amongst the statutes; and it was discovered that there were some Acts which contained language so wide and comprehensive as to admit the members of the Society of Friends to seats in the House. I think that these facts are not unworthy of your Lordships' attention, at a time when you are called upon to break through the rule that has been ever recognized by a Christian Legislature. It is important to remember that by Bills of this description

now under consideration, your Lordships have been called upon for the first time to declare that the faith of a Christian shall not be a passport to a seat in the Legislature; and you have been invited to take an immense stride over the gulf that has hitherto separated the Jewish faith from the Christian belief: and to place the Jews by our side as Members of the British Parliament. My Lords, it is said that we have already given sentence against our exclusive system; because you have admitted the Jew to the elective franchise, and permitted him to enjoy the office of Mayor, of Sheriff, and of Magistrate; and this has been accounted a powerful and unanswerable argument in favour of their admission to Parliament. But, with great deference to those who use that argument, I cannot concur in its force. Take the case of the elective franchise, and how is it possible to establish any analogy between the case of giving him perhaps the twenty thousandth part of a choice in the election of a Christian representative, and giving him power himself to take a part in making laws for the country. I cannot myself perceive any analogy between the two cases. Then, my Lords, with regard to his exercising the different magisterial offices, I will say that, to the honour of those Jews who have been placed in these positions, they have filled them with the greatest respectability, and with the highest credit to themselves. But whilst acting in these capacities the Jew is under the law; and if he breaks the law he subjects himself to punishment. However, place the Jew, my Lords, amongst the Legislators of the country, and there is no law he has to submit to but the law of his own conscience; otherwise he is irresponsible, though he is part of the governing body of the country, and is to take part in the important function of making laws for a Christian people. It has been frequently urged upon us that we ought to respect the wishes of the large and important constituency of the City of London, who have chosen to select, more than once, a Jew for their representative; that their wishes ought to be regarded and that the law ought to give way before them. My Lords, I cannot conceive a principle more unconstitutional and more dangerous. The citizens of London know full well that in the present state of the law, when they return a Jew to Parliament, it is impossible for him to take his seat in the Legislature. Nevertheless, in defiance of the law, they choose, over and over again, to make a Jew the object of their selection. The first duty of good citizens is to obey the law; and it appears to me that this great constituency is setting a very bad example to the other constituencies of the country. They have set their affections upon a Jew. Suppose other constituencies should desire to have a minor, or a clergyman, or a custom-house officer, or an alien to represent them, are the different statutes which have been enacted for the purpose of disabling persons of these various descriptions to sit in the Legislature to be all abrogated—to be all repealed at the will of these different constituencies? The citizens of London may feel that they are—as in truth they are—a very numerous and a very powerful body; but they are only a small portion of the great constituencies of the country. They choose a representative for themselves; but they choose him to be a Member of Parliament. They have no right to violate the law. The other constituencies have a right to expect from them a proper choice in submission to the law; and I believe it would be a most disastrous circumstance if the electors of London should ultimately be enabled to overcome the Legislature by a defiance of the law, and thus compel it to yield to their wishes.

My Lords, I have hitherto been arguing this question on the lower ground generally occupied by the advocates of this measure, but I cannot consent to continue longer upon it. I must, my Lords, ascend to the higher one upon which those who feel deeply and conscientiously on this subject always desire to place this question. I trust, however, it will not for a moment be supposed that because I think this a purely religious question, I therefore attribute to those who are opposed to me any absence of proper religious feeling. I know that there are many good and excellent men, who are thoroughly persuaded that there is nothing of religion in this question, and who, upon that ground, are warm and consistent advocates of the admission of Jews to Parliament. To those persons I would most earnestly and anxiously address myself. I ask them to bear with my convictions, and to allow me fairly, but firmly, to press them upon their attention. The arguments which I shall venture to address to your Lordships on the ground which I now assume will, I trust, entitle themselves to your Lordships' consideration and approval. My Lords, it

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is an old and a true maxim, but one which commends itself to the hearts of our people, that Christianity is part of the law of England. Whatever else may be the meaning of the expression, it certainly must be understood to convey this important truth—that Christianity is thoroughly and essentially bound up with our Constitution. Your Lordships will find that it pervades almost every institution of the country. You will find that homage is paid to it by frequent observances, and in no place more strikingly than in the Houses of the Legislature. We begin our deliberations daily, by invoking the blessing of Almighty God upon our labours; and we do so through that Holy Name, by which alone we believe our prayers will be rendered acceptable. We go forth thus consecrated to our duties; and what are those duties? Not merely the control and direction of matters of low worldly policy, of earthly power, or commercial prosperity; but the eternal welfare of the people is committed to our legislative guardianship. The highest — the most important—the most essential of our legislative functions is the cause of religion. I assert this, not upon my own, but upon much higher authority, and I shall venture to trespass upon your Lordships' attention by reading a few extracts from writers of eminence who have turned their attention to this subject and whose opinions are entitled to far more weight than anything of my own. I will quote first the opinion of that great statesman, philosopher, and Christian, Mr. Burke. He says:—

"Religion is so far, in my opinion, from being out of the province or duty of a Christian Magistrate"—and he uses this term to express the supreme authority—"that it is and it ought to be, not only his care, but the principal thing in his care; because it is one of the great bonds of human society and its object the supreme good, the ultimate end and object of man himself."

These are the words of that great and good man, Dr. Arnold:—

"The moral character of Government seems to follow necessarily from its sovereign power. This is the simple ground of what I will venture to call the moral theory of its objects. For as in each individual man there is a higher object than the preservation of his body and goods; so if he be subjected in the last resort to a power incapable of appreciating this higher object, his social and political relations, instead of being the perfection of his being must be its corruption; the voice of law can only agree accidentally with that of his conscience, and yet on this voice of law, his life and death are to depend."

One quotation more from a living author of high intellectual power. Dr. Whewell says:—

"The tenet of the separation of Church and State divests the nation of its religious character to which, as we hold, it is its highest business to aspire. We cannot assent to any view which reduces the objects of the State to this low level, which represents it as having no concern with anything higher than the gross material interests of the people—the preservation of person and property. The part of Government which attends to them is not polity, only police. A State which has no views beyond these is only in the first stage of national progress."

My Lords, I entirely agree in the sentiments expressed in these extracts; and if these are the most essential functions of a Christian Legislative body, what are the rules and the motives which ought to guide each Christian legislator in the discharge of his duty? The great moral of the Gospel is the rule and standard to which he ought to conform his judgment, and by which everything he does ought to be governed. My Lords, I have another authority on this subject, and one which is of the highest value, because it is the authority of one of the most powerful advocates of the Jew; and yet it is entirely in favour of the view which I am now submitting to your Lordships. It is that of Lord John Russell, who says:—

"In speaking of the Legislature where Members have to dispose of and control the various interests, ecclesiastical and secular of the country, religion ought to influence and control their decisions."

Now, my Lords, the only question that could possibly be raised upon this is—what religion does the noble Lord mean? Does he mean the Christian religion, or does he mean any religion? The noble Lord is a sincere Christian; and he never could have intended that any other religion than the Christian religion should guide the conscience of the Legislature. Then how can the noble Lord think it consistent with these principles and these notions to propose to admit to the Legislature an individual who can be governed by no such high sanction, whose conduct must be regulated by an inferior rule, and a lower standard? Attempts have been made to cast ridicule upon an expression—which has passed, perhaps, into a by-word—that the admission of Jews to Parliament would "unchristianize" it. That, my Lords, is, I think, a convenient and compendious form of expressing what would be the real effect of passing a law of this description. It is true, my Lords, that the admission of Jews to Parliament would not deprive each individual Member of the faith which he professes: but as a body—as a national

body—that tie which has hitherto bound them together would be loosened, and the Legislature, as a Legislature, would cease to be Christian, because no test of Christianity would be exacted from its Members. Although we are here standing in defence of our religion and of policy—not of low policy or expediency, but of the highest policy—let us not disdain to borrow wisdom from the conduct of persons who, as members of an inferior society, might be called upon to admit some one who was opposed to the ends of its institution. If the society were large there might be no danger, and, therefore, no objection to permit him to become a member; but if he were known to be hostile to one of the great principles upon which it was established, would any one dream of placing him amongst the governing body? Apply that principle here. The Jew, if he be sincere—if he be what he has always been represented—if we are to take the Jewish people in general, and not selected specimens,—must have the most inveterate hostility to the Christian religion. Then, if I am right in saying that the highest functions of a Christian Legislature is the care of the Christian religion and its extension among the people, can you place within it a person who is hostile to the highest principles by which it ought to be governed? These reasons have always pressed upon my mind in the part which I have taken in resisting the admission of even a single Jew to Parliament. My Lords, in some observations addressed to your Lordships when this Bill came before us for a second reading, a noble Earl opposite (Earl Grey) warned your Lordships as to the consequences which might arise from a collision between the two Houses, and between the House of Commons and the Courts of Law. That noble Earl is a great constitutional authority, and everything that falls from him is entitled to the greatest consideration and respect; but I cannot help thinking that in his desire to avert this danger, he has been provoking another and a much more formidable one. According to the doctrine laid down by the noble Earl, the House of Commons has only to determine to carry some object upon which it has set its heart and to persevere. [Lord CAMPBELL: "No!"] My noble and learned Friend says "No," but I say "Yes." The House of Commons has only to persevere; it has only to knock at our doors sufficiently long and in a sufficiently loud and threatening manner to render it prudent and proper for us to submit, and to surrender at discretion. My Lords, this appears to me to be reducing your Lordships to a state of complete dependency. I can well understand that on a nicely balanced question of ordinary policy or expediency, if you can catch the views of the people, and find them reflected by their representatives, you might be disposed to yield your judgment to their views and wishes; but, my Lords, we are on no such question here; we are upon a question of conscience and religious duty, and, my Lords, whatever may be the threats by which your Lordships are sought to be intimidated, I trust you will proceed fearlessly and steadily in what you consider to be the path of duty. My Lords, I cannot think so ill of the House of Commons, from which I have been so lately taken, as to suppose that for the accomplishment of any object, however bent they might be on its attainment, they would violate the Constitution; but if unhappily they should do so, I say with the greatest respect that they must incur all the responsibility; on their heads must be all the consequences of their fatal act. If we are to yield against our judgment and our consciences, it would have been better to do so at an earlier period, when concession would have had the grace of a voluntary act, and would not have been a forced submission. It would appear to me that the doctrine of the noble Earl (Earl Grey) by which he would persuade us to abandon our functions and abdicate our duties would, if reduced to practice, leave us nothing more than a registry office for the decrees of the House of Commons. My Lords, whatever may be the impatience or even the violence used in respect of the measure, I trust your Lordships will not be intimidated. But, my Lords, I trust you will always stand firm upon every good path. That you will not fear still to pronounce that our "Lord is King be the people never so impatient," and that you will hold fast the profession of your faith without wavering. I am persuaded that by thus acting—by thus maintaining your unshaken defence of the Christianity of your country, you will promote the highest interest of the people, and thus and thus, alone, secure that not only "peace and happiness, and truth and justice," but that "religion and piety shall be established among us for all generations."

Amendment *moved* to omit Clause 5.

Lord LYNDHURST: I have to congratulate your Lordships on the accession

to this House of so much eloquence and talent as have just been exhibited by my noble and learned Friend. That eloquence and talent cannot fail to add to the importance and weight of our deliberations—sincerely and most deeply do I regret that those abilities have been directed against the cause which I feel it my duty to maintain in this House. Your Lordships must feel, I think, if you advert to circumstances which have frequently occurred, that this question is brought forward on the present occasion under a state of things more serious and more grave than formerly existed. I listened to the speech made by a noble Earl opposite (Earl Grey), on the Motion for the second reading of this Bill, with great attention and anxiety, and I felt, and still feel, that the observations made by that noble Earl, to which my noble and learned Friend referred, cannot fail to have made the deepest impression on your Lordships' minds. It would be idle to attempt to deceive ourselves as to the position in which we are now placed with respect to this question. Noble Lords are fully aware of what has passed in the other House of Parliament on this subject, not recently merely, but during the last Session, when a Member of the present Cabinet pledged himself to bring forward certain Resolutions for the purpose of carrying into effect a proposition with respect to this question in opposition to the decision of your Lordships' House; and your Lordships have no doubt observed that a Member of the other House of Parliament, of great weight and superior talents—the late Attorney General—has pledged himself most solemnly to adopt that course of proceeding, and bring it under the consideration of the House of Commons, in the event of such a measure as that now before your Lordships failing of success during the present Session. The result might be that conflicts would arise between this and the other House of Parliament, and also between the other House and the courts of law. Nay, more than that, an appeal from the decision of a court of law on the question to which I advert may be brought to this House, and we ourselves may be placed, in our judicial capacity, in a position adverse to the legislative authority of that House. When I mention these facts I draw no inference, but I think it proper that, in considering a question of this magnitude, all the circumstances of our position should be distinctly brought under your Lordships' notice. It is hardly necessary for me to call to your Lordships' recollection that in many successive Parliaments measures having the same object as the present have passed through the other House with great and increasing majorities, and on no occasion with a greater majority than when the present Bill was passed. Contrast that with what has taken place in this House, and I beg to call your Lordships' attention to the importance of the fact in this respect. I have told you that Bills for the admission of the Jews have been passed in the other House with great and increasing majorities; but in this House those Measures have been from time to time rejected by very small and inconsiderable majorities; in no instance being more than one-tenth of the number of persons who were called on to vote on the subject. My noble and learned Friend the Lord Chancellor will not pay much attention to mere numbers on such a question. But your Lordships will also bear in mind that men of the highest character and of the most eminent position, of great knowledge and research, of the warmest and most ardent religious feelings have been found in those minorities—even right rev. and most rev. Prelates have supported those Bills in this House, and I believe that on one occasion also my noble Friend near me (the Earl of Derby). All these are matters for your Lordships' consideration, because we are not to be governed entirely by the discussion of this evening, during which I feel I can scarcely carry on an equal combat with my noble and learned Friend; but I refer to those facts to call back your Lordships' recollection to past circumstances in order that you may weigh them before you come to a decision on this very important question. Our Legislature is a species of progressive machine; it consists of three independent powers; and if each power adhere rigidly to its own opinion the machinery of legislation would on many occasions come to a standstill; it is by mutual forbearance and concession that the machine practically works out the great objects of the constitution. I desire to impress this consideration most strongly upon your Lordships, and I have on more than one occasion expressed my opinion with respect to the particular position and duty of the House of Lords. It is part of our duty to originate legislation, but it is also a most important part of our duty to check the inconsiderate, rash, hasty, and undigested legislation of the other House; to give time for consideration; and for con-

sulting, and perhaps modifying the opinions of the constituencies; but I never understood, nor could such a principle be acted upon, that we were to make a firm, determined, and persevering stand against the opinion of the other House of Parliament, when that opinion is backed by the opinion of the people, and least of all, on questions affecting, in a certain degree, the constitution of that House and popular rights. If we do make such a stand, we ought to take care that we stand on a rock and we ought to be cautious not to place ourselves in such a position when we have nothing to rely on but the fragment of an Act of Parliament diverted from its original purpose to one it was never intended to apply to.

Now, my Lords, with respect to this fifth clause, which is the subject of our immediate consideration, the provision is founded on a principle which has been uniformly acted upon in a great variety of Acts of Parliament. The abiding rule which governs us with respect to the administration of oaths is this,—that the oath should be framed in such a way as is most binding on the conscience of the person to whom it is tendered. Accordingly, we propose by this Bill to strike out of the oath the words "on the true faith of a Christian" when the oath is to be administered to a person of the Jewish persuasion. But my noble and learned Friend says, that if you strike out those words you admit members of the Jewish religion to seats as representatives in Parliament. I ask, why should they not be so admitted? Are they not our fellow-subjects and the native subjects of this realm, and entitled to the same privileges as are enjoyed by other native subjects? On what foundation can their exclusion be maintained? Is there any specific Act of Parliament depriving them of their right to sit in Parliament? My noble and learned Friend has referred to a kind of supposition that Jews were in former days considered aliens in this country; and it was supposed that on account of the alien character inherent in the Jewish religion, Jews were incapable of properly qualifying themselves for seats in Parliament. On this point all I have to say is, that the highest authority in ancient time—Bracton—states that they were not aliens. But I shall pass from those ancient to more modern times, and come to the periods referred to by my noble and learned Friend. The Jews had been absent from this country more than 300 years, and when they returned they were, of course,

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aliens; they were born abroad; their fathers, their grandfathers, all their predecessors for many generations had been born abroad; and they had no rights or privileges as natural-born subjects of this realm. That continued for a considerable period; but in the following century—in 1720—the question was submitted to men of the highest eminence in the legal profession, and Lord Chancellor Talbot, Sir Thomas Raymond, Chief Justice Reeve, the Solicitor General for the time being, and six or seven other distinguished lawyers, expressed the opinion that the Jews were not to be regarded in any other light or in any inferior capacity to any other class of British subjects. From that time to the present no lawyer, no person who has carefully studied the subject, has for a moment entertained any serious doubt upon the question.

My noble and learned Friend has referred to an observation I made on a former occasion, that in the time of William III., before the Act imposing the oath containing the words "on the true faith of a Christian," there was nothing to prevent a member of the Jewish persuasion from taking his seat in the House of Commons. He seems to suppose that at that period the Jews were all aliens. Undoubtedly a large proportion of them were aliens, but a considerable number did not come under that description, and those who did not might at any time during the reign of William III. have been elected members of the House of Commons and have taken their seats as such. My noble and learned Friend again made a great mistake when he said that a Bill was subsequently introduced for the purpose of naturalizing the Jews; that it passed the Houses of Parliament, but was so extremely unpopular, that it had to be repealed in the following Session. What, however, was the nature of that measure? It was to naturalize foreign Jews, and had nothing whatever to do with native Jews. The Jews are natural-born subjects of this country; they have the same birthright that we have; they do not partake of the character of aliens; and I ask any constitutional lawyer, any friend of the constitution, whether persons in that situation can be stripped of their rights as British subjects, except by some Act of Parliament framed and intended for that purpose, and without the intention of Parliament being specifically expressed upon the subject? I put the question fairly upon that issue. Will any person pretend to say that there is any

such Act? Recourse is had to an Act of Parliament containing the words "upon the true faith of a Christian," passed for a different object, having no reference whatever to the Jews; and this indirect course of proceeding—I shall not call it fraudulent, although it has been so stigmatized—is to supply the want of an Act directed expressly against the Jews. What do our lawyers—what do our courts of justice say? Taking Baron Martin for my authority, in construing an Act of Parliament we are not always to adhere to the exact words of the Act, but are to discover what is the object of the Act—what was the intention of the Legislature in passing it,—and we ought to give effect to that intention even if we overrule the words of the Act. If that is the rule by which we ought to be governed in the administration of justice, how much more ought we to be governed by it when discussing questions of legislation and of public policy? It is extraordinary that while we have repealed the Act as far as it relates to those parties—the Roman Catholics—against whom it was directed, we have given force to it against a class of persons—the Jews—who were not in the contemplation of the Legislature at the time the Act was passed. What a monstrous injustice! Upon such occasions as the present I always like to inquire what opinion able, intelligent, and impartial men, at a distance from party strife, have formed on the subject under discussion. Baron Alderson, when called upon to express an opinion in the Court of Exchequer, said, that if the Jews were to be deprived of the right of sitting in Parliament, it would be more worthy of the country to effect that object by an Act of direct legislation than to make use of an Act which was never intended to be directed against Jews, but which was passed to control a very different class of persons. The same opinion, almost in the same words, but still more strongly expressed, was given by Baron Martin on the same occasion. The noble Earl at the head of the Government has pressed an *argumentum ad hominem* against me and has accused me of inconsistency, because in 1828, in repealing the Test and Corporation Act, I agreed to the introduction of the words "upon the true faith of a Christian." It was of the utmost consequence at that time that we should accomplish the object we had in view, the abolition of the odious Test and Corporation Acts; but what happened in the course of the Bill? A learned person, whose bigotry exceeded even his learning—I mean Lord Tenterden—insisted upon the insertion of the words "upon the true faith of a Christian," I believe at the suggestion of Lord Eldon. The Ministry of the day found that if we did not accede to that proposal the Bill would in all probability be lost, and we therefore agreed to the introduction of the words; but my noble Friend at the head of the Government should have done me the justice to add, that a few years after, when I found myself in a position to carry out my views, I proposed the repeal of the objectionable clause in the Act of 1828, and carried a Bill for that purpose triumphantly through both Houses of Parliament. So much for the charge against myself. My noble and learned Friend has said, that the present is not a question of religious toleration or religious liberty, but a question of power and privilege, and that the Legislature, therefore, is entitled to deal with it. The Legislature, I admit, can do what it thinks proper in conferring power and privilege; but my noble and learned Friend has taken a very narrow and insufficient view of religious liberty. Religious liberty I hold to be this—that every man with respect to office, power, or emolument should be put on a footing of perfect equality with his neighbour, without regard to his religious opinions, unless those opinions are such as to disqualify him for the proper performance of the duties of his office. Is there any other principle upon which in this enlightened age religious liberty can be founded? It is true that you do not fine men or imprison them on account of their religious opinions; but if you deny them the fair emoluments of office and fair objects of ambition, you inflict upon them an injury greater than fine, and, in many instances, greater even than imprisonment. You violate the very principle of religious freedom, and establish a rule which would justify persecution. Where are you to stop? Men may possess certain religious opinions—are they harmless? If so, why do you punish them? Why should not those men be on an equality with their fellow subjects?

But my noble and learned Friend goes to another argument, that you would "unchristianize" the Legislature by introducing a few Jews into it—an old and favourite argument of those who oppose Bills of this description. When that argument was first used in this House it met with an entire and complete refutation

from a most reverend Prelate, then a Member of this House—Archbishop Whately. How did he answer it? He asked, "Is England a Christian country? You answer in the affirmative; but, though a Christian country, it does not consist exclusively of Christians: it is composed of Christians and a small number of Jews; but still you call it a Christian country. What is the constitution of Parliament? It represents the country. If it is to represent the country fairly, how can you for a moment contend that, if there were a small number of Jews in Parliament, therefore the Legislature would be unchristian?" To that no answer has ever been given. Allow me to go a little further. Are your courts of justice, are your municipal corporations Christian? But you have Jews in your corporations—you admit Jews to your tribunals; and who denies that your municipal corporations are Christian although Jews are members of them; nor that your tribunals are Christian though Jews sit there? How, then, is it possible that the introduction of a few Jews can unchristianize the Legislature? But my noble and learned Friend puts this upon principle, upon high principle. Now, principle should be acted upon uniformly. You cannot play fast and loose with it. But are not the people of your Colonies British colonists?—are not they entitled to protection against the spirit of "unchristianizing" to which my noble and learned Friend referred? Yet year after year Acts have passed your Lordships' House for confirming the establishment of constitutions in Canada, in Australia, and in New Zealand, according to which Jews are as eligible to sit in the legislative assemblies as are the members of any other religious persuasion; and did any one rise in the course of the debates and say that these would be unchristian Parliaments and unchristian assemblies? No one ventured to make such an assertion; and, accordingly, all these assemblies have been unchristianized, according to my noble and learned Friend, and Jews are members of them. Has that principle of equality been acted on? I know, from certain information, that a professor of the Jewish religion was for several years a Member of the Lower House of Representatives in Canada, exhibited great talents, was extremely popular, and discharged his duties to the entire satisfaction of the people; and, I am told, that at this moment a Jew is a Member of one of the Legislatures of Australia. What, then, becomes of your principle—your high principle? You throw it to the wind; you think that British subjects in the Colonies are not worthy of its protection. My noble and learned Friend draws a distinction between the duties of a legislator and those of an administrator of justice. He says that there is no reason why a Jew should not administer justice, but you ought not therefore to admit him to the Legislature. How do I meet that argument? The qualities which you require for the administration of justice are intelligence, information, impartiality, and decision; and these are precisely the qualities which you require in a Member of the Legislature. The qualities which fit a man for the administration of justice qualify him to be a Member of the Legislature. Look at the extraordinary inconsistencies of intolerance. Prussia says to the Jews, "You may be Members of the Legislature, there is no harm in that; but you must not administer justice in the Courts." "On the contrary," says my noble and learned Friend, "there is no harm in a Jew presiding in a court of justice, but he must not be permitted to be a legislator." Such are the consistencies, or rather the inconsistencies of intolerance and of extreme and extravagant opinions. Look to the continent of Europe; in almost every Protestant country, and in some Catholic ones, as for instance in France and Belgium, Jews are admitted to the Legislatures. But it is said that we are not bound to imitate other countries. I admit that we are not; I think that we ought to set an example, and not to follow in their train. But I refer to this for a practical object. Has the least inconvenience or the slightest disadvantage resulted from the admission of the Jews to the Legislature of foreign countries? If it has not, are you not called upon, on every principle of religious liberty to extend the same privilege to them in this country? One of the leading principles of Christianity is, that we should do to others what we expect them to do to us. What have we done in Turkey? I can conceive Lord Stratford saying to the Sultan, "How cruelly you act to the Christians; you do not admit them to office, to which they are as much entitled as the rest of your subjects, and to office of every description. We pursue a different course in England; we are an enlightened nation, and we call upon you to follow our example." What is the answer of the Turk? After consideration

he makes the concession and admits the Christian to all offices,—to those in which alterations of the law originate as well as to those which have for their object only the administration. Can you then, in this country, consistently refuse concessions which you have demanded from other nations? It is said that the Jews cannot be trusted to legislate when religion is in question. My answer is, that the objection comes too late. I remember when it was made with great force and effect. It used to be said, when we were fighting the Catholic Question, with respect to the Roman Catholics, "Oh, their principle is to make converts; they consider you as heretics and usurpers; they look up to a foreign Sovereign, and acknowledge him as their spiritual head." Therefore, we were told a Roman Catholic was incapacitated from performing his duty when questions of a religious character came under discussion. But, my Lords, has any practical inconvenience of this kind resulted from the admission of Roman Catholics into the Legislature? No one will pretend that there has been any such result. Do the Jews proselytize? No; on the contrary, they are opposed to proselytism. Is there any reasonable ground for supposing that if they were admitted into Parliament they would interfere with our Church? Not in the slightest degree. Do they look up to a foreign Power as their head? In no respect whatever can this be said of them. So far from being enemies of the Church you allow them to present to benefices, which you do not permit Roman Catholics to do, and in no instance has any complaint ever been made as to the exercise of their patronage. I have heard Lord Coke quoted in proof of the assertion that the Jews are the subjects of the devil; no doubt Lord Coke was a very great man, but probably his authority would not weigh much with their Lordships on this subject. My Lords, my attention has lately been drawn to a kind of bill of indictment, charging the commission of the greatest moral and social crimes against the Jews—an indictment which might have been framed in the dark ages of the Church. To my astonishment I learned that these charges—utterly unfounded and unsupported by evidence—proceeded from a gentleman of education and strong Christian feeling. But, my Lords, that hon. Gentleman should not have displayed so much credulity, and should have examined upon what evidence those charges were made. He asserts that the Jews were the originators of the Inquisition, and that they were the original Jesuits. And what is his authority for these assertions? He does not refer us to Bernard, or Bayle, or to any such high authority, but says, "I find this in a romance—in a popular novel in circulation—the author of which is a member of the present Government." When asked the name of this novel, he said that it is *Coningsby*. It is sometimes said that the Jews form no part of the nation; that they are a separate nation in themselves, and only sojourners here, and that they look forward to their removal at some uncertain period; that they are an isolated people and a nation within a nation; that their sympathies are not with us or with any nation among whom they sojourn. But the fact remains that they are as enterprising, as industrious, and as loyal as any other class of Her Majesty's subjects; and why, because of their religious opinions, should they be denied the rights of other British subjects? I believe that on all occasions when the Jews have been relieved from oppression they have displayed great talents and great virtues, and won for themselves great distinction. No more remarkable instance of this can be mentioned than is afforded by the Jewish inhabitants of Germany. The moment they were relieved from the oppression in which they had been held for ages, they broke out and commenced a career of learning, science, and enterprise, in which they showed themselves equal at least to any other class of the community. In the old times, when the Moors held a part of Spain, the Jews greatly distinguished themselves in learning and science, and a great mass of the works in the Arabian libraries were the works of Jewish authors. But the Moors were expelled from Spain, the Papal tyranny was established, the Inquisition was founded, the Jews sank, and they became the victims of the most cruel, barbarous, and infamous persecution that ever disgraced any country. My Lords, I do not call upon you to remove "the last rag of intolerance," nor will I use similar phrases, but I must allude to what was said by my right hon. Friend the Secretary of State for the Home Department (Mr. Walpole), when he expressed a hope that it was the last time this question would come before the House of Commons. My Lords, most earnestly, most sincerely, and most zealously do I hope that your Lordships will so decide that this may be

the last time that I shall have the opportunity of addressing you on this subject.

THE DUKE OF MARLBOROUGH said, that the noble and learned Lord upon the woolsack, in one of the most eloquent addresses he ever heard him deliver on this subject, came to a true conclusion when he declared that the true ground for the exclusion of the Jews was a religious ground. Away, then, with all the arguments by which it was sought to prove, that the Jews were not good citizens and not entitled to consideration on social grounds. No doubt they were among the most peaceful subjects of Her Majesty, and were entitled to confidence and respect in their secular and social relations. But there were other and more important considerations which should not be lost sight of when they were discussing a measure which must vitally affect the character of the Legislature. What was the highest title of Her Majesty? That She owed Her Throne by the grace of God, and that She was the defender of the Faith. The highest act which the nation could perform, the coronation of the Sovereign, was a religious ceremony; and on that occasion the Queen promised to defend the Christian religion to the utmost of her power, and not to suffer any of the supports on which it rested to be undermined. Their Lordships had also been reminded that their proceedings were always inaugurated by a solemn invocation of a blessing on their deliberations in the name of the Divine Founder of our Faith. If, however, the measure before the House passed into a law, a most formidable step would be taken towards undermining the Christian character of the constitution. If any number of Jews should become Members of the Legislature, there was too much reason to fear that persons would be found to say, that the Christian prayers with which they commenced their deliberations offended the consciences of certain Members of either chamber, and ought therefore to be either wholly discontinued or altered to suit the opinions of those who disbelieved in our Saviour. Numerous inconveniences and dangers would result in every direction. A subscription list was lately opened, headed by an appeal to the "Christian sympathies" of the benevolent; but the use of the word "Christian" being objected to as hurtful to the feelings of the Jews, it was subsequently struck out to conciliate members of that persuasion. As straws thrown up showed how the wind blew, so this little incident betokened what might be the result of admitting to a Christian Legislature those who did not agree with its forms and observances. The supporters of this measure evinced a greater degree of confidence in the Jews than in the Roman Catholics. Roman Catholics were not allowed to hold certain offices in the State or the Universities—they could not present to benefices or advise the Crown as to ecclesiastical appointments; but the only one of these restrictions proposed to be enforced against the Jew was, that he should not hold certain offices under the Crown; but he might become Prime Minister, and in that capacity have to advise Her Majesty as to the appointment of the bishops and pastors of the Established Church; he might also become a Privy Councillor, having a voice in deciding most important questions of Christian doctrine. The other evening the noble and learned Lord (Lord Lyndhurst) had ridiculed with inimitable power a Bill which had been brought in by the Lord Chief Justice, because the Convocation would not be a lawful meeting assembled for a lawful purpose within the meaning of that Bill; but what would the noble and learned Lord have said, if he were an opponent of the present measure, to an enactment by which a Jew, as a Member of the Privy Council, might become a judge of Christian doctrine? It was equally amusing and instructive to reflect upon the various modes by which the advocates of this measure had endeavoured at different periods to pass it through Parliament. The noble and learned Lord who had spoken last, talked of the inconsistency of the opponents of the Bill; but in what respect had its friends been consistent with themselves, except, indeed, in their uniform aim to overturn the Christian character of the Legislature? In 1847, their proposal was coupled with the condition that the Jew on admission to the Legislature should be required solemnly to disclaim and abjure any intention to disturb or weaken the Established Church and the Protestant constitution of this country. This safeguard was, however, omitted from the present Bill. The measures introduced in 1849 and in 1853 also contained provisions dissimilar from those in the Bill now before their Lordships. Religious liberty was closely associated with the prosperity of this country; but there were those who perverted that principle with a view to a separation between Church and State. The House should be

on its guard against the ulterior objects of such men. He entreated their Lordships not to sanction a measure which would undermine one of the most vital elements of the constitution, and compromise the Christian character of the Legislature.

LORD STRATFORD DE REDCLIFFE said, he desired, in consequence of the reference which had been made to the country in which he had passed so large a portion of his life, to offer a few observations upon the question before the House. The noble and learned Lord (Lord Lyndhurst), with that sagacity and love of justice which distinguished him in so remarkable a manner, had brought to their Lordships' recollection that which was perfectly correct, namely, that in Turkey, where the great national reform that was now going on had occupied so much attention in this country, and indeed throughout the whole of Europe, for so many years, there was nothing more striking than to find that the just effects of representations which he had had the honour to make on behalf of this country, had often been checked by the knowledge possessed by the Government of Turkey of our policy upon the question now before the House—a question with regard to which, notwithstanding the progress we had made of late years, we were still in the rear of our neighbours. There was no doubt that the course pursued by this country with regard to the admission of the Jews into the Legislature had been the subject of remark in Turkey on occasions when he had had to press the immense importance of setting aside those religious differences which had so much retarded the progress of improvement in that country; and nothing would have afforded him greater pleasure than to have been able to show that we in this country had set aside ancient prejudices, which we had unfortunately so long cherished. He should have felt that he was wanting in his duty if he had not taken that opportunity of bearing witness in emphatic language to the truth, equally applicable in that House or elsewhere, of these great principles, which it had always been his duty to impress upon those with whom he had been connected. With respect to the question so far as it related to this country, it was wholly unnecessary for him to go over ground which had been traversed with such consummate ability by the two noble and learned Lords. He deemed himself extremely fortunate to have been present at a debate which, if he mistook not, would long be remembered in the annals of the country. The contrast between the long experience and great talents of the noble and learned Lord (Lord Lyndhurst), as opposed to the greater youthfulness of the noble and learned Lord who occupied the woolsack, had reminded him (Lord Stratford) of a contest which he had read of in his younger days between two illustrious professors of an art, for which this country was since as renowned as the nations of antiquity—a contest between a veteran professor of the pugilistic art and a young competitor who was just entering it with all the strength and vivacity of youth. But he should be very sorry if the noble and learned Lord (Lord Lyndhurst) who had so riveted their attention should, after having given, if he might say so, a knock down blow to the prejudices which had so long existed on this subject, be disposed to say—

"Hic victor cæstus artemque repono."

He hoped, on the contrary, their Lordships might long have the advantage of the noble and learned Lord's extraordinary powers, and that he (Lord Stratford) might long live to witness the effects of his wisdom upon their deliberations. He wished to say that the ground upon which he thought this question turned was a very simple one, and was, in fact, that principle which had been so well defined by the noble and learned Lord — he meant the great principle that every man was entitled to every political privilege our institutions afforded, unless there were something prohibitory, something inherent in his condition, which made it necessary to exercise that power which the State undoubtedly possessed of making an exception in his particular case. He was perfectly at a loss to understand what there was in the case of the Jew to justify such an exception. The noble and learned Lord (the Lord Chancellor) had done nothing but justice to the character of the Jew, in the history of some of their most distinguished men; but a distinction had been drawn by the noble and learned Lord between the body of the Jews and certain distinguished gentlemen whom he considered as their representatives, not upon any just ground. It was not a question of rights derived from the accomplishments or qualities belonging to the higher orders among them, but a question of rights which belonged to individuals in the lowest position; and if it were true that there was nothing to disqualify the Jews from filling the offices of the magistracy, in his opinion

they were equally able to be returned for constituencies as any other person. He (Lord Stratford de Redcliffe) should be sorry to do anything to diminish the influence of Christianity in the country; that would be a result equally unfortunate to the country and disparaging to the House; but he did not in his conscience believe that there was anything in this proposal which could lead to any other but a satisfactory conclusion. He could not help stating with a satisfaction which he could hardly find words to express, that in a country where despotism was established, as in Turkey, and where the will of the Sovereign was supreme, he had found, during a connection of a long series of years, a liberality of opinion and a generosity of disposition which had entitled him to speak with confidence of that country. What the Sovereign had himself done by his proclamations, by his love for national interests, by his humanity, and his desire for conciliation, deserved the fullest consideration at the hands of all who desired the welfare of that country. But he would remind their Lordships that so long as the results of negotiation remained on paper only, important as they might be to the interests not only of Turkey, but of humanity itself, they would want their proper consummation. A great deal must depend upon the advice of the Ministers who were on the spot; but a great deal must likewise depend upon the attention which Europe at large continued to apply to the subject, and more especially upon the attention which might be given to it by those who presided over the councils of Her Majesty. He should vote against the Amendment.

THE DUKE OF RUTLAND said, he had always voted against the admission of Jews into Parliament, and he should do so now. His noble and learned Friend (Lord Lyndhurst) had asked, why, if they admitted a few Jews into Parliament, Parliament would be less a Christian assembly than the country which they represented in which there were numerous Jews. Now, with the greatest deference to his noble and learned Friend, the reason why, though there were Jews in this country, it was still a Christian country, was, that we had a Christian Parliament, a Christian Sovereign, and all our high offices of State were filled by Christians. It had been urged as an argument in favour of the Bill that England had formerly a Protestant Parliament, that Roman Catholics had been admitted into it, and that now it was no longer a Protestant Parliament, and yet no great harm had resulted from it——*ergo*, no great harm would result from the admission of Jews into Parliament. It was unnecessary to remark upon the broad distinction existing between Roman Catholics and Jews: Roman Catholics professed the same belief as Protestants, while the Jews were the antagonists of Christianity. But it was said, what harm could result from the admission of a few Jews, as far as the Christianity of the House of Lords or the House of Commons was concerned? He would reply it was not so much the mischief which the Jews so admitted could themselves do as the moral effect upon the country of their admission that was to be deprecated. And even the power of doing mischief which that admission would confer upon them was very much underrated. Let their Lordships consider the case of Baron Rothschild, the Jewish representative of the City of London. Were the majority of the electors of the city Jews? By no means. They were Christians; but, through some cause or other, they had elected not merely once, or twice, or thrice, but year after year, a Jew to represent them in Parliament. He would, therefore, beseech their Lordships not to underrate the importance of the question—what mischief could a few Jews do in Parliament? A noble Earl (Earl Grey) had the other evening advised their Lordships not to put themselves in collision with the House of Commons, whether they were right or wrong. The unconstitutional nature of that doctrine had been most ably treated by the noble and learned Lord (the Lord Chancellor); but one portion of it had not been met. It had been said that danger was to be apprehended from their Lordships' House coming into collision with the House of Commons supported by the people of this country; and that statement had been repeated; but he maintained that the House of Commons was not supported by the country. What conclusion was to be drawn from that? No doubt, the people of this country were apathetic on the subject of the admission of Jews into Parliament. But why were they apathetic? Because they trused to their Lordships to save the Christianity of the country intact. If the people of England thought that the House of Lords would be deterred by any consideration from doing its duty, petitions would fly in much quicker than they had done. He found that the total number of

petitions in favour of the Bill was 50, and of signatures 2,793, while against the Bill 224 petitions, with 11,359 signatures had been presented. He, therefore, thought there was some reason for saying that the House of Commons was not supported by the people of the country in its determination to bring the Jew into Parliament. He would also refer to the speech of an hon. Gentleman in "another place"—a Gentleman of great talent, and possessing great means of acquiring knowledge on the subject (Mr. Bright) who had said that, compared with the zeal that was shown for the repeal of the church rates, a comparatively small number of people were anxious for the admission of Jews into Parliament. But to return to the speech of the noble Earl to whom he had alluded. It continued with the exhortation to their Lordships—"Do not come into collision with the House of Commons; and also, do not bring the House of Commons into collision with the courts of law." It struck him when he heard those words that they should have been addressed to the House of Commons, and not to the House of Lords. But if the House of Commons put themselves in a false position, was that something that they ought to do, was that any reason why the House of Lords should be deterred from doing that which they considered needful for the country? He felt compelled to protest against such a doctrine, and should certainly give his vote in favour of the Amendment of his noble and learned Friend (the Lord Chancellor), believing that in doing so he was not only maintaining one of the greatest principles of the British constitution, but also obeying the wishes and the feelings of the country at large.

Lord STANLEY of ALDERLEY said, he was unwilling that the debate should close before any Member on his side of the House had expressed his opinion. The party with which he was connected had for several years endeavoured to remove the obstacle to a Jew's admission into Parliament, and they looked upon this measure as the complement of the measures for the advancement of civil and religious liberty — the removal of the last disability from the statute book. The noble and learned Lord who commenced this discussion had put this question before the House as one of the highest principle, and said their Lordships would not be justified on any ground in agreeing to the Bill, because it would desecrate and unchristianize the Legislature. But what said the noble Earl opposite (the Earl of Derby) on the last occasion when this subject was before their Lordships? The noble Earl said that it was a question of principle; but that in practice they were to be guided, not by principle, but by expediency.

The Earl of DERBY expressed his dissent.

Lord STANLEY of ALDERLEY, in support of his assertion, quoted the following, as a report of the observations of the noble Earl on that occasion:—

"It is a question upon which we must act from principle, apart from all extraneous circumstances. I do not deny that there are times (and when they do occur they are much to be regretted) when the Legislature of this country may be disposed to sacrifice their own firm convictions, when great and fatal danger would attend an unflinching adherence to those convictions. That principle has been acted upon in former times, and it has guided the conduct of some of our most eminent statesmen, and amongst them the late Sir Robert Peel and the illustrious Duke of Wellington. I admit there are cases in which a sense of justice and right has been overborne by apprehended dangers from a persistence in our convictions; when there has been danger of collision between the two Houses of Parliament, of universal anarchy, of internal commotion, likely to ensue upon a determined adherence to our true opinion, then we have yielded. That feeling influenced the Duke of Wellington and Sir Robert Peel upon the occasion of the Roman Catholic Relief Bill, when they acted, not according to what they considered to be right, but in consequence of the formidable dangers with which the country was threatened had a different course been pursued. I say the same thing of your Lordships in the case of the Reform Bill, and of a large portion of your Lordships on the question of the abolition of the corn laws. Upon those occasions your Lordships gave up your opinions, which you considered to be abstractedly right, in consequence of the formidable dangers which were threatened by your persisting in acting upon them. But I venture to ask your Lordships what is the formidable danger or inconvenience which my noble Friend expects will follow upon a persistence of this House in their repeatedly expressed views upon the question." [3 *Hansard*, cxlvi. 1235.]

Such was the language of the noble Earl upon that occasion, and such was the chivalry which he inculcated. The claims of the Jews were to be resisted if they were weak; they were to be conceded if they were strong. Because the Jews, therefore, were good and peaceable subjects, loyal to the Queen and obedient to the laws, their just demands were to be resisted; but if Baron Rothschild were like Daniel O'Connell, if the city of London were like the county of Clare, and if there were danger of an insurrection, the noble

Earl would advise their Lordships at once to yield. The penalty, then, which was imposed upon those who were among the best subjects of Her Majesty, because they were weak, was to be excluded from that which, if they were powerful, they would easily obtain. They were peaceable or duly conservative citizens. They might have been turbulent democratic revolutionists. But there was no great Association in these days to urge their claims, as in the agitation for Catholic emancipation; no Birmingham Political Union, as in the time of the Reform Bill; there was no Anti-Corn-Law League, as in the struggle for the repeal of the Corn Laws; there was no organized machinery or appeal to popular prejudices, to influence the public mind or to exercise a pressure upon the Legislature. He asked their Lordships calmly to consider the position in which they were now placed; if it could be shown that there was danger and inconvenience in the course they were at present following, perhaps they might think it expedient to follow the advice which the noble Earl had before given them. It was now more than a quarter of a century since the other House of Parliament had declared its opinion that the time had come when all disabilities should be removed from our Jewish fellow-subjects. From that time to this the question had been repeatedly brought before them, and by continued and increasing majorities that opinion had been confirmed. For ten years, the citizens of London, the first constituency in the country—a constituency on whom the noble Earl proposed to confer the right of electing councillors for India—had thought fit to choose one of their own fellow-citizens of the Jewish persuasion to represent them in Parliament. Five times had that hon. Gentleman been elected—for ten years he had been entitled to sit in Parliament—and the answer to the noble Duke, who said that the people of England were apathetic as to the admission of the Jews to Parliament, was that for thirty years the representatives of the people had gone on expressing a decided opinion in their behalf, and that for ten years the citizens of London had continued to return a Jew to represent them. These were significant and important signs of the times; but were there no other indications at the present moment, similar to those which had preceded concessions on similar occasions? Had we not seen converts to his side of the question from day to day; and did not the noble Earl himself experience the inconvenience of open questions and a divided Cabinet on this question? Among the most distinguished advocates of the claims of the Jews at the present day was the noble Earl's Chancellor of the Exchequer. On one occasion, the noble Earl, speaking of the enormity of admitting Jews to Parliament, said, "Why, we might have a Jewish Chancellor of the Exchequer!" and now the noble Earl had for his Chancellor a Gentleman who never attempted to conceal, but rather gloried in the fact of his descent from a Jewish ancestry. Another Member of the Cabinet who supported the claims of the Jews was the noble Earl's own son (Lord Stanley), who inherited the talent and ability of his father, and his father's earlier and better political opinions. The first law officer of the Crown (Sir F. Kelly) was also in favour of the admission of Jews to Parliament; and the fourth, and most recent, as well as one of the ablest converts, was Sir John Pakington, the noble Earl's First Lord of the Admiralty. That right hon. Gentleman felt o strongly the danger of continuing to refuse this concession to the Jews, that he last year gave notice, that if all other constitutional means failed of introducing the Jews into Parliament, he would himself move that the Act of William IV., which enabled the courts of law to accept a declaration instead of an oath, should be applied to Parliament. A similar measure was in contemplation now; and, should their Lordships decide upon rejecting these claims, the matter would be brought immediately to an issue, and it could not be long before the other House of Parliament would be brought into collision with the courts of law and the House itself. For these reasons, he thought that the danger was not imaginary, and the inconvenience was not slight, of continuing to pursue the course that had hitherto been persevered in. This House had fulfilled one of its most important functions, it had delayed the passing of the measure for thirty years—it had prevented precipitate legislation—it had given time to calm consideration—it could not hope to present an eternal barrier against such repeated manifestations of the wish of the people; and he implored their Lordships, while there was yet time, and while they could concede with grace, to yield to the just claims of the Jew, for thus would they best maintain in the eyes of the

public that character and position which, for the best interests of the country, it was so desirable that they should ever maintain.

Viscount DUNGANNON: My Lords, it has seldom been my lot to listen to a more unfair and unconstitutional speech than that which has been just addressed to you. It entirely loses sight of the moral principle and the high and important grounds on which many of your Lordships persist in opposing the measure for admitting the Jews to seats in Parliament. The noble Lord (Lord Stanley of Alderley) has to a certain extent followed the noble Earl (Earl Grey), who addressed you a few nights ago upon this subject, because he tells your Lordships that, although there may be no immediate danger from the rejection of the Bill, still the time is not distant when danger may threaten you; and he endeavoured, in a manner which was neither fair nor, as I think, constitutional, to play upon the personal fears and apprehensions of your Lordships. It is not, however, upon this House that the responsibility will rest, if the other House of Parliament think proper to commit an illegal act, and place themselves in collision with the courts of law. In considering this question there is one point of which I can never lose sight, and which is to my mind, an unanswerable argument against this proposition. Each day your Lordships commence your proceedings with prayer, and supplicate a blessing upon your deliberations in the name and through the mediation of the Saviour of mankind, the founder of our faith, whom the Jews deny. Now, I would ask whether, if you repealed that portion of the law which requires every Member of the Legislature to profess himself a Christian, you will not render your prayers a farce, a solemn mockery, and an insult to the Supreme Being. As to the argument that this measure has repeatedly passed the House of Commons, it has no weight with me. It has been well observed by the noble and learned Lord on the woolsack, and who in such an able manner has moved the rejection of this clause, that if, after the other House of Parliament have knocked for three or four years at your doors with a particular measure, you are therefore to be obliged to pass it, whatever may be your individual opinions with regard to the merits of the Bill, then this House will become neither more nor less than the registry of the acts of the other House of Parliament. I trust that the day is far distant when such a state of things will come to pass. I have long made up my own mind on this question; and if I have ever entertained doubts, those doubts have all been removed by the masterly speech of the noble and learned Lord, and the able address with which we have been favoured by the noble Duke. I have often expressed the opinion which I still entertain, that in voting for this Amendment I am voting in accordance with the opinion of by far the larger portion of the population of the United Kingdom. I believe that if the population were canvassed, there would be a majority of twenty to one adverse to this measure, because they consider that the admission of the Jews to Parliament would tend to the overthrow of the foundations of the Christian faith, and to our ceasing to be a Christian community and a Christian nation. I trust your Lordships will, by a large majority, reject this clause.

Earl GRANVILLE, who rose amid cries for a division, said, he regretted to find that their Lordships would not listen to argument in a case where it was so desirable to have it. He was happy, however, to be able to inform them that he should not occupy their attention for more than a few minutes. The Lord Chancellor had complained how painful it was to him to have to go over ground which had been before so often trodden. If such was the feeling of the noble and learned Lord, the champion of the opposition to the emancipation of the Jews—for although this was the first time he had had an opportunity of addressing the House on the subject, hitherto he had addressed the other House in the face of constantly-increasing majorities, and might naturally have derived some advantage from the feeling that the majority of his present audience had on former occasions been supporters of his views; but if such were the feelings of the noble and learned Lord, how much more painful must it be to those who had so often addressed their Lordships on the subject. But even if this were not so, and this was a perfectly new question, he thought that the exhaustive speech of the noble and learned Lord who spoke second in the debate (Lord Lyndhurst) must have put the opponents of the clause completely out of court, and convinced their Lordships that both justice and policy required them to adopt it. He wished, however, to say one or two words with regard to the posi-

tion of the House. Very contrary opinions had been laid down that evening as to the constitutional duty of this House when proceeding in a course which was likely to lead to a difference between it and the other House. He believed the doctrine had been very clearly and correctly laid down in the extract from the speech of the noble Earl (the Earl of Derby) which had been read to the House by his noble Friend (Lord Stanley of Alderley). No doubt there were very many occasions when a resistance on the part of their Lordships to the decisions of the other House was of the greatest possible advantage to the country; more especially on occasions where the other House was backed up by the almost unanimous cry of the country. He believed that if in such a moment of excitement their Lordships had the moral courage to interpose a delay, they gave the other House and the country the advantage of reconsideration. He thought, however, it would be difficult and dangerous to the House if they were for a length of time to go on putting themselves in opposition to the wishes, not of one Parliament, but of successive Parliaments coming fresh from their constituents. It was said the House of Commons were supported in this matter by the people; if they were not, it was a proof that they required the sweeping Reform Bill advocated by the first law officer of the Crown, himself a supporter of the Jewish claims. He thought that if at any time they found it necessary to place their votes in opposition to the other House, they should take the greatest care that the grounds on which they relied were perfectly sound. They had that night heard no arguments about the danger or political inconvenience of the admission of the Jews. The noble Duke (the Duke of Marlborough) who spoke first, entirely dismissed the idea that the Jews were not excellent citizens; the sole ground of opposition was the general character of Christianity pervading our institutions, and that to admit the Jews would unchristianize the Legislature. The noble and learned Lord who had charge of the Bill had put a question which had been put before, and which was utterly unanswered. He asked if the nation was Christian, if the courts of law were Christian, if the colonies were Christian, although the Jews could act in all capacities in them, how could it happen that their admission to Parliament would at once unchristianize the Legislature? He believed the argument as to unchristianizing the Legislature was, as the noble and learned Lord had characterized it, monstrous and untenable. He did not wish to deal in any round or sounding phrase—he only wished to point out that they could not expect to stand well with the country if this was the only argument they relied on. The noble Duke who spoke second (the Duke of Rutland) told them this was a Christian country, because it had a Christian Sovereign, a Christian Legislature, and all the high offices filled by Christians. He would like to ask the President of the Board of Control whether he considered that the 180,000,000 of our Indian fellow-subjects who were under a Christian Sovereign, with a Christian legislature, and the high offices filled by Christians, were for that reason a Christian nation? His noble Friend near him had shown that it was no theoretical danger which threatened us in the position in which affairs were now placed, and he thought they had a right to expect from the noble Earl at the head of the Government that he should clearly point out the course and manner in which he thought this measure was hereafter to be dealt with. He hoped their Lordships would not be led away by any flattering recommendation to stand on their independence. Independent he hoped they would always be, but he also hoped they would act upon the prudent and judicious compromise which the noble and learned Lord had recommended. In the meantime he thought it would be for the advantage of the House and country if the noble Earl would state his views.

THE MARQUESS OF LONDONDERRY said, it was remarkable that of all those right rev. Prelates to whom their Lordships were wont to look for lessons of improvement, instruction, and guidance, not one of them had addressed a word to their Lordships about the morality or the immorality, the propriety or the impropriety, of admitting Jews to Parliament. Let it not be said that this measure would unchristianize the Legislature, or that their prayers would become a farce if a Jew were admitted to the House, without some Member of the right rev. Bench rising to give his opinion on the question. For his part he would not allow his religion to be guided by statesmanship, neither would he receive lessons on this subject from any Peer till he had heard from those who ought to instruct him and this House what was their opinion on the matter. For his own part he felt for the Jew, and he felt for every man who was excluded by his

religious opinions from sharing in political privileges; and that feeling would widen and extend—day by day the nation would perceive more clearly the anomaly of excluding from the Legislature men who discharged every office for which they were eligible with propriety and efficiency. Though he might be excluded for the present, he felt that not only would the Jew become a Member of the other House of Parliament, but when the fulness of time should come he would be a Member of their Lordships' House. He believed the Jewish people were under peculiar guidance, as had been sung by the poet—

> "By day along the astonish'd lands
> The fiery pillar glided slow;
> By night Arabia's crimson sands
> Return'd the fiery column's glow."

Under the same guidance he believed the Jew would be brought to become a Member of their Lordships' House. He was sure that the Jews had been, and that they would be again, God's chosen people. Their Lordships might do as they would—they would act according to their own judgment—it was sufficient for him to have the honour of standing up and recording his protest against this attempt to exclude the Jew from his political privileges.

THE BISHOP OF CASHEL: My Lords, I rise to answer the appeal which has just been addressed to this Bench by the noble Lord. I wish to say that, in voting against the clause for admitting the Jews, I am actuated by no unkind feeling towards them. I love them, and have perhaps a greater regard for them than many of those who vote for their admission to seats in the Legislature. I feel, I hope, towards them in the same spirit as the Apostle, who said they were enemies for the Gospel's sake, but beloved for their father's sake. They are the children of Abraham, but they are degenerate children who walk not in the steps of their father. It was said by our Lord himself that Abraham "rejoiced to see his day, and he saw it and was glad;" but the degenerate children of Abraham, in the day of the Saviour's humiliation, cried out, "Crucify him, crucify him!" and the Jews of the present day show themselves the true children of their fallen fathers, by blaspheming that holy name and speaking evil of Him whom Christians love. I cannot, therefore, agree that they ought to be admitted to the Houses of Parliament. We have the authority of the beloved Apostle of the Lord,—"If there come any unto you, and bring not this doctrine, receive him not into your house, neither bid him God speed." There is another reason why I cannot do so. It was declared from the earliest times, as the distinguishing character of the Jews,—"The people shall dwell alone, and they shall not be reckoned among the nations." They well stand among the nations of the earth as a separate people. I agree with the noble Lord that the Jews will again become the people of God; but that will not be till they, being converted to the faith of Christ, are brought to say,—"Blessed is He that cometh in the name of the Lord." Then the prophecy will be fulfilled,—"The men of other nations will lay hold upon the skirts of him that is a Jew, and will say, We will go with you, for we see that God is with you." That will be at the time to which the noble Marquess refers—the time of the conversion and restoration of Israel and Judah; but then the Jew will not seek to come to you; but those among you that shall be believers in the Lord Jesus will desire to join yourselves to the Jew, and have a share in that kingdom which shall be established on the throne of David. There is yet another reason for not consenting to that clause which shall admit them into Parliament. I believe that a good Jew would not come into this House. I believe so because, on that memorable occasion when their fathers cried out, "Crucify him, crucify him," it is written that they went not into the Roman Judgment Hall lest they should be defiled, but that they might eat the passover; but Pilate went out unto them. So I believe that a good, honest, conscientious Jew would not enter into your Lordships' House or the other House of Parliament. I have no doubt that the mere money-changing, money-brokering Jew would come in; but, to admit such, I am not willing to be a party to withdrawing the profession of the Christian faith. It is a remarkable fact that not a single petition has come from the Jews themselves, asking for admission to seats in Parliament. As the noble Marquess has called upon the right reverend Bench for an opinion on this question, I have thought it my duty to say these few words, and I thank the House for the patience with which it has heard me.

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Amendment *agreed to;* Clause struck out.

Clause 6 (Persons professing the Jewish Religion to make declaration in certain Cases).

THE LORD CHANCELLOR stated his intention to reserve his opinion upon this clause until the bringing up of the report.

After a few words from Lord CAMPBELL,

THE EARL OF DERBY said, he had no wish to throw any unnecessary difficulties in the way of the measure as it now stood. If his noble and learned Friend (the Lord Chancellor) saw any objection to the principle contained in the present clause, he would state it on the bringing up of the Report.

Clause *agreed to.* Clause 7 *agreed to.* Clause 8 *struck out.*

Report of Amendments to be received on *Thursday* next.

House adjourned at a quarter-before Ten o'clock, to Thursday next, half-past Ten o'clock.

HOUSE OF COMMONS,

Tuesday, April 27, 1858.

Minutes.] Public Bills.—1° County Franchise; Weights and Measures.
2° Poor Law Amendment; Chelsea Hospital (Purchase of Lands).

CORRUPT PRACTICES PREVENTION ACT.

QUESTION.

Mr. CROSS said, he would beg to ask the Secretary for the Home Department, whether it is the intention of Her Majesty's Ministers to take any steps towards extending the provisions of the Corrupt Practices Prevention Act to Municipal Elections?

Mr. WALPOLE said, the Corrupt Practices' Prevention Act with reference to Parliamentary Elections was now at that moment under his consideration, and he was endeavouring to amend that Act. The result of several Election Petitions last year had induced him to think that, what occurred in the course of those petitions might suggest Amendments which might be introduced into the Bill; and, therefore, if the House would allow the subject to stand over for ten days or a fortnight to consider such Amendments, he would lay a Bill on the table. Having done so, he should propose to refer the Bill to a Select Committee, as had been the case before, and it would then be brought down to the House for their consideration. He saw no reason why the provisions of the Bill should not be extended to Municipal Elections, but he thought it better to put the Act respecting Parliamentary Elections into a satisfactory shape before they applied it in the way suggested by the Member.

THE ENFIELD RIFLE.—QUESTION.

General CODRINGTON said, he would beg to ask the Secretary for War, whether it is true that some of Her Majesty's Regiments of Infantry in the East Indies are still armed with the old smooth-bore musket; and if so, what has caused the delay in changing those arms for the Enfield Rifle, which has long been issued to the rest of the army, both at home and abroad?

General PEEL said, that every one of the regiments sent from this country in 1857 had been furnished with the Enfield Rifle. The regiments which were serving in India previous to 1857, were originally furnished with a smooth-bore musket; but there had been sent out last year 35,000, and up to the 19th of the present month 82,000 rifles for their supply, a number quite sufficient for the arming our troops in India. Of course the distribution of those rifles depended entirely on the East India Company, and, it having been reported to the War Office that some of the regiments still retained the smooth-bore muskets, Lord Panmure had called the attention of the Company to the fact and requested that all Her Majesty's regiments in India might be furnished with Enfield Rifles. Considering the large supplies of this weapon which had been sent out, he hoped that every one of Her Majesty's regiments would now be armed with it.

General CODRINGTON said, he wished to know whether the House was to understand that some of Her Majesty's regiments still retained the old smooth-bore musket at the present moment?

General PEEL replied, that previous to 1857 they had, but since that time the number of rifles he had mentioned had been sent out, which would be quite sufficient for the supply of all Her Majesty's regiments now in India. The distribution of these rifles, as he had stated, depended entirely upon the East India Company.

THE PALACE OF WESTMINSTER.

QUESTION.

Viscount INGESTRE said, he wished to ask the Chief Commissioner of Works, whether his attention has been called to a memorandum left in his office by the late Chief Commissioner of Works, with reference to the unsatisfactory Estimate sent in by Sir Charles Barry for the completion of the Works at the Palace of Westminster, and whether any and what determination has been come to on the subject?

Lord JOHN MANNERS said, his attention had naturally been called to the memorandum in question, and he had lost no time in communicating on the subject with Mr. E. Barry, who was acting on the part of his father, then suffering from ill-

ness. In consequence of those communications, details and estimates had been sent in for the entire completion of the Palace of Westminster. Those estimates had been submitted to the Treasury, and in a few days would be in the hands of Members.

NAVAL RETURNS.—QUESTION.

SIR CHARLES NAPIER said, he would beg to ask, when the Returns of the Money saved in Wages by paying off eight Line-of-battle ships in the spring of 1857, of the expense of refitting the ships *Duke of Wellington, Exmouth, &c.*, and of the number of Continuance-Service Men in the Fleet on the 1st day of January 1857, will be laid on the table?

MR. CORRY was understood to say, that the Returns referred to by the hon. and gallant Gentleman would be ready by Monday next.

DENMARK AND THE DUCHIES.

QUESTION.

MR. WISE said, that several documents had appeared in the German newspapers on the subject of his question, and he therefore begged to ask the Under Secretary for Foreign Affairs whether he will lay upon the Table a Copy of the Report made in May, 1857, by Consul General Ward, of Leipsic, to the British Government on the differences which had arisen between the Duchies and the Kingdom of Denmark; as well as a copy of any Observations or Reply communicated by the Danish Ministry to Her Majesty's Government in reference to the said Report?

MR. SEYMOUR FITZGERALD said, the subject was one which excited the greatest interest throughout Denmark and Germany, and it was also one on which Her Majesty's Government, and probably the other Powers of Europe might be called upon to express an opinion. The paper referred to by the hon. Gentleman was a Report which Consul General Ward was requested to draw up in order that it might be confidentially considered by the Government; and the hon. Gentleman would no doubt see that upon a matter of this European importance, which was still pending, and as to which Her Majesty's Government might have to adopt a particular line of policy, it was not for the convenience of the public service that a confidential Report of this nature should be published to the world, as it would be if laid on the Table of the House. The hon. Member said that documents had appeared in the German papers in reference to this subject. He (Mr. S. FitzGerald) was informed that that was the fact; but as these documents had not appeared *in extenso* it would be understood that good reasons existed for the reserve which had been exercised. As regarded the latter part of the question he had only to inform the hon. Member that Mr. Ward's Despatch had been confidentially communicated to the Danish Government, but that no further communication had passed respecting it.

MILITIA CAPTAINS.

QUESTION.

LORD BURGHLEY said, he wished to ask the Secretary for War whether the Government will make some allowance to the Captains of the sixteen disembodied regiments of Militia to compensate them for the losses they must sustain by their not being able to recover the debts from their Companies in consequence of their regiments being suddenly disembodied?

GENERAL PEEL said, it was his intention to follow the precedent set in former cases on this subject, and he found that it was not the custom to make any allowance to Captains of disembodied Militia regiments to compensate them for the losses referred to.

CHURCH RATES.—QUESTION.

SIR JOHN TRELAWNY said, that on behalf of many hon. Members who took a great interest in this question, he would beg to ask the right hon. Gentleman the leader of the House to reconsider the determination he had expressed not to give a day for the discussion of the church rate question.

THE CHANCELLOR OF THE EXCHEQUER said, he really could not, with a fair regard to the progress of public business, give a day for the discussion of church rates or of any other subject. On Thursday, however, he should propose to the House, that on and after the 13th of May (Thursday fortnight), Orders of the Day should take precedence over Notices of Motion; and in that case it would be open to hon. Gentlemen to make this an Order of the Day, which would, he trusted, afford the hon. Member the opportunity he desired.

THE *CAGLIARI*.—QUESTION.

LORD JOHN RUSSELL: I wish, Sir, to ask a question respecting a matter of

very considerable importance which has appeared several times on the Notice Paper. I mean the Motion with reference to the *Cagliari*, and the conduct of this country towards Sardinia. As the question is one which affects the honour and character of this country, I think the discussion upon it should not be long postponed. At the same time I feel that it would be unreasonable to ask the Government to give up at present any of the days which are devoted to Government orders. But it appears to me that on Tuesday next no notices are given of very urgent business; and, therefore, seeing that my hon. Friend the Member for Middlesex (Mr. Byng) has the first notice on that day, I venture to request him to postpone that notice, should the House agree then to consider the Motion of the hon. Member for Bridgewater (Mr. Kinglake) respecting the *Cagliari*.

Mr. BYNG said, he would beg to state in reply to the suggestion of the noble Lord, that he should have much pleasure in postponing the Motion which stood upon the paper in his name for Tuesday next, in order that the important subject to which the noble Lord had referred might be brought under the notice of the House. He must, however, remind the noble Lord that he should feel it to be his duty to take that course only in case the hon. Member for Cork and the right hon. Gentleman the Member for the University of Oxford, in whose name notices for the day in question stood upon the paper, should also consent to give way upon that occasion.

STADE DUES.—QUESTION.

Mr. HUTT said, he wished to ascertain from the right hon. Gentleman the President of the Board of Trade—he having announced it to be his intention to nominate a Select Committee to inquire into the operation of the Stade Dues—when the *accouchement* might be expected to take place.

Mr. HENLEY said, that although he had been unable to hear distinctly the question which the hon. Gentleman had put to him, he supposed it referred to the nomination of the Committee upon the Stade Dues. If that were so, he begged to assure the hon. Gentleman that he should have moved that Committee that evening had he not been anxious to send the order of reference in the first instance to the hon. Member for Stoke (Mr. J. L. Ricardo) for his consideration. He had sent the order to the hon. Member on the previous day, and, not having heard from him that he disapproved the terms in which it was couched, he should have no hesitation in moving the appointment of the Committee to-morrow.

Mr. J. L. RICARDO said, he felt very much obliged to the right hon. Gentleman for having taken the trouble to send him the order of reference, but he had unfortunately never received it.

ADMINISTRATION OF JUSTICE.

COMMITTEE MOVED FOR.

Mr. M'MAHON said, he rose to move for a Select Committee to inquire into the expediency of further improving the administration of justice, by increasing the number of assizes for civil business in the several counties of England and Wales. At present there was an extraordinary inequality between the mode of administering justice in London and in other parts of the country, for while there were ninety-six sittings in London and Middlesex in the course of the year at which causes might be tried, there were only two in such counties as Stafford, Gloucester, and Lancashire. All the great provincial towns were now placed in exactly the same position with respect to the administration of justice in which they had stood before the passing of the Reform Bill in relation to political representation. To prove to the House how very unequal, as well as inconvenient, was the working of the system under the operation of which that state of things prevailed, he might mention the fact that while a person residing at the Middlesex side of Westminster-bridge was afforded an opportunity of having an inquiry instituted into a question of injury done to his real property sixteen times in the year, a person living upon the Surrey side would have that question tried only upon two occasions. So great, indeed, had the grievance arising from the anomalies of the present system been found to be that various remedies for it had been devised—among others the establishment of County Courts, which tribunals had, however, failed to give that amount of satisfaction in that regard which the country was entitled to expect. The establishment of a winter assizes had also been found to be but a very partial remedy for the inconveniences to which he adverted, and he might add that the Committee of the Incorporated Law Society had stated it to be its opinion

that the true remedy for those inconveniences was to be found in a measure giving the same facilities for bringing on cases for trial in the country as now existed in London. Mr. Gordon, Master of the Common Pleas, had also published a pamphlet, urging the expediency of adopting that course, and the *Law Review*—the organ of the law reformers—had in two articles advocated a precisely similar policy. He might also state that the law societies of Manchester, Hull, Plymouth, and Liverpool had all expressed themselves as being strongly in favour of having three assizes in the year, and the only law society, he believed, which had not approved that proposition, was that of Devon and Exeter. An objection had been raised to this course on the score of the additional expense it would entail on the country, but he did not imagine that it would be so great as had been supposed, inasmuch as it would, in his opinion, be unnecessary to appoint in consequence an additional number of Judges, and if the expenses of jurors should be increased there would, on the other hand, be speedy justice and prevention of delay in the settlement of mercantile disputes. The hon. and learned Member for the Tower Hamlets (Mr. Ayrton) had moved for a Committee to consider the expediency of establishing Tribunals of Commerce. Now, he thought that it would be better to improve the old courts than to establish new ones. The County Courts had already cost £100,000 a year, and in respect to Tribunals of Commerce, the best that could probably be said of them would be what was said of the old Courts of Requests, that persons would get a great deal of injustice for very little money. The adoption of the course he advocated involved no novel principle, inasmuch as the Great Charter which had been passed in the reign of King John provided that writs of assizes should be issued four times in the year, while in the reign of King Edward I. it had been twice expressly enacted that assizes should be held annually three times. Another point which was well deserving of consideration was the great distances which persons now had to travel in order to reach their assize towns — in some instances no less than eighty miles. In order to meet that inconvenience a suggestion had been made to divide counties. That plan was no novelty, for it had already been adopted in respect to Lancashire, which now possessed two assize towns, and a further division had been proposed in order that Manchester business might be disposed of upon the spot. If that proposition were carried out it was estimated that the cost of building courts, even to the extent of £50,000, would be saved in one year by the reduction of expenses. Then, again, the great county of Yorkshire, with a population of 1,800,000, had but one assize town, and the inhabitants of the West Riding, numbering 1,325,000, were compelled to go to York to dispose of their law business. Out of the 1,325,000 inhabitants of the West Riding, only 72,000 were nearer to York than to Wakefield, which had been suggested as an assize town, and 736,000 were more than thirty miles, some fifty-five miles from York. There were other counties, Warwickshire and Staffordshire for instance, which required division, and altogether the subject was one which was entitled to consideration. He had no objection to adopt the Amendment notice of which had been given by the hon. and learned Member for Knaresborough (Mr. Collins) that after the word "assizes" in his notice of Motion there should be inserted the words "and assize towns," and that after the word "civil" there should be inserted the words "and criminal," and therefore he should move

A Select Committee to inquire into the expediency of further improving the Administration of Justice by increasing the number of assizes and assize towns for civil and criminal business in the several counties of England and Wales.

MR. HADFIELD seconded the Motion.

Question proposed.

MR. COLLINS said, that as the hon. and learned Gentleman had adopted his Amendment, it would be unnecessary for him to detain the House on the subject, further than to say that, in giving his notice, he had merely followed the words of the Royal Commission which was issued about a year ago. The condition of Yorkshire alone was a proof that some change was necessary, the inhabitants of the West Riding being especially interested in the adoption of some more convenient arrangements than those at present existing. The population of the West Riding is nearly one million and a half, and 19-20ths of this population live within a circle of fifteen miles of Leeds and Wakefield, and are distant an average of thirty-five miles from York. I am at a loss to say what reasons can be assigned for carrying this vast population out of the West Riding into another. South Lancashire, with a smaller

population, and a much smaller area was to be subdivided, and why not Yorkshire. This change had been recommended by a Judicial Commission as far back as 1834, and two of the Judicial Commission last year had reported in favour of a separate assize at Wakefield in the West Riding; and I, for one, would prefer to support the view maintained by my right hon. Friends the Member for Droitwich and South Lancashire to that held by the judicial part of that Commission. It might be said, indeed, that the grand juries had on several occasions passed resolutions in favour of retaining York as the sole assize town for the county; but I don't think much weight should be given to this. The grand jury come for the week and enjoy themselves, and return not, nor wish to do, to their own homes at night. York possesses a pleasant club as every Yorkshireman knows, pleasant walks by the river's bank and pleasant societies, and both to bar, and bench, and magistracy, is a more pleasant place of sojourn than manufacturing towns like Leeds or Wakefield. To the petty jurymen, however, to witnesses, and parties generally, any plan that would reduce the distance they had to travel, and enable them to return to their homes at night, would be a great boon. He hoped that something would be done, and that the House would not be satisfied simply with the opinions of the Judges upon this point, but that Her Majesty's Government would pay that attention to the opinions of their colleague the right hon. Baronet the Member for Droitwich, and to that of the Member for South Lancashire, which such opinions eminently deserved.

MR. WALPOLE said, that before the House assented to the Motion for the proposed Committee they ought to consider whether it was necessary or desirable that they should obtain any further information upon that subject. The hon. and learned Gentleman who had made the Motion had directed their attention to the Report of the Commissioners who had been appointed to inquire into the common-law judicial business. Now a Commission was issued—

"For the purpose of inquiring into the present arrangements for transacting the judicial business, civil and criminal, of the superior Courts of common law in England and Wales, and also into the times and places at which assizes are now holden, and as to the division of the country into circuits; and to report whether any changes can be made by which such business may be transacted with greater convenience and at less expense; and also whether any reduction may be made in the present number of the Judges of the said courts without detriment to the public service."

The House would therefore see from the directions given to the Commission that the inquiry which they instituted was, in point of fact, of a far more extensive character than that contemplated by the Motion before the House. The inquiry of the Commissioners was not only more extensive than that now proposed, but, with great respect for hon. Members of that House, he doubted very much whether the Report of a Committee of the House of Commons would carry with it greater weight than the recommendations of the Royal Commissioners. On that Commission were the Lord Chief Justice, Viscount Eversley, Lord Wensleydale, Sir Cresswell Cresswell, Baron Martin, his right hon. Friend the First Lord of the Admiralty, Sir J. Pakington, Mr. Wilson Patten, and the Under Secretary for the Home Department, Mr. Waddington, of whom he would take that opportunity to say that a more able public servant, or one better acquainted with the special subject under discussion, did not exist. It was a pleasure to him (Mr. Walpole) to make that public acknowledgment of the hon. Gentleman's services. As, then, the inquiry by the Commissioners had been of the most extensive character, and been conducted by men of the greatest knowledge and experience, was it likely that the House could obtain, through the medium of a Committee, any further information to enable them to deal with this subject? He doubted very much that they could. The object of the hon. and learned Gentleman's Motion being to increase the number of assizes for civil and criminal business in the several counties of England and Wales, he (Mr. Walpole) was confident that that could only be obtained by a large increase of the judicial staff, and he wished the House to consider what would be the consequences. If they were to have more assizes for the transaction of civil and criminal business than at present, they would greatly curtail the important business which was transacted in London, and impose upon the Judges a greater amount of labour than they could get through with anything like satisfaction. The Commissioners stated in their Report that they should have been better satisfied if arrangements could be made for holding an assize three times a year in every important assize town, but they were satisfied that, owing to the number of Judges that would be called on to leave their town duties for that purpose, this object could not be effected without very serious incon-

venience to the public, which would more than counterbalance any advantages to be derived therefrom by the particular localities. The House could only get over that difficulty by increasing the number of Judges, and against any arrangement of that nature he was sure his right hon. Friend the Member for the University of Oxford would seriously set his face. But, independently of that, he wished the hon. and learned Gentleman (Mr. M'Mahon) to consider whether the addition he had suggested to the number of assize towns was really required at the present time. Thirty or forty years ago the case was very different. The means of communication were then much less than they now were. They had not then established County Courts all over the kingdom. The whole of the business at that time was much delayed by the want of facilities for rapid communication, and by the want of more circuits; but he doubted whether they would improve the administration of justice by laying down a general rule that they were to have three circuits for civil and criminal business all over the kingdom. With regard to the criminal business of the country, it would be within the knowledge of the House that special Commissions were issued in the winter for the transaction of that part of it which lay in the northern counties whenever the state of the business to be transacted called for such a course. He stated the other day, when a question was put to him on this subject, that the adoption of the recommendations in the Report of the Commissioners materially hinged on the success of a Bill which had been introduced by the corporation of Manchester to enable them to hold assizes in that city. When it was seen how that arrangement worked the House would be in a position to consider whether Wakefield or Leeds should be added to York as an additional assize town, or whether those towns should claim the right to have assizes holden there in lieu of York. Taking all these things into consideration, he thought the best course to take was to go over the Report of the Commissioners, and see how far, by acting on the recommendations contained in it, any defects in the administration of justice were likely to be supplied, and how far the objections taken by the hon. and learned Gentleman could be removed. For the reasons he had given he did not think it expedient to grant the Committee.

Mr. HADFIELD said, that as the Commission had conceded the principle of the Motion before the House, he could not see why the right hon. Gentleman had objected to it. If the rule was to be that the additional assize depended upon considerations of the area and population of a district, he was at a loss to conceive why a concession was refused to Yorkshire which had been granted to Lancashire, as the case of Yorkshire was much stronger. Sheffield, which was at such a great distance from York, contained more people than some counties, and he could cite numerous cases in which injustice had been done, in consequence of the expense of bringing the necessary witnesses to the assize town. He did not think that to effect the alteration asked for any increase in the number of Judges would be necessary. Formerly there were only twelve Judges, now we had fifteen, and in the Common Pleas there was not half business for the Judges of that Court. The true principle on which they ought to act in all these matters was to bring justice as much as possible home to every man's door.

Viscount GODERICH said, he was glad to hear the right hon. Gentleman the Secretary of State for the Home Department say he was not disinclined to consider the claims of the West Riding. He must say, on behalf of his constituents, that they were little inclined to acquiesce in the Report of the Commissioners in so far as it affected them; and the inconveniences to which the West Riding was subjected had been so clearly proved by the hon. and learned Member for Wexford (Mr. M'Mahon), that he had nothing to add to his observations except that he entirely concurred in them. With regard to the proposition of Wakefield being removed from the Northern Circuit, and attached to the Midland, he should prefer to hear the right hon. Gentleman (Mr. Walpole) say he would agree to grant this Committee rather than that he would consider the question when the time came for carrying into effect the recommendations of the Commissioners. As to the expense, the right hon. Gentleman seemed to fear that to incur it would bring down upon him the censure of the right hon. Gentleman the Member for the University of Oxford; but he should remember that the good administration of justice was a thing superior to all considerations of expense, and with regard to the West Riding of Yorkshire it was next to impossible this could exist without the establishment of a a separate assize.

Sir GEORGE GREY said, he consi-

dered the question now before the House was not whether the recommendations of the Commissioners should be implicitly adopted, but whether an inquiry with a view to certain alterations in the present system should be granted or not. With respect to this, he thought that the reasoning of the right hon. Gentleman opposite (Mr. Walpole) was entitled to great weight. It was highly inexpedient to have a Committee to inquire into facts which were sufficiently known already through the Report of the Commission. Many memorials were presented to that Commission and to the claims of the memorialists the closest attention was paid, and a variety of important recommendations made regarding them. They expressed an unanimous opinion that it was inexpedient to have three assizes uniformly throughout the country, but recommended that a third assize should be held for criminal business in cases where a gaol delivery might be advisable during winter, and they also recommended that in Yorkshire and Lancashire a third assize for civil business should be established; and, in consequence of that recommendation, he believed that assizes had been held in some twenty counties during the course of last winter. He did not understand the right hon. Gentleman the Home Secretary to say that the Government would consider itself bound by the recommendations of the Commission though he considered these were entitled to the highest respect and ought to be carried out in so far as that could be done. He thought, under all the circumstances, that there was no necessity for the inquiry proposed by the hon. and learned Member for Wexford.

Colonel SMYTH said, he hoped the Select Committee would not be granted. As far as regarded Yorkshire, the county with which he was connected, he could fairly say that the distances which witnesses had to travel to and from the assize town was a matter of very small importance in these railway days; and it was scarcely necessary for him to state that not a single witness need sleep at York. In addition to that he did not think that any town in the West Riding was at present prepared to supply the necessary accommodation to the Judges, barristers, and witnesses, and all those who attended the assizes.

Mr. BRIGHT said, that, as the hon. and gallant Gentleman opposite (Colonel Smyth) had the honour of representing the City of York, there was no great difficulty in understanding why he objected to the Motion before the House; but he was surprised that the hon. and gallant Gentleman did not see that a great case was made out with regard to the town of Wakefield and its neighbourhood. He (Mr. Bright) had received a letter that very morning from a magistrate at Wakefield, independently of a document forwarded to him in common with every other hon. Gentleman in that House, setting forth in a forcible manner the claims of the West Riding to have a third assize. Now, it would appear that the country was perfectly well satisfied with the experiment which had been tried with reference to Lancashire, and they were about to extend it. Well, then, if Manchester had made out a case for itself, was not the claim of the West Riding much stronger? He (Mr. Bright) was not competent to say which was the best town in the West Riding, although no doubt Wakefield was the capital of the Riding, and probably would be chosen when any change came to be effected. At present, a poor man committed to take his trial at the assizes—and poor men formed the bulk of persons charged with crime in our courts of law—was sometimes obliged to bring his witnesses from one end of the county to the other, and it therefore stood to reason that his chances of acquittal were fewer than they would otherwise be. This threw great difficulties in the way of a man proving his innocence, and was one of the greatest hardships to which the citizens of any country could be subject. In his opinion there was no necessity for a Committee, because the facts of the case were patent. The change which had worked so advantageously in Lancashire the people of the West Riding must necessarily acquire, and he thought they had an absolute right to ask the Government to make it for them. The only result of a Committee would be to produce a vast blue-book without making the case a bit stronger than at present, and he would therefore ask the hon. and learned Gentleman not to press his Motion to a division, but rather let the inhabitants of a district, where a necessity for a change in the periods of holding the assizes was felt, bring their claim before the Home Office, and, if necessary, before Parliament.

Mr. CHARLESWORTH said, that as the representative of the borough of Wakefield, he begged to express his thanks to the hon. and learned Member who had brought this question forward. There would be great convenience in selecting the town of Wakefield for the assizes of the

West Riding. Lancashire had two assize towns already, and was about to have a third. The principle had also been acknowledged by the Government in the Probate and Registration of Wills Act. A court was held at Wakefield under this Act, which had been the greatest boon ever granted to the inhabitants of the West Riding. He hoped that the Government would bring forward some measure for the more easy and convenient administration of justice in counties.

THE ATTORNEY GENERAL did not wish to prolong the debate, but the House would not fail to observe that, while the Motion of his hon. and learned Friend the Member for Wexford related to the administration of justice in England and Wales, the question had been debated almost exclusively in relation to the West Riding of Yorkshire. The noble Lord (Viscount Goderich) might rest assured that when the Report of the Commission came under the consideration of the Government, due regard would be paid to the claims and interests of the West Riding. He doubted whether any evidence could be delivered before the Select Committee which would not be found in the Report and appendix of the Commission. A question had been raised whether the county of York should not be taken from the Northern Circuit and thrown into the Midland Circuit, so as to necessitate a redistribution of the counties composing the present circuits. He wished also to remind the House that, with regard to the only two counties in England that had been mentioned in the debate, the Report of the Commission recommended that provision should be made at the winter assizes for the administration of justice in civil as well as criminal causes. No one had suggested any inconvenience in any other county in England except York and Lancaster, and they had been provided for by the Report of the Commission.

MR. BOWYER said, he was anxious to see a third assize established all over the country for criminal business; and in proof of this, he called the attention of the House to the hardship of the case of those prisoners who, committed in the month of August, might have to remain in prison six months waiting for trial in consequence of the present system. He looked upon the administration of justice by assize courts as one of the last relics of barbarism, and thought we were approaching the time when we should see a far greater extension of the system of local courts. Those who had any experience in assize courts would be able to tell the House how the arrangements were made and what were their consequences. The Commission days for the various towns were struck in London, and if at any particular place a heavy case came on for trial, it was either made a remanet or else it deranged the whole business of circuit. In consequence of the present system, many causes were hurriedly tried, while in others suitors were put to enormous expense in having to conduct their cases before a referee—generally some barrister who had no practice, and who was inferior in experience to the County Court Judges. He believed that the House must look to a further development of the system of County Courts, and that the remedy must go a great deal deeper than his hon. and learned Friend had contemplated in his Motion.

MR. BEECROFT observed, that although a great deal had been said about Wakefield, he would maintain that Leeds ought to be the town selected fer the assizes of the West Riding. It was more convenient, and its population alone entitled it to the preference, while it had other claims to be selected.

MR. AYRTON said, that although he did not approve the system upon which assizes were at present conducted, he could not support the proposal of the hon. and learned Gentleman for the appointment of a Select Committee. The Report to which the right hon. Gentleman (Mr. Walpole) had referred contained all the information which was necessary for the formation of a correct judgment on this subject. He conceived, however, that the matter was one which could not be determined by such an inquiry, but that it was purely a question of practical administration which ought to be decided by the executive Government. He concurred with his hon. and learned Friend below him (Mr. Bowyer) in the belief that the prompt administration of justice would be greatly promoted by the development of those local tribunals which had been recently established.

MR. MELLOR observed, that he entirely concurred in the reasons of the right hon. Gentleman the Secretary of State for the Home Department for declining to assent to the appointment of the proposed Committee. They had already abundant information before the House. The Report which had been referred to contained the evidence of law officers of all descriptions, such as clerks of the Crown, clerks of assize, and other persons who were familiar with assize business, and it appeared from their statements that the expediency of establishing additional assizes should be dependent

upon the general convenience of the inhabitants of the districts, and the cost with which such arrangements would be attended. It seemed that in one circuit there were five large and important assize towns, in which the average number of causes tried was not more than five or six at each assize. He therefore thought that there were but few places where additional assizes were needed, and that the establishment of even these should depend upon special requirements, which might, from time to time, arise. The Committee would multiply expenses, and would prove, he believed, entirely useless.

MAJOR EDWARDS expressed his general concurrence in the views of the noble Member for the West Riding, and hoped the Secretary of State for the Home Department would give this subject his serious consideration. He could state that in Yorkshire great annoyance, dissatisfaction, and expense, were occasioned by the circumstance that witnesses and attorneys were compelled to resort to the assizes at York from the remotest districts of that extensive county. The hon. Member for York had alluded, and very properly, to the great advantage derived by the public from the facilities afforded by railway trains, in which he quite concurred; but against that, he omitted to mention that a taxing officer was now appointed by Government, and that the costs allowed by him to witnesses, attorneys, and counsel, are reduced to so low a scale as to be utterly inadequate to cover inevitable expenses, and as a natural result, more especially in criminal cases, no encouragement being held out to the police and parties aggrieved to do their duty, the ends of justice were not unfrequently entirely defeated.

MR. POWELL remarked, that he was convinced that, under the present system, the assize business was frequently conducted in a very hurried and unsatisfactory manner.

SIR JOHN WALSH observed, that one part of the Report of the Commission was against much of the evidence, and he would, on a proper occasion, be prepared to prove that such was the case. He agreed in the principle that it was desirable to extend the administration of justice according to the population, but in the Report it was proposed to give additional facilities at the expense of the Principality of Wales, which would be unjust and a very great hardship upon Wales.

MR. M'MAHON, in reply, expressed his belief that it was the opinion of all hon. Gentlemen who had studied the evidence that there ought to be three assizes within the year, and also a division of counties for the better administration of justice; but the Report of the Commissioners was altogether at variance with the information contained in the blue-book. The Law Society had expressed their decided opinion that there ought to be three assizes in the year, and that opinion was shared by all the solicitors who had been examined before the Commission.

Question,—

"That a Select Committee be appointed to inquire into the expediency of further improving the Administration of Justice, by increasing the number of Assizes and Assize Towns for Civil and Criminal business in the several counties of England and Wales,"

Put and *negatived.*

MASTERS AND WORKMEN.—LEAVE.

MR. MACKINNON said, he rose to call the attention of the House to the Report of the Select Committee of 1856, appointed to inquire into the expediency of establishing equitable tribunals for the amicable adjustment of differences between masters and operatives, and to move for leave to bring in a Bill to enable masters and workmen to form Councils of Conciliation and of Arbitration. The subject had been for many years brought before the notice of Parliament, and was one of very considerable importance, because it was the general impression that, if such a measure as he suggested were carried out, one of its effects would be to put an end to the frequent disputes which took place between workmen and their employers, which disputes too often terminated in "strikes." These strikes were often of the most lamentable character, and attended with the most disastrous consequences to all involved in them. During the Preston strike, the loss to the operatives was calculated at between £50,000 and £60,000; the loss to the masters was enormous; and the poor tradesmen who supplied the workpeople with necessaries, and who were, of course, entirely innocent of all connection with the strike, were also great sufferers. There was great hope that these calamitous events would be prevented by meetings of delegates from the operatives and the masters, at which the whole of the circumstances on either side might be gone into, and the case settled on principles of justice to both parties. It would, perhaps, be said, that the law did not sanction any system of equitable coun-

cils. He found, however, that in 1824, a Committee of that House, consisting of no fewer than forty-six of its leading Members, agreed that a Bill should be brought in, whereby these councils should become part of the law of the land. He was not, therefore, now asking the House to affirm a new principle. Again, in 1856, a Committee, over which he had the honour to preside, examined a great number of witnesses on this subject, and although the opinions of the masters was equally balanced, the operatives were entirely in favour of the establishment of these Councils of Conciliation and Arbitration. To show the absurdity of the existing law he might refer to the evidence of Mr. Hammill, the Worship Street magistrate, who explained the difficulty at present experienced by magistrates in deciding disputes between masters and workmen. In one case, the question which came before him was, whether the work done by a silk weaver was such as it ought to be. How was it possible for the magistrate to decide satisfactorily such a question, which was one rather for persons skilled in weaving than for magistrates? The conclusion which the Committee of 1856 arrived at was, that the attention of the Legislature might with advantage be directed to this subject, and they were of opinion that the formation of Courts of Conciliation in the country, more especially in large commercial, manufacturing, and mining districts, would be beneficial, and would probably lead to the amicable settlement in many cases of disputes between masters and workmen. From all the information which he had been enabled to collect, the operatives were of opinion that the existing law dealt with them in a very unfair spirit, inasmuch as whenever they happened to have a dispute with their masters, the case was submitted to the consideration of a magistrate, whose tendency they alleged was to support the masters against them. The Bill which he proposed to introduce, had for its object, the removal of the inconvenience which resulted from that state of things, and he therefore trusted it would receive the sanction both of the Government and the House. The hon. Gentleman concluded by moving for leave to bring in his Bill.

Mr. INGHAM seconded the Motion.

Mr. WALPOLE said, at this stage of the measure he should not trouble the House with any observations further than to say, that he thought it only reasonable that the hon. Gentleman should have an opportunity given him of bringing in his Bill. He granted that there were inconsistencies in the existing law relating to masters and workmen, which might be properly and justly considered. In addition to that, the law as it stood, with reference to arbitration, had not operated successfully, and he thought that certain provisions might be adopted to give further facilities for referring disputes to arbitration. He would not venture to express an opinion upon the Bill, until he had seen and examined it; but on the second reading, he should be prepared to state on the part of Her Majesty's Government, whether they thought it desirable that it should pass or not.

Leave given.

Bill to enable masters and workmen to form Councils of Conciliation and of Arbitration, *ordered* to be brought in by Mr. Mackinnon and Mr. Ingham.

COUNTY FRANCHISE BILL.

LEAVE GIVEN.—FIRST READING.

Mr. LOCKE KING said, he rose to move for leave to bring in a Bill to extend the Franchise in counties in England and Wales, and to improve the representation of the people in respect of such Franchise. When he last brought forward this important question for consideration, his Motion for leave to bring in a Bill was, in a full House, rejected by a majority of only thirteen. But for the chivalrous assistance received by the noble Lord then at the head of the Government, from those hon. Gentlemen who now formed and supported the present Government, that Bill, instead of having been rejected, would have been carried by a considerable majority; for the noble Lord could only muster, of his own immediate followers, thirty-one supporters, and those, too, hon. Members more immediately connected with the Government. Soon afterwards, the noble Lord having received another Parliamentary defeat—for he (Mr. Locke King) was of opinion that the rejection of his Bill by a majority of only thirteen was tantamount to a defeat—made an appeal to the country. He did not get up as a cry the question of Parliamentary Reform, but he adopted a cry which was calculated to rouse the British lion, and talked of an insult offered to the British flag. The country, however, after the excitement of a few days, no longer dwelt upon that cry, forgot the Chinese question and Commissioner Yeh, and began to think of Parliamentary Reform. He might say that this very Motion, which he had only

submitted a few weeks before to the House, met with general support. He did not bring the question before the House in the last Session, for the noble Lord then at the head of the Government took the wind out of his sails by promising, in an unguarded moment, to introduce a measure of Reform in Parliament. The noble Lord, with much dexterity, contrived to convert his promise into an understanding that no question of Parliamentary Reform should be brought on until the following Session, and consequently he (Mr. Locke King) did not bring on his Motion. He had had some experience of Ministerial promises which were made in one Session in order to stave off to another disagreeable questions, and he believed that little faith was to be placed in promises made for a subsequent Session. If they looked back to the history of the progress of this question of the county franchise, it would be found to be nothing more than a series of broken promises. He had not brought forward this question in any spirit of hostility to the present Government, for he had brought it before the House every year, except during the war, and it had, in fact, become an annual Motion. The objections which were generally urged against it, resolved themselves into a very small compass. One was, that it was not desirable to proceed with it, inasmuch as a general measure of Parliamentary Reform was about to be introduced; but after the experience of the past, that, he thought, was an objection which was entitled to no great weight. Another objection which was urged against it was, that the present was not the time to deal with the subject to which it related; but that was the stereotyped argument in favour of delay in dealing with every description of question. It was also said that it was extremely inexpedient to proceed by what was termed piecemeal measures of Parliamentary Reform; but, in the present state of the feeling of the House and the country, the only way in which the question of reform could be dealt with was by bringing forward small, honest, and just measures of the kind he proposed for their adoption. Indeed, he preferred small, honest, and just measures to a large one, which often afforded scope for the introduction of dishonest provisions. He would not go into the details of the Bill he proposed; the House must be quite familiar with its plan, and he would not weary them with statistics, which he had on many former occasions laid before them, but would only say that no one had ever assailed the class he sought to enfranchise. The existing state of the franchise in counties was one of the greatest anomalies in the country; for, whilst one individual living in a town had the right of voting for a representative in Parliament, another individual who resided, it might be in an adjoining town, in a house better in all respects, and paying a higher rent and a larger amount of taxation, was not allowed to have any share whatever in the representation. On a former occasion, when he had brought the measure before the House, the right hon. Member for Carlisle (Sir J. Graham) suggested that he should take care to provide against the creation of faggot voters. That recommendation of the right hon. Gentleman he was willing to adopt, and he proposed that a part of the qualification which was to give a vote of £10 might be a dwelling-house of the annual value of £5. Before sitting down, he could not help adverting to a circumstance of rather a curious kind which took place previous to the last election. A rumour had prevailed that the late Government intended to support the introduction of his (Mr. Locke King's) Bill, and that rumour was afterwards confirmed by a noble Lord a Member of the Cabinet, who said that it had been agreed by the Government to support the Bill, in order that in Committee such modifications might be introduced as would render it a judicious extension of the county franchise; but he added that afterwards it was found the Bill had not been draughted in such a shape as to render that possible, and therefore it was decided that it would only have been a waste of time to allow a Bill to be read a second time which was found to be such a measure as the Government could not support. Now, this statement was an entire fiction; for there was no Bill before the House, the Motion only being for leave to bring one in. He trusted he should receive some explanation of the mistake, and he hoped the present Government would not fall into the same error as the last, for they must recollect that the noble Lord the Member for Tiverton, however well disposed to assist them upon this question, could not give them the same support as they had been able to give to the noble Lord when he was in office. The hon. Member concluded by moving for leave to introduce a Bill to extend the Franchise in counties in England and Wales, and to improve the representation of the people in respect of such Franchise.

MR. BYNG said, he would give his reasons for seconding the Motion in three sentences. He did so, first, because he was anxious that a sound, and, as he ventured to think it would be, a comprehensive measure of Reform should be passed. Next, because he ventured to think that by this measure they would practically enfranchise many towns and considerable villages which were now unrepresented. And, thirdly, because he believed that by so doing, and by enlarging the basis and area of their representation, they would comprise within its scope a large class of the community, intelligent, honest, and well calculated to enjoy the privilege of voting for the return of Members to Parliament.

Motion made and Question proposed,—

"That leave be given to bring in a Bill to extend the Franchise in Counties in England and Wales, and to improve the Representation of the People in respect of such Franchise."

THE CHANCELLOR OF THE EXCHEQUER: Sir, I have no objection to urge against the purpose of the Bill which the Hon. Gentleman proposes to introduce. I have no objection to extend the franchise at present enjoyed by the counties; and I think that an extension of that franchise may improve the exercise of it. I rise with no prejudice whatever to the general purpose of the Motion of the Hon. Gentleman; but, Sir, before acceding to his request to bring in a Bill, which, in the new version of his Motion, is to extend the franchise in counties in England and Wales, and improve the representation of the people in respect of such franchise, I may say that there are several considerations which induce me to fear that the introduction of this measure will be a source of embarrassment to those who seriously intend and wish to improve the franchise. The Hon. Gentleman, in describing the Bill which he now asks leave to bring in, says it is a measure "small, honest, and just," the tendency of which would be to remove the greatest anomalies. Now, how stands the general question of the representation at the present moment in England? I speak from memory—and I may be erroneous in some slight details; but I am confident in the general results—you have a certain number of members returned to Parliament for those counties with whose franchise the hon. Gentleman only deals. You have, I think, 150 or 160 county Members, returned for England and Wales, and they are returned to Parliament by something more than half-a million of electors. You have, on the other hand, about 330 borough Members who are returned to Parliament by a little more than 400,000 electors. Well, Sir, those who are Parliamentary Reformers, and who bring to the great question of the re-construction of our representation an impartial spirit, must, at the first blush, be rather struck with the impression that the balance between the county representation and the borough representation was not particularly exact and just, and it would seem somewhat strange that more than half a million of electors under our present scheme should only return 150 or 160 Members of Parliament, whilst 400,000 other electors should return 330. One might almost be disposed to say that this would figure amongst the greatest anomalies to which the hon. Gentleman has referred. But what is the remedy which he offers to the House, and which he offers to us, mind you, because he despairs of any great and comprehensive measure of Parliamentary Reform being introduced, and says that we can only take refuge in these "small, honest, and just" measures? The measure of the hon. Gentleman, as I collect it from his brief but lucid narrative, is this:—"There being a great inequality at present between the number of Members who are returned by the half million of electors of counties compared with the number of members returned by the 400,000 constituents of the boroughs, I will introduce a Bill which shall aggravate that anomaly. I will introduce a Bill which must add, and, perhaps, add greatly, to the number of electors who return the county Members; but, as I despair of any further change, I would leave the arrangement by which the small number of electors return the large number of Members untouched and uncriticised." This, then, is the course by which he proposes to remove the anomalies that are recognised in our representative system, and, to use his own language, improve the franchise of the country. Now, I think the House ought well to consider this question. If we agree to the Motion of the hon. Gentleman on the grounds upon which he has placed it, namely, that any hope of general improvement is impossible, and that, therefore, we ought to agree with his "just and small and honest" measure, we shall land ourselves in this position—that we shall have a very small number of Members returned to this House

by a very large constituency, and a very large number of Members returned to this House by a very small constituency. Now I draw from a statement which is not speculative, which is not hypothetical, but depends upon facts which are lying upon the table of this House, and upon arguments which are founded upon returns moved for by the hon. Member for Surrey himself, what appears to be the irresistible inference, that if you make up your minds to deal with the question of the franchise in this country, you cannot deal with it partially, and that whatever may be the objections against what are called large and comprehensive measures, I feel persuaded that when you are dealing with the representation of a great people, it is impossible by those "small, honest, and just" measures to perpetrate anything but what will be large in injustice, and vast in impolicy. I cannot understand how the hon. Gentleman could ever have brought his mind to take the position which he has done on this subject, for whilst he seeks for a great extension of the suffrage in that class who already possess the enjoyment of the franchise to a greater degree than the rest of the country, he introduces his Motion with the simultaneous proposition that any further change is almost to be despaired of. Is the House prepared, then, for the state of things which the hon. Gentleman contemplates, and which the passing of his measure would bring about? At this moment, in the counties—to which the hon. Gentleman's Motion alone refers—every Member of Parliament represents 3,300 electors; whereas, in the boroughs, every Member of Parliament represents 1,280 electors. Why, Sir, when I hear talk of great anomalies, it appears to me that this is a state of affairs which is also somewhat anomalous. But what is the Motion of the hon. Gentleman? It is, as I said before, to aggravate this anomaly. It is, if passed, that the Members of Parliament for counties shall represent a much greater number of electors than at present, and that a Member who represents a borough constituency shall represent much less. I do not confound this important point with any question of what is called the agricultural interest or the urban interest. Unquestionably there are boroughs whose constituencies are entirely agricultural, and there are counties where the constituencies are manufacturing and commercial. That is altogether another question. The question as to a fair and equitable balance of those interests is entirely removed. We have a hard arithmetical proposition to consider at present—why it is that 500,000 men should at the present moment return only 160 Members to Parliament, and 400,000 men return 330. And when a measure for Parliamentary Reform, which we are told is "small, and honest, and just," and the only one we can obtain, is brought forward to aggravate all those circumstances, and increase the disproportion that at present exists, I ask, is the House really prepared to sanction such a proceeding? If there be on the part of the House—what I cannot doubt there is—a sincere desire for a wise and well-considered settlement of this long-mooted and long-controverted question as to the due and fair representation of the people in this House, I cannot conceive how they could take a Motion more retrograde than that which the hon. Gentleman has brought before us to-night. Sir, I am not opposed to the extension of the franchise in counties. I think there are classes of persons in counties that might be brought to exercise the franchise with advantage to the State, and with perfect security to all those great institutions which I trust will always be honoured and respected and cherished in this House; but it is impossible any longer, with the information that we have on this subject, to resist the conviction, that if you deal with the county franchise, you must deal also with the franchises that are enjoyed by the towns; and the great Reformer who comes forward and tells us, "I despair of a general measure that will on the whole secure adequate justice, therefore I will bring forward a little measure which on the face of it must perpetrate great injustice," is not, in my opinion, with great deference, one who proposes a course which will conduce to the advantage of the public interest, or achieve and accomplish those results which I think all sober-minded men who have duly considered this subject wish to realise. Sir, I cannot make that appeal to the hon. Gentleman, which was made by the noble Lord the Member for Tiverton on a former occasion, as I have not that claim upon the confidence of the hon. Gentleman which the noble Lord has the honour to possess. I cannot appeal to the intentions of the present Government with any hope that he will be influenced by my statement. But I am bound to say, as an indication of our present intentions, and in the cause of truth, that the fair and sufficient representation of the people in the Commons

House of Parliament is a question which will undergo and command our deep and sincere attention; but I cannot for one moment hold out the hope to the hon. Gentleman that it will be my duty ever to propose to this House a scheme conceived in the spirit of the measure which he now introduces to our notice, telling us at the same time that probably it is the only measure we shall ever be able to obtain. That, I think, would be but a partial settlement of the question, one which would lead to great jealousy, to great public inconvenience, and I cannot doubt to protracted agitation, perhaps, to a conclusion which would be little satisfactory to the nation. The Bill of the hon. Gentleman, which he now asks leave to introduce, may, as far as it goes, be what he calls a just measure; but if it be, as he announces, an isolated measure, it appears to me one that will aggravate the injustice, of which experience is now said to be felt. I cannot understand upon what principle the hon. Gentleman can vindicate a measure which, under the circumstances to which I have referred, would deal only with the franchise of the country, and not subject to the same revision and consideration the franchise enjoyed by the constituencies in towns. It appears to Her Majesty's Government and myself that this question of the fair and adequate representation of the people in the House of Commons is one which must be considered as a whole; that it is one, no doubt, which must be approached in a calm and temperate spirit, in a mood of mind very different from that which in times long past accompanied the agitated discussions to which this subject gave rise in this House. Still I cannot doubt that, with the knowledge which we possess, and with the desire among all classes and in all parts of this country to come to a safe and practical solution of the questions which have been brought forward within recent years with reference to this subject—I say I cannot doubt that if Parliament approaches this great subject in a mood of mind not unworthy of it, it would be possible to produce a measure which might give satisfaction to all who consider the subject divested of passion, and with the anxious and sincere desire to add to the strength of the constitutional institutions of the country; but I cannot believe that we are dealing worthily with the question if we permit a Bill such as the hon. Gentleman proposes, and proposes almost in the light of a final measure ("No!") to be brought forward. Well, then, as a substitute for a final measure. I ask the House, was not the tone of the hon. Gentleman this—"I bring forward this measure because I despair of any larger one being introduced—because there is a general feeling that no other alteration will take place; and therefore I propose this to your notice?" Propose what? That which under the circumstances he himself describes would be a most unjust measure, and if the circumstances to which he refers are not well founded—if there be a fair prospect of dealing with the question generally and largely—then I say the hon. Gentleman is not justified in bringing forward this Motion. I will not make an appeal to him to relinquish his present purpose in consequence of the intentions of Her Majesty's Government—I have no claim upon him to do that—but, as representing the Government, who are seriously desirous of considering the question on all its merits, and if possible, of bringing forward a measure for the consideration of Parliament which shall be worthy of their acceptance, I am bound to say that, so far as I am concerned, I cannot sanction the introduction of any measure like that of the hon. Gentleman, which, if carried, would create a great injustice, and be a great embarrassment to our future legislation. On these grounds, therefore — because, if the measure be carried, it will aggravate an anomaly that already exists; because it will give to that portion of the constituency which is already imperfectly represented in this House, with reference to the other portion, an increase of electors with a relative diminution of representatives; and because it is the intention of Her Majesty's Government to give their consideration to the whole question of the representation of the people in Parliament—an assurance which I do not wish at all should influence the course of the hon. Gentleman—I shall feel it to be my duty, whilst in no way differing from the hon. Gentleman in the general purport of his Motion, not at all opposed to the extension of the franchise in counties, and believing that extension, wisely and well-considered, would tend to the improvement of the representation of the counties, but believing also that the question of county representation cannot be effectively and beneficially dealt with unless we take into our consideration also the representation of other parts of Her Majesty's dominions—then I say that, under these circumstances, I shall feel it to be my duty to move as an Amendment the Previous Question.

LORD JOHN RUSSELL: The right hon. Gentleman who has just addressed the House hardly denies that the proposition of my hon. Friend (Mr. Locke King) is a fair one. He does not deny that the franchise in counties might be usefully extended; and he does not deny that those persons with a £10 occupation are a respectable class, and worthy to enjoy the franchise; nor does he give any good reason against the introduction of the measure on grounds of general policy. But the right hon. Gentleman goes off upon a distinction which he is very fond of making, but which I have always thought is one of a very unsubstantial and untenable character—namely, that the counties have a certain number of electors and of Members, and that the boroughs have a certain other number of electors and also of Members. I believe the right hon. Gentleman is entirely mistaken in making any such sharp distinctions as he draws between the counties and the boroughs; because, in the first place, there are some counties which are so much inhabited by persons engaged in trade and commerce that they constitute very much a town population—such, for example, as the metropolitan counties and Lancashire; while, on the other hand, there are many municipal boroughs situated in agricultural districts which are little else than representatives of the agricultural interest. Therefore, the distinction drawn by the right hon. Gentleman was not one founded in actual fact. I remember that Mr. Canning, speaking of the differences in the Cabinet to which he belonged, said the line that separated the two parties was not a straight, but a serpentine line. I may say also that the line by which the right hon. Gentleman separates the counties from the boroughs is not a straight, but a serpentine line. I must say that I dislike these extremely sharp and microscopic distinctions between the various classes which exist in some other countries, and I think it is a great advantage to this country that they do not exist among us. If the right hon. Gentleman's theory was well founded, he would prove that we had given an immense advantage to the counties and the agricultural interest by the Reform Bill; but it was not so. At that time there were eighty representatives of English counties and twelve of Welsh counties. We increased the number to 150, while we reduced in a similar proportion the number of borough Members. But did we thereby intend to give an advantage to the agricultural interest? Far from it. The general purport of the Bill was to increase the influence of the large towns—such as Manchester, Birmingham, Leeds—not to give any preponderance to them, but to give them representatives in Parliament, and place the trading and commercial classes on an equality with the agricultural interests. If the theory of the right hon. Gentleman was right, it would have a precisely opposite and different effect; but I will say to the right hon. Gentleman, that so far as the practical ratiocination and effect of his theory is concerned, he will find that the effects it produced are diametrically opposed to his expectations. With respect to the number of electors, the right hon. Gentleman says there are 500,000 electors who return only 150 Members; but, surely, if you were to add to the number of electors, you would not diminish, but give greater weight to the counties. If their Members are sent to represent a greater number of electors than before, instead of this being any unfairness to them, it would increase their influence in this House. The right hon. Gentleman also made use of an argument to which, if it had been employed by my noble Friend the Member for Tiverton, I might have been disposed to listen. He said we should take up this question of Reform as a whole. I certainly cannot find fault with that argument in itself, because it is one I have used myself. Seven years ago I certainly thought that Reform should be considered as a whole, and that, when it was resolved to make a change in the Reform Act, the provisions thought to be necessary should be embodied in one comprehensive Bill. But we have had some experience during the last few years. We have had Bills introduced, and I have myself had the honour of introducing two of them. Now, if we found that there was some inconvenience from the heat and violence that existed in this country at the time of the Reform Bill, there was at least this effect produced, that the great majority of the country was bent on one measure. They cried for the Bill, and the whole Bill—the majority of the country being of one mind; and, therefore, both this and the other House of Parliament consented to pass the Bill. But I doubt very much whether, with the calm, dispassionate, and quiet consideration which it is now proposed to give to the subject of Reform, there is such a chance as we had

in 1831 of carrying any large measure of Reform; because, in proportion to the calm and dispassionate temper of the people, all the private interests rise in their strength to influence and affect it. There is, perhaps, one part of the Bill that is introduced very obnoxious to some fifty hon. Gentlemen of this House, who think themselves affected by it. There is another part of the Bill that strikes against the views and opinions of 100 other hon. Gentlemen. These club their objections together, and even those most anxious for Reform find parts of the Bill that are so objectionable and obnoxious to them, and either resolve to oppose it altogether or follow such a course as makes it easy for those opposed to Reform to obstruct its progress. I will give an instance of this. In the last Reform Bill which I introduced, I proposed a considerable disfranchisement of small boroughs, and to a certain extent to give representation to minorities; but, though that Bill made a very extensive change, the hon. Member for Birmingham (Mr. Bright) fixed on that part of it relating to minorities as one very obnoxious to him, and denounced it as a trick. What I thought a very fair proposition, the hon. Member for Birmingham seemed to regard as an artifice, and this may be taken as a sample of the kind of objections to which any Bill that may be introduced is liable. Now, if this be so, I will not say that I despair of a large measure of reform; but I will ask if there is not such a feeling of difficulty with regard to a large and comprehensive measure as to make it wise in us to adopt the proposition of my hon. Friend the Member for Surrey—a proposition to which in itself but few persons will be found to object. The effect of his Bill will be to add a large number of persons of respectability and character to the constituencies of the counties; and surely it will not be disputed that by adding to the electoral body these respectable persons, and thereby extending the basis of our representation, we shall increase the confidence of the country in this House, which is certainly one of the great objects to be promoted by any Reform Bill that may be introduced. The right hon. Gentleman speaks with very natural doubt and hesitation of the particular measure which he himself expects to introduce in the name of the Government. I must repeat, on that head, that I have a deep and strong impression on this subject, arising from what was declared by the present Prime Minister when he accepted office. He said he must have time to consider this question—that it had been kept so long dangling before Parliament, that he was fairly entitled to have time fully to consider it; but beyond this he did not go. He took care to say, with that manliness that belongs to him, that if he were to come forward next Session and state that he had no Bill of Reform, that he had no scheme to improve the representation of the people, he had said nothing that could expose him to the taunt of having violated any promise or broken any pledge. Seeing that is the case—seeing the inherent difficulties of the subject in its various attitudes and phases—seeing the difficulties that a Ministry with a large majority in this House must encounter in such an attempt, and considering that we have a Ministry whose majority is very doubtful—looking to the apathy of the Government and the extreme lukewarmness of the Prime Minister, I must say that my doubts very much exceed my hopes on this subject. For my part, I think the right course will be at once to accept the Bill of my hon. Friend, and not listen to the suggestion of the right hon. Gentleman that we should vote for the Previous Question. We should remember that "a bird in the hand is worth two in the bush," and in that spirit support the Motion of the hon. Member for Surrey.

Mr. LABOUCHERE said, he should not have risen at all on this occasion were it not to vindicate a noble Friend of his (Earl Granville) from a charge of insincerity made against him by the hon. Member for Surrey (Mr. Locke King). That hon. Gentleman asserted that Earl Granville stated that it was the intention of the late Government to have moved certain alterations in the Bill of the hon. Member for Surrey in Committee, and that this could not be a correct statement, because, in point of fact, until the Bill came into the House, they did not see it, and could not have intended to alter it. It was true, however, that the members of the late Government intended to have supported the introduction of the Bill, and afterwards to move certain Amendments in Committee; and it was not till they came down to the House that they found that that course was not open to them, and that they must oppose the Bill. It was quite true that the House refused leave to bring in the Bill, but the hon. Member for East Surrey had in the previous Session laid that measure upon the

table of the House; and, as they found from his speech that he intended the Bill to be exactly the same as that of last year, they had just the same opportunity of considering the Amendments they would introduce as they would have had if the measure had been actually brought in. It was unnecessary among those who knew Earl Granville to vindicate that nobleman's truthfulness. But at the same time he had thought it necessary to state the facts he had already mentioned, which he thought would satisfy the House that the late Government in point of fact had the Bill before them, and that that being so, it was their duty to examine the Bill and see if it was possible to make those Amendments which they intended to introduce. On the present occasion he thought they were not exactly in the same position. His hon. Friend now brought in a Bill under a different title, and the contents of which would not be precisely the same as the previous one. They were therefore, he conceived, perfectly at liberty to act in the same way as they intended, under similar circumstances, to have acted on a former occasion; and he for one, therefore, should certainly vote now for leave to introduce the Bill. For his own part, he did not think that either the course of reforming Parliament by a general measure or of improving the representation by a series of smaller ones, was absolutely right or wrong. There was much to be said for both courses, and the main thing to be looked at was the times and circumstances under which such measures were brought in. He must confess, however, that if they had any certain and immediate prospect of a general measure of Reform being brought before the House by a Government in whom he reposed confidence, he should not be disposed to vote for these smaller Bills introduced by individual Members, because he thought there were many advantages in viewing the question of Reform as one great whole, and that the question was better in the hands of the Government than in those of individuals. But with his noble Friend (Lord J. Russell) he must say that, looking particularly at the general composition and feelings of the present Government, and to the vague and uncertain nature of the promises which they had made upon this subject, he entertained no very confident expectation that a measure would be proposed to Parliament during the next Session which was at all likely to receive the support of the House and the country. For these reasons, he was unwilling to debar the House from the advantage, whatever it might be, of seeing the Bill which his hon. Friend (Mr. Locke King) now sought to introduce. The present Government also had, he thought, rather cut away the ground from under their own feet, and debarred themselves from giving any opposition to the introduction of such a Bill, for a few days ago they had consented that a measure reforming the representation, by abolishing the qualification of Members, should be brought in. They have not, therefore, shown any indisposition to allow other Reform measures of this kind to be laid on the table, and he thought they might with consistency have suffered this Bill to be introduced, reserving to themselves the right upon the second reading of taking any course they might think expedient.

MR. J. H. PHILIPPS said, as the right hon. Gentleman the Chancellor of the Exchequer had invoked the aid of arithmetic on this subject, he should like to ask those gentlemen who fulfilled the important office of taking the divisions of that House whether they could tell when any hon. Member was returned by a thousand or five hundred votes? He should also like to ask the House whether when a division ran close, the vote of any hon. Member who was returned by a constituency of 300 was not as good as that of any hon. Member who was returned by 5,000? Several returns had been made to the House showing the amount of representation as compared with population and property. One of these returns was moved for by the hon. Member for Stockport, which showed a very remarkable result. It showed that, in round numbers, the county Members were returned by nearly 3,000 voters, and the borough Members by about 1,000 voters. A calculation which he (Mr. Philipps) had himself made showed that each county Member was returned by 2,978 voters, and each borough Member by 1,306 voters. The Bill of the hon. Member for Surrey (Mr. Locke King) did not refer to Scotland, and yet in Scotland the disproportion was less conspicuous, for there the county Members were returned by a smaller number of voters than the borough Members. In Bedfordshire, the county from which the family of the noble Lord (Lord J. Russell) took its title, one county Member was returned by 2,138 voters, and one town Member by 439. He would next turn to the three largest coun-

ties in England. In Devonshire one county Member was returned by 4,222 voters, and one town Member by 521 ; in Lincolnshire one county Member was returned by 5,125, and one town Member by 479. In Yorkshire the disproportion was very conspicuous ; in the North Riding each county Member was returned by 6,052 voters, and each Member for the towns by 664, or in the proportion nearly of 10 to 1. But the West Riding was the most conspicuous of all, each county Member being returned by 18,000, and each Member for the boroughs by 1,354 voters. He was not prepared to deny that in some cases £10 householders would be a very valuable addition ; but in other places they would entirely alter the character of the constituency. This was not a time to indulge in lucubrations about Parliamentary Reform ; but he could not help expressing a wish that the franchise should be more connected with the payment of taxes than it was at present. He could not disguise from himself the fact that the action of constituencies had been to reduce the general taxation, and to encourage particular expenditure. A few nights ago every hon. Member for those towns in which there was a Government dockyard supported a proposition, contrary to all the rules of political economy, for increasing the wages of dockyard artificers without reference to the laws of demand and supply. To be sure, one of the Members for Portsmouth stood up manfully against it, but he would appeal to the right hon. Baronet (Sir F. Baring) whether his fidelity to the general interests of the country was not maintained at the expense of his own personal popularity in the borough. The action of constituencies had been lately rather in favour of what he should call giving the British lion an airing ; but, however valuable that animal might be, they might depend upon it that he did not go out without some expense, and that some of his escapades were more costly than they were worth. He, therefore, thought that in any scheme for the reform of the representation, the connection of taxation with representation ought not to be lost sight of. Though not opposed to the consideration of alterations in the franchise, he could not support the proposal of the hon. Member, believing that no plan which utterly disregarded the inequalities he had pointed out ought to receive the attention of the House.

MR. JOHN LOCKE said, the real point had been lost sight of in the debate. There had been minute calculations as to the relative number of electors in counties and towns, but the question for the House to consider was whether or not the class of voters which the Bill proposed to enfranchise were a class of men who could be properly and justly entrusted with the franchise. He agreed, to a certain extent, with the noble Lord the Member for the City of London that it would be better to take these questions one by one, and thought that if parties were fit to be entrusted with the franchise they ought to be allowed to become members of the constituency. The difficulty which had arisen with respect to large measures of Reform was that none of them had given satisfaction to any large majority of Members. One measure which was regarded by many of the most eminent Reformers as a *sine quâ non* in any extensive scheme of reform was the Ballot, and he believed that such a measure as that now before the House might be objected to on the ground that it was improper and impolitic to intrust so large a body of men with the franchise unless they received the protection of the ballot. There was, indeed, an opinion prevailing very generally, that it would be much better to disfranchise instead of enfranchising unless the ballot were conceded. All those hon. Gentlemen who had addressed the House seemed to concur in the opinion that the £10 householders in counties were fit and proper persons to possess the franchise, and for his own part he would support the Motion of the hon. Member for East Surrey. It was the opinion of many persons that without the protection of the ballot disfranchisement would in many cases be better than enfranchisement. With respect to the question now before the House, he had no objection to the granting of the franchise to £10 householders in counties. The proposition seemed to have received the assent of almost every hon. Member. With regard to letting loose the British lion, he was glad that the British lion had been let loose, and, he must say, that whenever let loose, he performed his part in a manner which almost invariably did honour to his country. And when they found that he had amongst his admirers at the same time the noble Lord the Member for London (Lord J. Russell,) and the right hon. Member for Ashton-under-Lyne (Mr. M. Gibson) it might well be said that extremes met; and when the British lion returned to his lair he might retire in comfort and satisfaction.

MR. KNIGHTLEY was understood to oppose the Motion, on the ground that the Bill which the hon. Gentleman asked leave to introduce would, in fact, cause a large addition to the influence of the town constituencies, as contradistinguished from the rural population. Even at present he thought that many rural districts were very inadequately represented, and that if any places should be deprived of representation it was the unimportant and nomination boroughs like Morpeth, Midhurst, &c.

MR. CLAY said, the only argument he had heard against the measure was that it would increase the great anomaly which existed at present. Now he thought that it was one of the greatest recommendations of the Bill, because the more glaring the abuse, the more speedy became the remedy. He would do hon. Members for counties the justice to say that he did not believe they considered it a grievance to be elected by large constituencies, and in his opinion the larger the constituency which sent a man to Parliament, the greater the honour of his position and the respect which he obtained in that House. But when they had made this anomaly so glaring it must strike hon. Members on the other side that there was a ready way of remedying it. They might ask themselves in what way it was to be done, and they might find a solution in the suggestion made by an hon. Member opposite, that the first thing to do was to destroy, as far as their Parliamentary life was concerned, a number of small boroughs, and redistribute the seats. He agreed with his hon. and learned Friend (Mr. Locke) that this was not the chief point of discussion; but the chief point of discussion was simply this—Did the Bill of the hon. Gentleman propose to admit into the franchise a class every way deserving it? He thought it did so, and he should therefore support the measure, not in despair of obtaining a large measure of Reform—not as a substitute for a large measure of Reform—but as the readiest and best preparation for one.

MR. BENTINCK said, the very remarkable speech of the right hon. Gentleman the Member for Taunton (Mr. Labouchere), was characterised by great plainness and candour. In short it was the most remarkable speech ever heard in the House, because, if he rightly understood the right hon. Gentleman, he expressed his readiness to adopt the principle that a Member of the House was entitled to vote on any question, black or white, according to the circumstances in which he was placed. ["No!"] That was what he understood the right hon. Member to argue. It was true that was a principle often acted upon, but not usually acknowledged in that straightforward manner. The noble Lord the Member for the City of London objected to the distinction drawn by the Chancellor of the Exchequer between boroughs and counties, and said he disclaimed those sharp distinctions. He was not surprised at that being the case because at the present time they told strongly and inconveniently against the object the noble Lord had in view, but he remembered the time when the noble Lord did not dislike those distinctions when they could be brought to bear on a different phase of the question. The feeling of antagonism which now existed between counties and boroughs was, in his opinion, to be attributed to the noble Lord himself, and to those who supported the doctrines of which the noble Lord had been the advocate for so many years. That feeling had been brought about by various causes, but mainly by what was called recent legislation. It was a feeling that it was difficult to allay, and he contended that in any measure of Reform it would be necessary to see that the counties of England were not overruled as they were at present by borough representation. Another remarkable statement of the noble Member was, that the influence of a Member of the House depended upon the number of his constituents. Now, he should like to know if a Member having a double number of constituents had power to give two votes instead of one. The breadth of the noble Lord's "basis" was great, for he believed a Member for the City of London represented a constituency of 20,000. On the other hand the noble Lord the Member for Tiverton represented a constituency of about 200, and yet it was generally supposed that the influence of those noble Lords in that House was as nearly as possible balanced—therefore, taking it even on that ground, the noble Member's argument was not a good one. The noble Lord (Lord J. Russell) was also of opinion—and no one was better able to form an opinion—that there was at present no excitement on the subject of Reform, and that they might approach the consideration of this question with calmness and in a candid manner. He heard that statement with the sincerest pleasure, and he could only say for one that there was no man more

anxious than himself to see the question settled, because he believed nothing could be more unjust and more anomalous than the present state of the representation of this country. Not only were these numerous classes excluded from the franchise who were fully entitled to have it, but owing to the Reform Bill introduced by the noble Lord, the representation of the counties was such that they were not justly and fairly dealt with. He considered that they were entitled to a very much larger share of the representation than they now had, and that, he apprehended, would be one of the principal subjects of discussion when this long-talked-of Reform Bill made its appearance in the House. He would only further say, with reference to the measure before the House, that he was not prepared to give his support to it, after the statement, in which he entirely concurred, of the Chancellor of the Exchequer, who showed distinctly that this measure could only extend the injustice and anomaly which now existed.

MR. COLLINS said, he should have been contented to give a silent vote upon that occasion were it not that being a member of the great Conservative party his silence might lead to the inference that he was opposed to any extension of the suffrage and to any alteration of the Bill of 1832. Now, he put no faith either in the completeness or in the finality of that Bill, and, if the House were called upon to pass an abstract Resolution, stating that it required amendment, he should find it difficult to meet a Resolution of that nature with a direct negative. A great injustice—the result of the uniformity introduced by the measure of 1832—was that the poorer classes had, owing to the disfranchisement of the freemen, been deprived of their fair share of the representation in that House. There were, it could not be denied, great anomalies in the existing system. The question however which the House had then to consider was, whether the present proposal was an improvement of the Act of 1832. The proposal did not affect boroughs, and it was not surprising that borough Members should support a measure which had a tendency to swamp the independence of counties. If any alteration was made, it ought to be one which would make a fairer proportion between towns and counties. At present the Isle of Wight, with 1,949 electors, returned one Member; while Newport, a town on the island with 654 electors, returned two Members. If it were intended to reduce the county franchise to the standard of the boroughs, surely the new voters who would be created in the towns of Ryde and Ventnor and others should vote for the borough which, with a small number of electors, returned two Members, rather than for the island which only returned one Member. In any system of representation the object ought to be to have all classes represented, and not to establish a uniformity of qualification, and therefore if they were to have a £10 franchise in the counties, he would rather see a £5 suffrage, or even household suffrage, in the boroughs, than the same suffrage as that which existed in the counties. He was as anxious as any one for a measure of Reform, but he could not consent to the present proposal, as he objected to a proposition which would give the now dominant class still greater power.

MR. STANHOPE said, he thought the course of the discussion had shown the impolicy of bringing forward such a measure at the present time, because it had turned not so much upon the Bill which the hon. Gentleman sought leave to introduce as upon the general principles of a Reform Bill. It had proved that it was impossible to touch the present system without making a general change, for when they once began to tamper with their present system, they did not know where they could stop. It was proposed to fix the franchise in counties at £10 for the sake of uniformity, and, perhaps, in a few months or weeks, they would have another alteration; but were they prepared to maintain the franchise in boroughs at £10, because, unless they did that what would they gain? He always thought it was a great advantage that different classes were represented in that House, and he feared that it would be a serious disadvantage to the country when the large agricultural class should be so completely superseded in the representation in Parliament as they would be if the Bill of the hon. Gentleman were passed into law. If they adopted this measure the agricultural classes would be swamped by a number of voters who lived in towns.

MR. LOCKE KING, in reply, said, he had never intended to imply that his Bill should be received as a substitute for a more extensive and general measure. On the contrary, he regarded it only as an instalment.

Whereupon *Previous Question*, "That that Question be now put," put, and *agreed to*.

Main Question put, and *agreed to*.

Bill *ordered* to be brought in by Mr. Locke King, Mr. Byng, and Mr. Headlam.

Bill *presented*, and read 1°.

ISLE OF WIGHT PILOTS.

RETURN MOVED FOR.

Mr. CLIFFORD said, he rose to call the attention of the House to the state of the law affecting pilots in the Isle of Wight and Portsmouth districts; and to move for returns from the Trinity House showing the rate of profits accruing to such pilots. He brought forward the subject as a matter of justice to a valuable body of men who were led to believe they were treated with injustice, but at the same time he hoped the House would not fancy that the question was one of local interest merely. In 1853, when the Merchant Shipping Act was introduced, the question of the remuneration to the pilots of Southampton was urged on the attention of the House. It was then shown that there was no reciprocity between the Southampton pilots and the pilots of the Isle of Wight, for while the Southampton pilots were allowed to enter any port of the Isle of Wight, the Isle of Wight pilots were obliged to leave the ship they were piloting the moment it entered Southampton Water. The remuneration given to the Plymouth pilots was considerably larger than that given to the Southampton pilots. For piloting a ship drawing fourteen feet water the distance of three miles and a half into Plymouth harbour, the Plymouth pilots were paid 5*s.* per foot or £3 10*s.*, while the Isle of Wight pilots got only 3*s.* 9*d.* per foot or £2 12*s.* for piloting such a vessel from the Needles to the Motherbank, a distance of twenty-two miles. With respect to the Merchant Shipping Act of 1853, he admitted that it ought to be considered as a monument of the ability and industry of the right hon. Gentleman the Member for the City of Oxford (Mr. Cardwell); but unfortunately words had crept into it which were never intended to be introduced—*aliquando dormitat Homerus*. He believed it was the intention of the President of the Board of Trade at that time to leave the law as to the exemptions of personal pilotage in the same state as it stood previous to that measure. But the introduction of three little words—inserted, he believed, in forgetfulness that the Isle of Wight came within their operation—had suddenly deprived the Isle of Wight pilots of the advantage of the boat trade. Another regulation of which the pilots complained was that by the terms of the Merchant Shipping Act the conditions of any agreement they might enter into with the captain of a ship must be entered in the log-book of the merchantman and in that of the pilot-boat; but in stormy weather, when the pilots were most wanted, it was physically impossible to comply with that condition, and thus they were left at the mercy of the captain as to whether they should be paid. The remuneration to the pilots was now so small, owing to their great number, that he thought it would be advantageous if the Government in future would put some limit to the number employed. His license cost the pilot £2 2*s.*, and his net earnings were little more than 12*s.* a week, being just the wages of an agricultural labourer. A more gallant, more industrious body of men than the pilots did not exist. They were ever ready to face danger in the pursuit of their vocation or for the preservation of life and property, and he thought that no class had a better claim on the favour of those hon. Gentlemen "who live at home at ease" than those whose cause he was then advocating. If the Government would take up the question and look into it, he felt assured they would come to the determination that something ought to be done to put these men on a better footing than they were at present. The hon. Member concluded by moving for returns of the profits of the pilots of the Isle of Wight and the Portsmouth districts distinguishing the gross from the net profits.

Mr. HENLEY said, he would not then enter into any examination of the minute details raised by the Motion of the hon. Member. He had no objection to make to the production of those Returns, as far as they could be furnished by the Trinity House; and, indeed, he doubted whether the hon. Gentleman might not find the greater portion of the information he desired to obtain in documents which had already been laid before Parliament. He believed the real reason why those men earned a less sum than could be desired was, that there were too many of them for the work they had to perform. In the four years ending in 1857 the number of

those pilots had actually been increased, for twenty of them had been appointed during that time, while only seventeen vacancies in their business had occurred. It certainly seemed to him to add in that way to the number of persons engaged in a pursuit in which the sum earned had previously been too small.

Motion *agreed to.*

Returns *ordered,*—

"From the Trinity House, showing the rate of profits accruing to the Pilots in the Isle of Wight and Portsmouth Districts; distinguishing gross profits and net profits."

WEIGHTS AND MEASURES BILL.

LEAVE.—FIRST READING.

Mr. JOHN LOCKE said, he rose to move for leave to bring in a Bill to amend an Act of the 5th & 6th years of King William IV., c. 63, relating to Weights and Measures. The object of the Bill was, in the first place, to provide that corn and all other grain should be sold by measure. In the next, he desired to correct an error which had been committed in the framing of the Act of William IV., which Act, although intended to abolish all local measures, nevertheless contained provisions by which its main object was defeated. By the 6th and 11th sections of that Act it was enacted that articles should be sold by imperial weights and measures, and if it had stopped there no objection could be taken to it; but the 6th section, went on to provide that persons might sell by vessels which were neither imperial nor local, nor customary measures, and by a proviso in the 11th section any sale by a multiple or aliquot part of a pound might be made. In consequence of these provisoes, and some decisions of the Courts upon them, the Act was entirely broken into, and at the present time there were all sorts of weights and measures in use throughout the country. Great inconvenience was occasioned to purchasers in ascertaining the proportion which these measures bore to the imperial bushel, and he believed, judging from the petitions which had been presented on the subject, that an alteration of the system was most anxiously desired. With respect to grain, he believed that the advantages of selling by measure were very great, and, above all things, such an arrangement was calculated to close the door against fraud. They were all, he believed, agreed in favour of uniformity in the system of weights and measures throughout the country. Some, however, contended for a system of uniformity by weight; others, like himself, for uniformity by measure in the sale of corn. Mr. Page, an eminent authority upon the question, and who wrote to *The Times* under the name of "Jacob Hardcastle," was examined before the Committee on the sale of corn which sat in 1834, when he stated that the proper mode of regulating the sale of grain was by measurement, although the most perfect mode would be measurement tested by weight. However, he only proposed to make it compulsory by the present Bill, that the sale should take place by measurement, and that was quite in accordance with the evidence of Mr. Page. What the Committee of 1834 recommended was, that corn should be sold by measure, tested by weight; and undoubtedly, by that plan, the purchaser arrived in the most certain manner at the quality of the grain; for, although a pound of bad corn might weigh as heavy as a pound of good corn, a bushel of bad corn would not weigh as heavy as a bushel of good corn. He did not, however, wish to attempt more than there was a probability of carrying out. He proposed, in the next place, that the copies of all weights and measures used for public purposes should be reverified from time to time; and the 3rd section of the Bill imposed a penalty upon all persons making or selling false beams and scales, or weights and measures, a provision strangely enough omitted from the Act of William IV. By the 4th clause of the Bill inspectors were empowered to examine the beams, scales, weights and measures used by persons huckstering in the streets, in the same manner as they were authorised to inspect those used in regular shops. Another section of the Bill provides that the owners of the market should supply beams, scales, balances, weights, and measures for the use of the market. That, he believed, was done at present in the case of Covent Garden Market, but nowhere else. Trusting, then, that the measure contained no provision in any way interfering with the liberty of the subject in the conduct of his trade, he should commit it to the indulgent consideration of the House.

Mr. M'CANN said, he did not mean to oppose the Motion; but, in his opinion, corn ought to be sold by weight, and not

by measure, and, indeed, that was the general practice throughout the country, and consequently those who advocated the adoption of the measure in the sale of corn really wished to make nine-tenths of the people of this country conform to practices of the remaining one-tenth. His hon. and learned Friend himself would, in reality, introduce a system of selling by weight, and not by measure. [Mr. Locke: By measure, tested by weight.] He really could not understand how selling by measure to ascertain the weight was not selling by weight. In a Bill which he (Mr. M'Cann) intended to introduce he proposed that corn should be sold by a pound avoirdupois, its multiples and its aliquot parts; and this he thought would be the most convenient system.

Mr. BASS believed that the proposal of the hon. and learned Gentleman was calculated as nearly as possible to procure for the country an uniform system of weights and measures. The House must bear in mind that the sale by measure did not preclude any one from ascertaining at the same time what was the weight of the contents of that measure.

Mr. MILES said, he was very glad that the hon. and learned Gentleman had introduced the Bill, and he wished him well through with it. At the same time he thought the question was surrounded with great practical difficulties, for he had heard many discussions upon similar questions, and never had he heard more dissonance of opinion than upon this subject. For his own part, he thought that the arguments in favour of the measure were fallacious, inasmuch as where, in some instances, 60 lb. weight of corn went to a bushel, his own often weighed 64 lb. or 65 lb. Therefore, he hoped the hon. and learned Gentleman would allow himself plenty of time to mature his scheme.

Mr. EGERTON said, he thought the attempt to reconcile two things so opposite as weight and measurement must be vain. He believed, also, that all schemes to produce uniformity of weights and measures throughout the country must be futile.

Leave given.

Bill to amend the Act of the fifth and sixth years of King William the Fourth, chapter sixty-three, relating to Weights and Measures, *ordered* to be brought in by Mr. John Locke, Sir John Shelley, Mr. Brydges Williams, and Mr. Schneider.

Bill *presented*, and read 1°.

EJECTMENTS (IRELAND).—CASE OF JOHN BYRNE.

PAPERS MOVED FOR.

Mr. P. O'BRIEN said, he rose to move for copies of the Civil Bill Ejectment tried before James Major, Esquire, Q.C., Assistant Barrister for the county of Monaghan, at Castleblaney, at the last January Quarter Sessions, wherein Colonel Lewis was plaintiff and John Byrne was defendant; and, of the entry in the book of the clerk of the peace in relation to said ejectment, containing the names of the witnesses examined on behalf of the plaintiff and of the defendant. The defendant, John Byrne, was a tenant on certain property called Inniskeen, which was purchased by Colonel Lewis in the Incumbered Estates Court in 1855. Colonel Lewis, not content with devoting his attention to his duties as a landlord in the improvement of the industrial habits of his tenants, conceived he had another duty to perform, and introduced among them the religious and sectarian element. At the time of the purchase there was on the estate a national school, which, from all he (Mr. O'Brien) could learn, was conducted in a manner that gave the greatest satisfaction. This Gentleman, however, established another school on his own estates, and placed over it a scripture reader; and here was the first invasion of the peace which reigned in the county of Monaghan. His tenant, John Byrne, was afflicted with a family of nine children, and Colonel Lewis made it a *sine qua non* that the children of this man, who was a Roman Catholic, should be sent for instruction—and religious instruction—to that school, from which he had excluded not only the Roman Catholic clergyman, but the Protestant clergyman of the district. John Byrne declined to allow them to be proselytised, and refused to send them to the school, and thereupon Colonel Lewis brought an action of ejectment against him at the sessions, and succeeded in evicting him from his farm. He (Mr. P. O'Brien) had given notice of his intention to bring this subject under the attention of the House before the recent change of Government; but when that event took place he allowed the matter to rest, in hopes that Colonel Lewis would be converted to a better frame of mind by the expression of public opinion. As that was not the case, and as it was a case of great hardship, he thought it was right that the

House should have an opportunity of declaring that it would not tolerate such proceedings.

MR. M'MAHON seconded the Motion.

Motion made and Question proposed,—

"That there be laid before this House, Copies of the Civil Bill Ejectment tried before James Major, esquire, Q.C., Assistant Barrister for the county of Monaghan, at Castleblaney, at the last January Quarter Sessions, wherein Colonel Lewis was plaintiff and John Byrne was defendant:

"And, of the Entry in the Book of the Clerk of the Peace in relation to said Ejectment, containing the names of the witnesses examined on behalf if the plaintiff and of the defendant."

MR. CHICHESTER FORTESCUE said, that the transaction took place in his own immediate neighbourhood in Ireland, and having inquired into the circumstances, he could confirm in the main the statement of the hon. Member. He believed it to be a very gross and most unfortunate case of the abuse of the legal power possessed by landlords in that country. The agent of Colonel Lewis fully admitted in a court of justice that the cause of the tenant's eviction was nothing more nor less than his refusal to take his children from the national school and to send them to the school established by his landlord. If there was a country in the world where the abuse of a landlord's power was more dangerous than another, it was Ireland, and if there was one district in Ireland where it was likely to lead to more serious consequences than another, that was the district where this transaction took place. Indeed public meetings had already taken place and a good deal of excitement prevailed in the neighbourhood on this matter. The only way to remedy such abuses was to bring public opinion to bear upon them; and he trusted that one effect of this discussion would be to make landlords in Ireland exercise their rights in a more fair and temperate spirit.

MR. GROGAN said, he thought a great deal had been made of a very short and simple case, and he was glad that the subject had been brought forward in that House, where it could be discussed without that excitement to which the last speaker had alluded as existing in Ireland. The simple question was whether a gentleman, who provided gratuitously the means of education for the children of his tenantry was to be coerced by a mob headed by a Roman Catholic priest, and prevented disposing of his property as he liked. Colonel Lewis had built three schools on his estates; he maintained them entirely at his own expense; and, to avoid any appearance of undue influence upon the children of the peasantry, he refused to place them either under the Church Education Society or the National Board; and they remained entirely under his own control and supervision. With respect to the particular school now in question Colonel Lewis was invited by his tenants to build it, they offering, as in other cases, to assist by drawing materials. He agreed, and when the day came for opening the school Colonel Lewis was present, and was met, not by his own tenantry, but by a mob collected for the purpose of intimidating him, and headed, as he had already said, by a Roman Catholic clergyman—this "injured innocence," John Byrne, who had been made the stalking-horse, for the collection of money in all parts of Ireland, forming one of the party. The mob asked Colonel Lewis if he would put the school under the National Board, and he declared that he would not. Then this innocent man said, "Well, you may take your land; I will not live under you as tenant another day." As a matter of course the patriot was loudly cheered by the crowd; but afterwards, when he found that Colonel Lewis was not to be bullied, and began to think that he had done a very foolish thing, he changed his mind and wished to remain. But Colonel Lewis, having been defied before the world, thought it advisable to take him at his word; he therefore served him with a notice to quit his holding, not considering that he was a fit tenant to remain on the estates. An ejectment was brought and in due course was brought to a close, and the man was removed from his farm. He had no one to blame but himself for what had happened, unless it could be said that a tenant was to browbeat and injure his landlord, and set a bad example to all the other tenants.

MR. P. O'BRIEN said, that Colonel Lewis was in court when the declaration was made, but although challenged to give evidence he did not come forward to do so. At the trial of the appeal the Judge said that it was too late for him to make any explanation.

LORD NAAS stated, that no practical result would follow the production of these papers.

MR. P. O'BRIEN said, that he did not press for them.

Motion by leave *withdrawn*.

CHURCHES AND CHURCHYARDS.

COMMITTEE MOVED FOR.

Mr. PULLER said, he rose to move that the House should on the following day resolve itself into a Committee to consider the expediency of providing for the repair of churches and the maintenance of churchyards by substituting for church rates such an annual rentcharge upon all hereditaments, in respect of which church rates might now be lawfully assessed upon the occupiers thereof, as would most fairly represent the total annual amount now raised by church rates, such rentcharge to be a fixed and uniform poundage on the rateable value of the hereditaments, and to be made a charge on the owners of the same. He had originally given notice of his intention to move this Resolution as an instruction to the Committee upon the Bill of the hon. Member for Tavistock (Sir J. Trelawny); but, to his regret, the forms of the House had prevented his taking that course, and consequently he was compelled to adopt the present mode of bringing it forward. The main principle of his Motion was to substitute for the present liability of the occupiers of lands and houses a rentcharge upon the owners, confining the application of the money so raised to the repair of the fabric of the churches and the maintenance of the churchyards. During his canvass at the last general election he was, like most other hon. Members, much catechised upon the subject of church rates; but, although he had declared that he could not vote for their simple and total abolition, he received much support from the Dissenters. When he asked the opponents of those rates if they were desirous of seeing the sacred edifices in their parishes suffered to go to ruin, the reply was almost invariably in the negative; but when he asked how they were to be maintained in repair he received no satisfactory answer. There was in this country hardly any class of buildings more deserving of support than the churches. Unlike the mansions of the landowners, which were the property of individuals, and the use and enjoyment of which were confined to individuals, the parish church was the common property of all the inhabitants of the parish, for the most sacred and beneficial purposes, the worship of Almighty God and the teaching of his word. Those churches were scattered over the face of the land, they had been given, most of them ages ago, by pious and generous individuals to their respective parishes, and their preservation had been due to this, that by the law of the land the inhabitants of each parish had, as was declared in the Braintree case, the undoubted right to maintain and repair their church by taxing the property of the parish. He might here be met with a legal maxim, which was frequently referred to in this question, that the liability to maintain the fabric was a charge not on the land, but on the occupier in respect of the land. To his mind, however, this was only a specimen of legal dust, because, except in case of insolvency, it made no difference whether the charge was on the land or on the owner in respect of it. The burden and the incidence of the burden were exactly the same, whether the remedy for non-payment was against the land, as in the case of tithes, or by proceeding against the occupier, as in the case of poor rate. Mr. Rogers said, speaking of church rates, "Generally the property ought to be rated, and, though in form the rate is upon the person in respect of the land, yet in substance it is the land which is chargeable." That doctrine, the truth of which no reasonable man could doubt, received the fullest Parliamentary recognition in the Church Building Act, passed in the 58th year of the reign of George III., which provided that money should not be borrowed upon the security of the church rates without the consent of two-thirds in value of the owners of land being first obtained. This point, however, needed neither legal argument nor statutory authority. Could any man doubt that the owners of the land did, by receiving so much less rent, bear the burden of the church rate? It had been said that the amount was so small that it made no difference. That meant that if church rates were abolished the landlords throughout the country would not immediately raise their rents *2d.* or *3d.* in the pound. Probably they would not. They were most of them too generous and too careless to do anything of the kind, but in the course of time the thing would work itself out. Suppose any gentleman were about to purchase lay tithes, would he not, before making an offer, ask whether the tithes involved the maintenance of the chancel? and if they did, would he not then ascertain the average annual amount of that burden, and multiplying it by twenty or twenty-five, as the case might be, strike it off from the gross value of the tithes. And precisely

the same was the case with a tenant before taking land; he naturally inquired what were the charges upon it, and he would consider the poor rates, church rates, and other outgoings before he determined what rent he ought to give. The law had been from time immemorial—namely, from before the Conquest—that the poor people of this country should have their churches repaired at the charge of the property of the parish, and the practical results was that the owners of that property bore the burden of these repairs. But by the Bill now before the House it was proposed to deprive the poor inhabitants of that ancient right, and to relieve the owners of property from their ancient burden. By returns before the House, it appeared that the money value of this right of the poor was £300,000 a year, which it was now proposed to make a present of to the landowners, who did not want it, had never asked for it, had done nothing to deserve it, and ninety-nine out of one hundred of whom objected to the abolition of church rates. His opinion on this subject—whether right or wrong—was shared in by a large number of the most eminent authorities in the country, although he was quite aware that a different view of this question was held by the Dissenters of England. They naturally regarded the principle of religious equality involved in it and their own interests, which he admitted would be entitled to great respect and consideration if they were now forming a constitution and were acting independently of all those ancient habits and traditions under which we had grown up, and which were associated with the history of the country. If, then, such a division of opinion prevailed, was it fair, just, or reasonable, to assert that there was only one solution of the matter? The question was, in fact, one which admitted of a reasonable compromise, and it ought not to be settled in such a way as to give one party a triumph over the other. He admitted, that at present Dissenters had a reasonable ground of complaint. The burden being, generally speaking, a charge upon the owner, the manner in which the law had been worked out made it a practical grievance upon the Dissenters, because every shilling being raised by a vestry, which fixed not only the quantum to be levied, but also the application of it when levied, the vote was one in which the majority taxed the minority. That was in itself a perpetual vexation, and one advantage of the substitution which he asked the House to sanction was, that they would get rid of this occasion of strife and make the tax a fixed charge upon the owner of property. Such trifling things as the washing of surplices and other petty items of expense ought to be paid by the voluntary contributions of the congregation, and he did not wonder that Dissenters objected to provide them; but when a large outlay for repairs, or the reconstruction of an ancient church, had to be met in some poor country parish without a resident gentleman in it, the question assumed a totally different complexion. He was sure there was not a man in that House who did not feel that if church rates were unconditionally abolished, there would be great difficulty in maintaining the fabric of the Church in thousands of our country parishes. The question then arose, how the substitution of a charge or tax upon the landlord, instead of a rate made and paid by the occupier, was to be practically carried into effect. Three points were to be kept in view—first, that the change should be made with as little injury as possible to the owners of land; secondly, that efficient provision should be made for providing for the wants which it was proposed to meet; and, thirdly, that there should be as little interference as possible with the institutions of the country. One mode which suggested itself, was to ascertain the actual amount raised for the last year, and to commute that for a rentcharge of corresponding amount, payable by the landlord. But, although that plan had been successful in the case of tithes, it could not be applied to church rates without combining the two faults of injury to the owner and inefficiency in providing for the wants of the Church, because, where the landowners and the inhabitants had most efficiently discharged their duty, and had maintained their church in good repair, the amount that had been raised would be the greatest, and the amount to be paid in future under the commutation would be the greatest also. On the other hand, in a parish where the church had been allowed to fall into decay for want of adequate rates, inasmuch as the levies had been small, the rentcharge would in future be small also, and the means of maintaining the church would therefore be in the inverse proportion to the requirements of the locality. If the plan of commutation were not adopted, they must resort to something in the way of substitution. It would be a

Mr. Puller

hopeless task to attempt to untie every knot. The House, if they did anything at all, must take a broad view of the subject, preferring that plan which could be worked out in the fairest manner to all parties. If they substituted a tax upon the owner, that tax might be of two kinds. It might be an elastic charge, varying according to the wants of the parish, so that in some years there might be no demand at all made upon the owners; while in others it might be considerable in amount. That was the plan adopted in the Church of Scotland. In Scotland the repairs, and, if necessary, the rebuilding of a church and manse were provided for by a charge on the heritors of a parish; there being a legal power on the part of the local presbytery, which comprised the ministers and certain elected lay elders of the district, to compel the heritors to discharge their duty in this respect if they neglected it. That method, however, would hardly be applicable to England; we had no such machinery, and our landowners were hardly prepared for the imposition of so stringent a system. A better mode of dealing with the question was to lay on all property now liable to church rates, a tax or rentcharge of fixed and uniform amount—that amount being such, that the sum collected over the whole of England would fairly represent the total sum raised in the form of church rates according to the last returns. The total sum thus raised was now £314,000 a year; but that amount included the interest and instalments annually payable on a debt of rather more than £300,000 borrowed on the security of the rates. Until the debt was liquidated, there must be, it was agreed, a power in the vestry to continue levying the rates. Deducting the interest and instalments, there would remain about £280,000 a year to be provided for. The latest returns showed the total annual value of the rateable property of the country assessed to poor rates to be £67,000,000 in 1850; and if he reckoned that it had increased by this time to £70,000,000, he would probably be within the mark. Striking off from this, the property charged for the maintenance of the chancel, and which could not be justly charged also for the maintenance of the nave, there would be between £65,000,000 and £66,000,000 of property liable to the impost left, on which a tax of 1*d.* in the pound would produce £270,000 per annum. The task of providing for an expenditure which varied so much from year to year as that belonging to the necessary repair of a parish church from a uniform charge of 1*d.* in the pound upon the lands and houses might not, at first sight, appear to be a very easy one. But he proposed to follow a principle very familiar to the House, and which was adopted in all friendly societies, in all assurance societies, and in the government of this country itself—the principle of throwing small fixed annual sums into a common fund, out of which those who paid in should draw out larger sums from time to time as occasion might require. He understood there was an objection on the part of some hon. Members to that principle, and that they would prefer placing the payments, whether large or small, of each parish to a separate fund. That, however, was a matter of detail which might be fairly considered in Committee. In submitting the Motion of which he had given notice he proposed to omit the last four lines, which provided that the proceeds of the rent charge in each diocese should form a central fund from which grants might be made for the repair of churches and the maintenance of churchyards, as he thought that part of his plan could be better discussed in the Committee if the House thought fit to grant him one. An objection had been raised to his plan on account of its effect on parishes which had for some time refused to make church rates. The claim of particular parishes to withdraw themselves from the operation of a general tax, to be levied on the whole country for the benefit of the poorer inhabitants, did not appear to him to be a reasonable one. The body by whom church rates had been discontinued was practically a vestry of occupiers; and the body on whom the new tax would be imposed would be the owners. The occupiers had but a transitory interest in the property, and dissent prevailed to a larger extent among them than among the owners, and it might very well happen that the owners would not be disposed to resist the charge if the decision were left in their hands. But this, again, was a matter of detail, and it would be open to every member who thought that a particular class of parishes ought to be exempted from the proposed rent charge, to propose that in Committee, by way of exception, to the general measure. He earnestly hoped that both sides of the House would give a full and candid consideration to this question. The subject was one on which it was most desirable in the interest of all parties that peace should be restored. Nothing could be so injurious as the local agitation to

which it now gave rise, and the mixing up of matters touching so closely on religion with the debates of that House was seriously to be deprecated. It could not be expected that the churchmen of England, with their earnest convictions that they were in the right, would all at once give way to the views of their opponents, however strongly entertained. Both sides must make up their minds to one of two things —either to accept a fair and reasonable compromise, or be prepared for a continuance of the existing strife and dissension. If twenty or thirty years ago the rate had been made in form as well as in reality a charge on the landlord, and had been confined to the maintenance of the fabric, did any single Member believe that we should ever have heard a syllable of objection to it from owner or occupier or any one else? The hon. Gentleman concluded by his Motion.

MR. WIGRAM seconded the Motion.

Motion made and Question proposed,—

"That this House will, To-morrow, resolve itself into a Committee, for the purpose of considering the expediency of providing for the repair of Churches and the maintenance of Churchyards, by substituting for Church Rates such an annual rentcharge upon all hereditaments in respect of which Church Rates may now be lawfully assessed upon the occupiers thereof, as will most fairly represent the total annual amount now raised by Church Rates; such rentcharge to be a fixed and uniform poundage on the rateable value of such hereditaments, and to be made a charge on the owners of the same; the proceeds of such rentcharge in each diocese to form a central fund from which grants may be made towards the repair of Churches and the maintenance of Churchyards, and to be administered by a body of persons elected for that purpose."

MR. BUXTON:* It has appeared in the debates on this Bill that the resistance to it arises chiefly from the feeling that, if we did away with church rates, we should be robbing the Church of her property, and that our next step will be to rob her of tithe as well. If that were so, it ought to be, and I think it would be, fatal to this Bill. Nothing could be more disastrous than that Parliament should trample on the sacred and inviolable rights of property. But are church rates the property of the Church? Surely not. It seems to me that no two things can stand further asunder than tithe and church rates. With respect to tithe, the law undoubtedly regards the rector of a parish as part owner of the land. Whatever right the landlord has to his rents, such precisely is the rector's right to his rentcharge. But does the law look upon the parish church as if it were a human being endowed with a lien upon the parish property? The law does not indulge in any romance or sentiment of the kind. With the plain good sense which marks English law, it merely takes the parish church for what it is; the law regards it as the property, as one of the goods and chattels, of the people in the parish. They are welcome to let that property down, or to keep it up; the sum total of what the law does is to cause the parish to act as a whole. That is to say, in this as in other parochial concerns, the lesser is made to yield to the greater number. As far as church rates go, the law takes no cognizance of the Church; it only recognizes and enforces parish self-government. Surely there is here no property, no possession of any kind, except indeed the legal enjoyment of a privilege by the majority of ratepayers. We need not, then, feel uneasy lest, in taking away that privilege from the ratepayers, we should be stripping the Church of wealth that belongs to her, or should be setting a precedent for the confiscation of tithes. This difficulty fades away when it is looked into, and we are left free to discuss the question as one of expediency; and, as a matter of expediency, it seems to me that, so far from dealing a blow to the Church by this measure, we shall root her more firmly in the hearts of the people. I am not one of those friends of the Church who would rather see her rich in money than rich in love; and in this matter we have to choose between the two. At the same time one cannot but feel some regret in pulling down an institution which has stood for ages. Nor can I help wondering at the heat of the Radical party on the matter, seeing that the church-rate system is both low church and democratic. It is low church, in that it treats the churches as the chattels of the people. It is democratic, in that it recognizes the power of majorities; in that it entrusts the care of the House of God to the people themselves; in that it allows the right of the poor man to be found by his richer neighbours in the means and appliances for worship, and not only for worship, but for the performance of the rites of baptism, marriage, and burial. Sir, one might have rejoiced had this holy trust been still regarded as rather a delight than a burden. But that is so no longer. In a vast number of parishes church rates are an unfailing spring of bitterness and ill-will. I have been surprised

at the stress that has been laid on the fact (if it be a fact) that church rates have been carried in nine-tenths of the parishes in which they have been asked. Why, Sir, we must know little of village politics, if we are unaware that the great mischief is not done where the opponents of church rates have got their way, but where they have been defeated. It is there that you find a grumbling and growling minority, who are made sore against the Church, and not only against the Church but against their clergyman, by having their money wrung from them. Now, I do not believe that the irritation caused by church rates usually springs from any conscientious horror about aiding a false religion. Some Dissenters may have scruples of that kind, but nowadays most of them are willing to look on the Church as their fellow-worker rather than their foe, and their objection to church rates has more sense in it. They dislike paying for our buildings and our services, not because it is a sin, but from a reluctance which, in the corrupt state of human nature, is not surprising—a reluctance to pay other people's bills for them. They say, and there is a kind of wild justice about it, that if we don't like catching cold in church, we had better send for the bricklayer to stop the holes up, but not charge the cost to them. They have their own chapels on their hands, and their own ministers, and they hardly see why they are to look after our comforts. For, after all, it is not a question of spreading the Gospel abroad, it is simply a question of comfort. And I really doubt whether it it not wrong, absolutely wrong, for us to squeeze other people's money out to pay for things with which they have no concern. We were told indeed, that it is the sacred indefeasible right of majorities to tax minorities; but surely that is only so for purposes common to the whole, not for those which touch the majority alone. So far then as Dissenters go, it is open to doubt, whether church rates are not the triumph of might over right; and I feel no doubt that it would be worth more than all the silver and gold we screw from them, that our Church should stand clean-handed before them, instead of looking like a plunderer. But now, Sir, we must not fancy the whole clamour against church rates to be of this fair and respectable kind. A large part of the outcry comes from those who belong to the Church of England—from those who share in the good things for which church rates pay. That outcry comes in some from principle; in more from mean stinginess. Notwithstanding, it would be well to stop it, for nothing, no, not even the feeling of ill-usage on the part of the Dissenters, does so much to keep the Church in hot water and set the pastor at loggerheads with his sheep. This, then, is the state of things that we have to deal with. Not only to those without her pale, but to those within it, these rates give our Church an ugly look of greediness and grasping, and, therefore, I cannot but wish the system of church rates to be swept away. But though we yield so far, still I think we are bound to weigh calmly and thoughtfully, whether any of the plans for raising money in the place of church rates are not worthy to be approved. It is a very nice thing, of course, to talk of not drawing money from people who don't like paying it; yet somehow or other the money must be got, and the question is, how to get it. The pleasant thing for us would be to put a vague trust in voluntary subscriptions, and let the matter take its chance. Surely that course would be more easy than right. It may be feared that, in many rural parishes, the churches would fall into disrepair; in many more into ruin. Most often, however, the work would be done. But by whom would it be done? It would be done mainly by the clergyman. Now, already the clergy spend far more on their neighbours than any other men do, in the way of schools, reading-rooms, clothing-clubs, and direct relief. I shrink from burdening them still more; I shrink for their own sake; and I shrink too lest those schools and charities should be skimped by this further claim. But above all, because it seems to me to set the matter on an utterly wrong footing. It is not for the clergyman's good, it is for the good of the laity that they should worship God; it is not the clergyman's matter, it is the laity's matter, that their churches should be snug, and the services well done. And yet, if we make a clean sweep of church rates, without setting up anything in their stead, we shall in reality force the clergyman to do for the laity, what the laity ought to do for themselves. On these accounts, and on many others, we are bound not to throw overboard the schemes that have been brought forward, without looking into them fairly, and thoroughly; and especially is such consideration due to the proposal to leave a share of the maintenance of the churches on the owners of

land. This seems to me perfectly just, fair, and wise. No economist, I believe, denies that the church rate is reckoned in the rent paid for land. The bulk of it then has really lain upon the shoulders of the landlord, and to abolish it would be to put money in the pocket of every squire in England. Of course if our farmers had not to pay church rates we should raise their rents. The hon. Baronet who moved this Bill dwelt on this, and he called on the landowners of England to aid him in passing it, because it would put money in their purses. Sir, I too would impress the same truth on what my hon. Friend the Member for Sandwich called the bucolic mind in this House. I would again remind the landowners in the House, that the abolition of the church rates will send into their pockets the money which used to go to keep up the parish churches ; and I remind them of it, because I am persuaded that most of them would scorn to catch a penny in any such way. They might hold, as I do, that the present way of raising these funds is a vexatious and hurtful way ; but the proposal not to re-adjust, but to repudiate, a burden which has lain for ages on their land, and to make a profit—a profit to which they have no claim—by the transaction—this proposal would not, I think, meet with acceptance. It would then be a fair and convenient settlement of the church-rate question, just as it was a fair and convenient settlement of the tithe question, to levy the money at once from those who have really to pay it in the long run, without first wringing it from the tenantry. It may be asked, how we shall do with a dissenting landlord ? Those cases might be easily met. Experience has shown in the case of tithe that no practical difficulty arises on that point. Such cases in fact would not be very common, for there is no such persuasive eloquence to faith in the Thirty-nine Articles as that of broad acres. If, therefore, my hon. Friend the Member for Herts had proposed that in rural parishes, and in them alone, a small addition should be made to tithe for this purpose, I should have withdrawn the first of the Amendments of which I have given notice, and should have given this Motion my humble support. But, Sir, this Motion seems to be, not for merely making an addition to the tithe paid by landowners in the counties, but for throwing on the possessors of house property in towns a perfectly novel charge. And to that course there is this fatal objection, that it would stir up that very strife, that very exasperation, which it is our express object to allay. Sir, it seems to me that if we are not willing to trust the parish churches in towns to voluntary subscriptions, then there is no legitimate way of raising the money except by allowing pew-rents to be levied in the parish churches, just as they are already in most district churches. People seem to think pew-rents a strange and new thing. Why, Sir, I do not hesitate to say, that there are thousands and thousands of churches in which pew-rents are raised, without the smallest difficulty or annoyance of any sort or kind. I know there is a feeling against them in the minds of many persons. But it seems to me that all the sound objections to them would fall to the ground, if, say a third of the sittings, were left free for the very poor, another portion were let at a rate low enough to be within the reach of respectable working-men, and the remainder at the usual price. Those gentlemen who are most intimate with the working class in towns will agree with me in believing, that a low pew-rent would not keep them away from church, but would draw them to it. A main reason why the Dissenting chapel is more popular with town mechanics than the parish church is, that they pay for their sittings, and so feel a right to them. Nothing is so distasteful to the working-men of the better class as to be treated like paupers ; nothing would attach them more to the Church than to feel that they had seats of their own ; and this would be still more the case, if every man who paid for a sitting had a share in electing the committee who should lay out the money thus raised. The man who paid half-a-crown for his sitting might have one vote ; the man who paid a pound might have eight votes. Thus the Church and its services would be kept up by those who would enjoy them, without any vexing declaration as to their being Dissenters or Churchmen. It seems to me that by such a plan two sound principles would be brought into action : those would pay for the commodities who used the commodities ; those would manage the funds who provided the funds. I believe that by a small addition to the rent-charge in rural districts, and by graduated pew-rents in town, enough money would be raised to meet the running expenses. But, Sir, I would just add that many of our parish churches are not mere places of worship for the parishioners, but

are architectural monuments of great value to the country. It is not fair to them, nor is it fair to the parishes in which they stand, that the whole weight of their repairs and restorations, which is much the heavier, because of their architectural splendour, that the whole of that burden should fall on the people of the place. It would be a fair equalization of the burden, and it would do much to preserve or to restore those architectural monuments, if a part of the cost were defrayed from the wealth of the whole Church; and I am persuaded that ample funds for such a purpose would be forthcoming, if the vast real property in lands, mines, and houses, belonging to the Church of England, and now administered by the Ecclesiastical Commissioners, were all sold off and the proceeds invested in the funds. There is enormous waste, there is enormous pecuniary loss, in the attempt of the Church to play the part of landlord to property scattered throughout the country, the mere supervision of which involves a great outlay. If all those properties were brought to the hammer, and the money got for them were more judiciously invested, the Church would be very far richer than she is now, and might spend that extra income on the preservation of those ancient buildings, which ought to be her glory, but too often are her shame.

The sum of what I have been saying is, that, by doing away with the church rates, we should not be trampling on the rights of property, or laying a stepping-stone to the confiscation of tithe. And that, although one cannot but feel regret in laying the axe to such a time-honoured institution, this must be done, because church rates are not fair towards those without the Church, nor wise towards those within it. But that, if we leave the thing to be done by voluntary subscription alone, we shall lay upon a few generous men, and above all upon the clergy, a burden which it is the duty of all churchmen to bear. And that it would be set upon the right shoulders, if in country districts a small addition were made to the rentcharge; and in towns pew-rents were affixed in the parish as well as in the district churches; and if the extraordinary outlay, required by extraordinary architectural splendour, were partly met by a wiser investment of the wealth of the Church of England.

GENERAL THOMPSON said, he saw an objection to the original Motion, which bore upon the propriety of an Amendment. They were told that church rates fell upon the landlords or owners. So they did, and those were the very men who complained, or who would complain; for the owners were many of them Dissenters. It was very likely that the man who at present saw his chair or table taken for church rates, had a more lively sense of suffering than the landlord who had only a dim and misty notion that *7s. 6d.* might be ultimately deducted from his rent-roll. But let the landlords once see the thing in the shape of a direct impost, and they would quickly be heard of in this House, with power greatly superior to that of the present complainants. The original Motion, if carried, would only be a phase through which they would pass to an increased resistance to church rates; and therefore he would second the Amendment.

Amendment proposed,—

To leave out from the first word "That" to the end of the Question, in order to add the words, "in the opinion of this House, it is desirable that in some parishes power should be given to make an addition, to a limited amount, to the Tithe, in order to maintain the fabric of the churches; and that in some parishes in towns power should be given to the churchwardens or the vestry to place a rental on a certain proportion of the sittings," instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

SIR JOHN TRELAWNY said, it was his intention to negative the Motion of the hon. Gentleman. He must first, however, congratulate the Government on the fact that assistance in their difficulties had been thrown out to them from the opposition side of the House; for the Motion of the hon. Gentleman below him (Mr. Puller) was of the same nature as the suggestion of the noble Lord the Member for London with regard to the India Bill, and it must have been quite a godsend. With regard to the plan of the hon. Gentleman, he did not think that it could be entertained, for so far from providing a remedy for the existing state of things, it fixed the injustice still deeper. Church rates were at present a contingent tax, but the hon. Gentleman wished to make them permanent. In five years church rates would abolish themselves, whereas the hon. Gentleman now sought to make them perpetual. He did wonder then that hon. Gentlemen opposite should have received the plan of the hon. Gentleman with so much favour. As proposed, however, it was open to much criticism and, in his opinion, would never work.

Who was to have the control of the central fund which must be established? Its distribution would cause continued squabbles among the clergy of different opinions in the Church as to who were to get the most of it; its management would be bad and be liable to jobbery. In fact, the speech of the hon. Gentleman answered itself. The hon. Gentleman proposed to make a present of church rates to the landlords. But the main objection was that the Motion was inconsistent with a solemn Resolution to which the House had come. No plan which involved anything but the entire abolition of the tax would succeed, and feeling that it was necessary to get rid of church rates altogether the House came to the Resolution which had been recently agreed to. The hon. Gentleman then came with his Motion which was a complete anachronism, and which went back to the mediæval age of this question. If the same form of religion prevailed throughout the whole population, there might be something like justification for it; but where the number of Dissenters from the Established religion was so great, it was a great hardship to impose a general rate. With regard to the architecture of churches, he would contend that so far from church rates having tended to improve it, all that had been done in the way of the advancement of church architecture was due to the voluntary principle. In fact he knew one church where, under the system of church rates, granite pillars had been whitewashed over, and he could mention another where the water came down into the pulpit in such abundance, that the unfortunate clergyman who preached last Sunday was almost washed away. He objected to the levying of pew rates—believing it to be desirable that churches should be open and free to all classes. It was said that the church rates were a fixed charge, and could not be abolished; but how did they differ from ministers' money, which had been abolished? He felt it incumbent on him, as having charge of the Bill for the abolition of church rates, to oppose the Motion.

Mr. LYGON said, he wished in a few words to recall to the recollection of the House the present position of this question. On Wednesday the House went into Committee on the Bill of the hon. Member for Tavistock (Sir J. Trelawny), when able speeches were delivered by men of the greatest weight in that House, and there seemed to be a disposition on all sides to come to some understanding on the subject. They were precluded, however, from amending the Bill before the House, or from dealing with the question of church rates, except in the way of simply abolishing them according to the principle of that measure. That was, no doubt, a very simple, but it was at the same time a very dangerous mode of dealing with the subject, and was not likely to be satisfactory to a large body of the Members of that House. There were, however, other courses which it was open to the House to pursue. There was the proposition of the hon. Member for Hertfordshire (Mr. Puller), which might be described as a commutation. Another plan was that proposed by the right hon. Gentleman (Sir G. Grey), which proposed to recognize the confiscation of church rates in all parishes where for a certain term of years the rate had been refused. But there was another mode of dealing with the subject which he thought entitled to the respectful consideration of the House, and that was the exemption of Dissenters from the payment of the rate. They were told that the Dissenters had conscientious scruples against paying the rate, and, though not willing to admit the force of the objection, he still thought it entitled to respect. He thought that on a person making a declaration and promising to take no part in the ecclesiastical business of the vestry for a year he should be exempted from church rates. He would not be denied the right of attending the church or receiving the consolations of religion, but he would be prevented from holding the office of churchwarden and interfering in the management of the church rate. It was his intention to bring in a Bill embodying this provision, which he thought, if carefully and dispassionately considered, would, without any sweeping innovation, relieve conscientious scruples and allay all ill-feelings.

Sir GEORGE LEWIS said, he wished to state shortly why he could not support either the Motion or the Amendment. The Motion of the hon. Member for Hertfordshire (Mr. Puller) sought to impose a compulsory charge on the general property of the country for the maintenance of the Church; but the present church rates were a parochial charge, levied by the majority of a vestry only. Practically speaking, for a number of years, in 10 per cent of the parishes of the kingdom, including one-half of the population of the kingdom, church rates had been practically abolish-

ed; but the hon. Gentleman sought to convert what was now a voluntary charge, levied partially, into a general compulsory charge. He proposed also to deprive the rate of its parochial character and make it into a diocesan charge, so that a parish might possibly not obtain the benefit of the whole sum which was collected within its limits. For these reasons he could not give his support to the Motion. The form in which the Amendment was put before the House was not quite correct. The hon. Member for Newport (Mr. Buxton), by an addition to the tithe charge, sought also to put an additional charge on property; but to effect that it would be necessary to move first, that the House resolve itself into a Committee on a certain day to consider the subject, which the hon. Gentleman had not proposed to do. Certainly, if the House should resolve to go into Committee on the Motion of the hon. Member for Hertfordshire, it would be competent for the hon. Member for Newport to move his Amendment; but as it stood at present it was not in order. Apart, however, from the question of form, he was not prepared to agree to the solution of this question as proposed in the Amendment. Either the House must make up its mind to abolish church rates altogether, or it must agree to some modification of them. It would never do to supply their place by an entirely new charge. The proposition made last year by the right hon. Baronet the Member for Morpeth to abolish church rates *de jure* in parishes where they had been practically abolished for a certain time, and in the other parishes to permit persons dissenting from the church of England to have their names struck off the rate, would have removed most of the objections to the present system. It was accepted by Sir William Clay, who had then had charge of the Church Rates Abolition Bill, as satisfactory to the Dissenters with whom he was acting, and if hon. Gentlemen opposite, who now seemed to wish for such a solution, had then consented to it, in all probability it would have become law.

MR. NEWDEGATE said, that it appeared to him that the objection taken by the right hon. Gentleman opposite to the proposal was, that nothing should be done to interrupt the course of the House in abolishing church rates. He believed there was a large number of hon. Members anxious to consider the proposal of the hon. Member for Herts. For himself, he entertained a full conviction that, either now or hereafter, some such proposal as this, supported, he believed, by the great body of landowners, would afford the solution which the House desired—would remove the inconveniences incidental to the collection of church rates, while at the same time the fabric of the Church would be maintained, but maintained not out of pew rents, but out of the land. He did not think that the House would represent the interests or the feelings of the people if they rashly cast aside what must be considered as a direct offer on the part of a landowner, representing no doubt many landowners, on this question. It would not be a popular ground on which to go to their constituents, to tell them that they had refused to consider a proposal which would have relieved those who conscientiously objected to church rates, and at the same time would have furnished a fund from the land for the maintenance of the Church. He did not approve of that part of the proposal which related to a diocesan collection for the fund, but he had understood the hon. Member to say that he would consent to a modification of that part of his proposal in Committee, so as to reserve to each parish the amount levied from the proprietors within it. That would meet the objections of many Members on that side. He should not think that the House, acting with the circumspection and liberality which ought to characterise it, would refuse the hon. Gentleman the opportunity of submitting his plan to their consideration. There was a party in the House determined to abolish church rates as a stepping stone to the disestablishment of the Church, but he did not think that was the intention of the great number of Members who wished a settlement of this question. He believed they desired to maintain the Church for the poor, an object which the voluntary principle could not permanently effect, and he hoped they would not be so illiberal as to refuse to the hon. Member for Hertford the opportunity he wished to obtain.

LORD JOHN RUSSELL said, when they were discussing the subject of church rates on Wednesday last he stated he thought the proposal of the hon. Member for Hertfordshire (Mr. Puller) a fair matter for deliberation. He had now heard the discussion on this subject and had examined the proposition of the hon. Member, and he must say the two objections which had been taken by the right hon. Gentle-

man the Member for the Radnor district appeared to him to be sound objections against the proposal of the hon. Member for Hertfordshire. He thought it objectionable to impose a rent charge upon property which had been for a long time exempted from the payment of church rates. He also considered it objectionable to place the control of the rate in the hands of a body in each diocese. As long as the charge existed, it ought to be a parochial one. With regard to the subject itself, he had only to say that he really could not understand how they could have a national Church Establishment without some provision or other for repairing its places of worship. They had such a provision both in Scotland and in Ireland, and it did seem to him that it was unreasonable to say, that they should have a provision to maintain the minister, but no provision to maintain the churches. He was ready to listen to any reasonable proposal for a substitute for church rates. Although he felt great objections to the proposal of his right hon. Friend the Member for Morpeth (Sir G. Grey), he would be ready to consent to it rather than leave the matter as it had been, an occasion of strife. He was willing, he repeated, to consider any fair proposal on the subject, but if they came to the question of an absolute abolition of the rate he must vote against that as a violation of the principle of a Church Establishment.

Mr. WALPOLE said, that the whole question was, whether they should go into Committee. He thought that his hon. Friend the Member for Hertfordshire (Mr. Puller), in his able speech had demonstrated in the plainest terms that to abolish church rates was, in other words, to put money into the pockets of the landlords which did not belong to them. But, at the same time he could not but feel that the objection taken to the specific proposition of his hon. Friend by the right hon. Gentleman the Member for the Radnor district (Sir G. C. Lewis) was really an unanswerable one. Whatever they did as a compromise, he thought they ought not to put a new charge on property. As the right hon. Member for Morpeth (Sir G. Grey) was not in his place, would the right hon. Gentleman the Member for Radnor allow him (Mr. Walpole) to request him to press on his late Colleague the propriety of bringing forward substantially the proposition which he announced when he occupied a seat on the Treasury Bench? With part of that proposition he (Mr. Walpole) agreed, and with part of it he could not agree. As to that part of it which said absolutely that they were to abolish church rates because they had not been levied, he thought that was wrong in principle. That part of the plan which said where church rates had not been levied for two years they were not to be levied hereafter, he considered would be holding out a mere premium to agitation, and therefore he could not consent to it. But that part of it which provided that an opportunity should be afforded to proprietors notwithstanding the mortmain laws, of voluntarily charging their land with the amount of the church rates which had been paid in respect of that land, so as to raise a fund for the maintenance of the fabric, was a proposition so reasonable and just in itself, that he could not but regret that it had never been put to the vote in that House. He thought that would be a reasonable and just form of compromise; and he could never see the reason why, conjointly with that plan, a person entertaining a conscientious objection to the payment of church rates should not be absolved from them, provided he was willing to forego the privileges which belonged to a member of the Established Church. Some such plan as that would be to his (Mr. Walpole's) mind a proper settlement of this question. The question, certainly, was one of great difficulty; but that difficulty arose rather from the manner in which it had been treated in that House than from any inherent difficulty in itself. In the meantime he could only say that, while opposing the Motion of his hon. Friend (Mr. Puller), he certainly never could consent simply and solely to vote with the hon. Baronet (Sir J. Trelawny) that church rates should be abolished without an equivalent, which was merely putting money into the pockets of those to whom it never belonged. He believed Parliament was now prepared to accept a compromise in this matter, and he hoped the House would resolutely apply their minds to make it a just and equitable one.

Mr. ROEBUCK said, the occupants of the Treasury Bench were so much accustomed to derive aid from hon. Members on the Opposition side, that he was not surprised at the appeal which the right hon. Gentleman who had just spoken had made to the right hon. Gentleman the Member for Radnor to get them out of trouble. If the right hon. Gentleman (Mr. Walpole) thought that the Church Rate Abolition Bill, which had passed a second

reading, was in itself so very detrimental, why did he not, in his character of a Minister of the Crown, come forward with a proposition agreeable to his own feelings and in accordance with the principle of his objections? From that straightforward course the right hon. Gentleman shrank, and then came to that (the Opposition) side of the House to ask them to assist him in the performance of his duty. He (Mr. Roebuck) was not inclined to do the duty of anybody. And when the right hon. Gentleman said the House had not discussed this question, did he recollect that, when the noble Lord the Member for Tiverton was in office, the House passed the second reading of this Bill, which involved its principle? What was the principle of the Bill? Why, that church rates should be abolished. That they were to be abolished he (Mr. Roebuck) was convinced; and he and those with whom he acted were determined that they should be abolished. They did not intend to enter into any compromise. Compromise was the very breath on which the occupants of that (the Treasury) Bench existed. The promoters of this Bill would have nothing to do with compromise. They were determined to get rid of church rates, and during the present Session too. The right hon. Gentleman (Mr. Walpole) said that the speech of the hon. Member for Hertfordshire had not been answered; but at that hour—twelve o'clock—what time was there for answering it? No grounds had been shown why church rates should be made a distinct charge on the land. The charge was in the individual will of the parishioner; and if that seal could not be broken off the bond, it would be impossible to support the proposition of the hon. Member. One-half of the parishioners of the country had refused to pay church rates, and now the hon. Member came forward to ask the House to make them a permanent charge on the rental of the land. Was not this, then, a new tax; and could this new proposition be brought in aid of the old law? Not a bit of it; and they were determined that it should not be. He did not intend at that time to occupy the attention of the House; but if the question were to be argued as a politico-economical question, he should be prepared to go into it, if brought forward at a time when it could be argued. The principle was already before the House; it had passed a second reading, and it was in Committee, and in that Committee it should be decided whether it should go out as a Bill or not.

MR. WIGRAM said, he rose only for the purpose of expressing a hope that the hon. Member for Hertfordshire would take the opinion of the House upon the Resolution. He thought it was not open to the objection urged against it by the right hon. Member opposite (Sir G. C. Lewis) because the obligation was at present on the parish to provide the necessary funds. The principle of the Resolution was nothing more than to substitute for the existing common-law obligation a certain nominal pecuniary charge, which would be less in amount than the existing charge. It had been said that the effect of it would be to revive the charge where it had become virtually extinct. This objection might be met and provided against in Committee. He should vote for the proposal of the hon. Member for Hertfordshire or for the Amendment, as he believed that the clergy of the country would welcome any proposal that would provide for the maintenance of the parish churches.

SIR GEORGE LEWIS explained that in the remarks he made with respect to the state of the law, he referred to the decision of the House of Lords in the Braintree case, which was to the effect that, legally, church rates could only be made by a majority of the vestry; and, if they refused, there was no power to compel them to make them.

MR. WIGRAM said, that the right hon. Gentleman would find that in the Braintree case the law was also laid down by the Judges as he (Mr. Wigram) had stated.

MR. BUXTON said, he would withdraw his Amendment.

Amendment by leave *withdrawn.*

MR. PULLER in reply said, he wished to make one remark in reference to an observation made by the hon. Baronet the Member for Tavistock (Sir J. Trelawny), to the effect that the present Motion was a godsend for the Government. All he could say in reference to that observation was, that it was not he, but the hon. Baronet himself, who contributed to seat the present Ministers in office. Having a clear opinion that there should be a reasonable and fair compromise between different parties in the Church of England holding strong opinions on this question, he thought himself justified in bringing forward the proposition now before the House; but after the manner in which the Motion had been received by the Government and

by the noble Lord the Member for London, he felt that, as far as he was concerned, he should be wrong in putting the House to the trouble of dividing, and therefore he was willing to withdraw his Motion.

Main Question put.

The House *divided*:—Ayes 54; Noes 317: Majority 263.

List of the AYES.

Baring, T.
Bathurst, A. A.
Bennet, P.
Bentinck, G. W. P.
Bovill, W.
Bramley-Moore, J.
Burghley, Lord
Carnac, Sir J. R.
Cecil, Lord R.
Cobbold, J. C.
Deedes, W.
Dobbs, W. C.
Du Cane, C.
Du Pre, C. G.
Egerton, Sir P. G.
Emlyn, Visct.
Farnham, E. B.
Fellowes, E.
Gard, R. S.
Goddard, A. L.
Heathcote, Sir W.
Holford, R. S.
Ingestre, Visct.
Knatchbull, W. F.
Knightley, R.
Langton, W. G.
Lygon, hon. F.
Mainwaring, T.
March, Earl of
Maxwell, hon. Col.
Miller, T. J.
Miller, S. B.
Newdegate, C. N.
Packe, C. W.
Pakenham, Col.
Pennant, hon. Col.
Philipps, J. H.
Repton, G. W. J.
Robertson, P. F.
Rolt, J.
Rust, J.
Sandon, Visct.
Scott, hon. F.
Scott, Major
Shirley, E. P.
Stanhope, J. B.
Steuart, A.
Tollemache, J.
Trefusis, hon. C. H. R.
Vansittart, W.
Wigram, L. T.
Wyndham, H.
Wynn, Col.
Yorke, hon. E. T.

TELLERS.
Puller, C. W.
Spooner, R.

List of the NOES.

Adair, H. E.
Adderley, rt. hn. C. B.
Agar-Ellis, hn. L. G. F.
Agnew, Sir A.
Akroyd, E.
Alexander, J.
Antrobus, E.
Ashley, Lord
Atherton, W.
Ayrton, A. S.
Bagwell, J.
Bailey, C.
Baines, rt. hon. M. T.
Ball, E.
Baring, rt. hon. Sir F. T.
Baring, T. G.
Barnard, T.
Bass, M. T.
Beach, W. W. B.
Beale, S.
Beecroft, G. S.
Berkeley, F. W. F.
Biddulph, R. M.
Biggs, J.
Black, A.
Blackburn, P.
Boldero, Col.
Bonham-Carter, J.
Brady, J.
Brand, hon. H.
Bridges, Sir B. W.
Brocklehurst, J.
Bruce, H. A.
Bruen, H.
Buchanan, W.
Buller, J. W.
Bury, Visct.
Butler, C. S.
Buxton, C.
Buxton, Sir E. N.
Byng, hon. G.
Cairns, Sir H. M'C.
Calcutt, F. M.
Campbell, R. J. R.
Cardwell, rt. hon. E.
Cartwright, H.
Cavendish, hon. W.
Charlesworth, J. C. D.
Cheetham, J.
Cholmeley, Sir M. J.
Christy, S.
Churchill, Lord A. S.
Clark, J. J.
Clifford, C. C.
Clifford, Col.
Clive, G.
Clive, hon. R. W.
Close, M. C.
Cogan, W. H. F.
Cole, hon. H. A.
Collier, R. P.
Collins, T.
Conyngham, Lord F.
Corry, rt. hon. H. L.
Cowan, C.
Cox, W.
Craufurd, E. H. J.
Crawford, R. W.
Crook, J.
Cross, R. A.
Crossley, F.
Curzon, Visct.
Dalglish, R.
Davey, R.
Davie, Sir H. R. F.
Davison, R.
Deasy, R.
Denison, hon. W. H. F.
Dent, J. D.
Dillwyn, L. L.
Disraeli, rt. hon. B.
Divett, E.
Dodd, J. W.
Duff, M. E. G.
Duke, Sir J.
Dunbar, Sir W.
Duncombe, hon. A.
Dunkellin, Lord
Dunne, M.
Dutton, hon. R. H.
Ebrington, Visct.
Edwards, H.
Egerton, E. C.
Ellice, rt. hon. E.
Ellice, E.
Elphinstone, Sir J.
Elton, Sir A. H.
Esmonde, J.
Estcourt, rt. hn. T. H. S.
Evans, T. W.
Ewart, W.
Ewart, J. C.
Ewing, H. E. C.
Fagan, W.
FitzGerald, rt. hn. J. D.
FitzRoy, rt. hon. H.
Foley, H. J. W.
Foljambe, F. J. S.
Forde, Col.
Forester, rt. hon. Col.
Forster, C.
Foster, W. O.
Fortescue, hon. F. D.
Freestun, Col.
Gallwey, Sir W. P.
Galway, Visct.
Garnett, W. J.
Gaskell, J. M.
Glyn, G. C.
Glyn, G. G.
Goderich, Visct.
Greaves, E.
Greene, J.
Greenwood, J.
Greer, S. M'C.
Gregory, W. H.
Gray, C.
Grogan, E.
Grosvenor, Earl
Gurdon, B.
Gurney, S.
Hadfield, G.
Hall, rt. hon. Sir B.
Hamilton, Lord C.
Hamilton, G. A.
Hanbury, R.
Handley, J.
Hankey, T.
Hanmer, Sir J.
Hardcastle, J. A.
Hardy, G.
Harris, J. D.
Hartington, Marq. of
Hassard, M.
Hatchell, J.
Hayter, rt. hn. Sir W. G.
Headlam, T. E.
Henley, rt. hon. J. W.
Hill, hon. R. C.
Hodgson, K. D.
Hodgson, W. N.
Hope, A. J. B. B.
Hornby, W. H.
Horsfall, T. B.
Hudson, G.
Hunt, G. W.
Hutt, W.
Ingham, R.
Inglis, J.
Ingram, H.
Jackson, W.
Jervoise, Sir J. C.
Johnstone, hon. H. B.
Johnstone, Sir J.
Jolliffe, Sir W. G. H.
Jolliffe, H. H.
Kendall, N.
Kerrison, Sir E. C.
Kershaw, J.
King, hon. P. J. L.
King, J. K.
Kinglake, A. W.
Kinglake, J. A.
Kingscote, R. N. F.
Kinnaird, hon. A. F.
Knatchbull-Hugessen, E
Knight, F. W.
Knox, Col.
Laslett, W.
Lennox, Lord H. G.
Levinge, Sir R.
Lewis, rt. hon. Sir G. C.
Liddell, hon. H. G.
Lindsay, W. S.
Lisburne, Earl of
Locke, J.
Locke, J.
Lovaine, Lord
Lowe, rt. hon. R.
Lyall, G.
Macarthy, A.
Macartney, G.
M'Cann, J.
Mackie, J.
M'Clintock, J.
Maguire, J. F.
Mangles, R. D.
Mangles, C. E.
Manners, Lord J.
Marjoribanks, D. C.
Marsh, M. H.
Martin, C. W.
Martin, P. W.
Martin, J.

Mr. Puller

Massey, W. N.
Melgund, Visct.
Mellor, J.
Miles, W.
Mills, T.
Moffatt, G.
Moncreiff, rt. hon. J.
Montgomery, Sir G.
Morris, D.
Mowbray, rt. hon. J. R.
Naas, Lord
Napier, Sir C.
Newport, Visct.
Nicoll, D.
Nisbet, R. P.
Noel, hon. G. J.
Norris, J. T.
North, Col.
North, F.
O'Brien, P.
Ogilvy, Sir J.
Osborne, R.
Paget, C.
Pakington, rt. hn. Sir J.
Palmer, R.
Pechell, Sir G. B.
Peel, Sir R.
Peel, rt. hon. Gen.
Perry, Sir T. E.
Philips, R. N.
Pilkington, J.
Pinney, Col.
Portman, hon. W. H. B.
Powell, F. S.
Power, N.
Price, W. P.
Proby, hon. G. L.
Pugh, D.
Ramsay, Sir A.
Rawlinson, Sir H. C.
Rebow, J. G.
Ricardo, O.
Richardson, J.
Ridley, G.
Robartes, T. J. A.
Roebuck, J. A.
Roupell, W.
Russell, Lord J.
Russell, H.
Russell, A.
Salisbury, E. G.
Schneider, H. W.
Scholefield, W.
Seymer, H. K.
Seymour, H. D.
Shafto, R. D.
Shelley, Sir J. V.
Sibthorp, M.
Smith, J. B.
Smith, M. T.
Smith, rt. hon. R. V.
Smith, A.
Smith, Sir F.
Smollett, A.
Somerset, Col.
Somerville, rt. hn. Sir W.
Stafford, Marq. of
Stanley, Lord
Stapleton, J.
Steel, J.
Stewart, Sir M. R. S.
Stuart, Col.
Sturt, H. G.
Sturt, N.
Talbot, C. R. M.
Taylor, Col.
Taylor, S. W.
Tempest, Lord A. V.
Thompson, Gen.
Thornely, T.
Thornhill, W. P.
Tite, W.
Tomline, G.
Tottenham, C.
Trueman, C.
Turner, J. A.
Verner, Sir W.
Vivian, H. H.
Waddington, H. S.
Walpole, rt. hon. S. H.
Warren, S.
Weguelin, T. M.
Welby, W. E.
Western, S.
Westhead, J. P. B.
Whatman, J.
Whitbread, S.
White, J.
Whiteside, rt. hon. J.
Whitmore, H.
Wickham, H. W.
Williams, W.
Willyams, E. W. B.
Willson, A.
Wilson, J.
Wingfield, R. B.
Winnington, Sir T. E.
Wood, W.
Woods, H.
Wortley, Maj. S.
Wyndham, Gen.
Wynne, W. W. E.
Young, A. W.

TELLERS.

Trelawny, Sir J.
Gilpin, C.

CHURCH RATES.

MR. AYRTON said, that he wished to move the adjournment of the House, and he should persist in that Motion if he should not receive from the hon. Member for Tewkesbury (Mr. Lygon), who had given notice of his intention to move for leave to introduce a Bill for the amendment of the law of church rates, an assurance that he would not do more, if the sitting were continued, than merely bring forward his Motion without any comment, for the purpose of having the measure introduced and printed.

Motion made and Question proposed, "That this House do now adjourn."

MR. LYGON said, he did not wish to do more upon that occasion than to move, without entering into any explanation, for leave to introduce his Bill.

THE CHANCELLOR OF THE EXCHEQUER said, he hoped the hon. Member for the Tower Hamlets (Mr. Ayrton) would not persist in his Motion for the adjournment of the House, but would allow them to proceed with the Orders of the day, to which he believed no opposition would be offered, and which it was very desirable that they should at once advance a stage.

SIR JOHN TRELAWNY said, that if the hon. Member for Tewkesbury were to introduce his Bill, he should rather that hon. Gentleman accompanied his Motion with an explanation. He was not disposed to take any unfair advantage of the hon. Gentleman, although he could not think that he and his friends had been well treated on Wednesday last, when the debate on the Church Rate Abolition Bill was prolonged until an hour when it became impossible to take a division upon it.

MR. LYGON said, he rose to offer an explanation of the course he had pursued on Wednesday last, but was met by cries of "Spoke."

LORD ROBERT CECIL said, he thought there was nothing unfair in the course taken on Wednesday last by the opponents of the Church Rate Abolition Bill. They had merely sought to afford the House an opportunity of considering on a future day a compromise of that question, founded on principles which had received the approval of the right hon. Gentleman the late Chancellor of the Exchequer, and of the right hon. Gentleman the late Secretary for the Home Department.

MR. STEUART said, that if the opponents of church rates pressed the Motion for the adjournment, in order to prevent the introduction of this Bill, they would prove that their object was to prevent the settlement of this question.

SIR GEORGE LEWIS said, he would recommend his hon. Friend to withdraw the Motion for the adjournment of the House, and suggested that the hon. Member for Tewkesbury should select another day for the introduction of his Bill.

MR. ROEBUCK, who had seconded the Motion for the adjournment of the House,

said, that he was quite willing to consent to its withdrawal, provided it was understood that the hon. Member for Tewkesbury (Mr. Lygon) was not to introduce his Bill without discussion.

MR. WALPOLE said, he would call attention to the fact that it was then twenty minutes to one o'clock, and remind his hon. Friend the Member for Tewkesbury that if this Motion was defeated, it might be repeated as soon as he had addressed the House.

MR. LYGON said, he would consent to postpone his Motion until Wednesday, with the view of finding some day on which he might bring it forward; at the same time he wished to disclaim having been actuated by factious motives on Wednesday last.

Motion, by leave, *withdrawn*.

House adjourned at One o'clock.

HOUSE OF COMMONS,

Wednesday, April 28, 1858.

MINUTES.] NEW WRIT—for Leitrim County, *v.* Hugh Lyons Montgomery, Manor of Hempholme.

PUBLIC BILLS.—1° Medical Profession and Medical Corporations.

3° Customs Duties (No. 2).

AGRICULTURAL STATISTICS BILL.

SECOND READING.

Order for Second Reading read.

MR. CAIRD, in moving the Second Reading of this Bill, said, he was anxious to divest the statement which he deemed it necessary to make of all political or party views and to treat the question solely as a matter of economical science. It had been said that this country, in regard to its knowledge of the supply of food, was like a ship going to sea provisioned for a twelve months' voyage, but without any knowledge on the part of the owners or crew whether the provisions would last one month or twelve, and there was truth in the observation. Within the last fifty years the population of this country had doubled; and it appeared from the reports of the Enclosure Commissioners that during the last ten years the extent of waste land added to arable did not exceed 30,000 acres, while the population was increasing at the rate of between 200,000 and 300,000 annually. He proposed, therefore, to show the great loss which had been sustained by all classes of the population owing to the ignorance that had existed with reference to the supply of food, and in doing so he would divide the community into three classes—the producers of food, the consumers of food, and the mercantile and banking classes, who in some degree regulated the supply of food which was required beyond the amount actually produced in this country. With respect to the producers of food, the farmers of this country, it had frequently been said by them, "What advantage can we derive from such information as you wish to obtain? It may be beneficial to the corn dealers of this country, but it will not be useful to us." [Hear, hear!] He (Mr. Caird) would, however, put it to the hon. Gentleman who cheered that remark whether any class of the community were more corn dealers than the farmers themselves? If, then, the information he desired to obtain was useful to corn dealers, it must be chiefly useful to the farmers. He would show the House to what an extent farmers themselves had suffered from the ignorance which had prevailed on this subject. He found that for three months subsequently to the harvest of 1846 the average price of corn ranged between 45*s.* and 50*s.* a quarter, while in the succeeding spring, the produce of the same harvest, it brought 102*s.* a quarter. The principal losers from selling their corn so much under its real value were the small farmers, who were obliged to meet their engagements by turning their crops at once into cash; and he had no hesitation in saying that the loss sustained in 1846, in consequence of the ignorance of the produce of the harvest, was not less than £1,500,000 sterling per month for a period of three months. That was the state of the case with respect to the poor farmers, and he might show, from a reference to the harvest of 1857, in what manner the rich farmers were affected by the existing state of things. He had sold wheat immediately after that harvest at 62*s.* a quarter, and he had within the last month sold wheat of the same crop and quality at 48*s.* a quarter. It would appear, therefore, that farmers of all classes, rich as well as poor, were equal sufferers from the ignorance which prevailed as to the supply of food. (Hear, hear.) He would now refer to the case of consumers, including all classes of the community. The wealthier classes and even those who were in comfortable circumstances, spent but a small portion of their incomes in bread, and it was, there-

fore, not very material to them whether the price of the quartern loaf was 6*d.* or 10*d.*, but the case was very different with regard to the great mass of the labouring population. He would take a labourer with a wife and four children for the purpose of representing the average condition of that class of the community. He found by personal inquiry that such a family, whose united wages were 12*s.* a week, consumed bread to the amount of 8*s.* a week immediately after the harvest of 1854, but at the close of that year there was a sudden rise in prices which so materially affected the margin which that family had to expend, that the same quantity of bread cost 11*s.* 6*d.* It was obvious, therefore, that at such a price they must have been unable with 12*s.* a week to obtain a sufficient quantity of bread, and thus sudden fluctuations of price caused by a want of knowledge of the extent of our home crops were more injurious to the labourers than to any other class of the community. (Hear, hear.) He would now explain the bearing of the question upon the monetary and commercial interests of the country. He found that in 1852 our imports of foreign corn were valued at about £12,800,000, and in 1856 at £31,400,000, showing an increased export of bullion and capital in the latter year to the amount of £18,600,000, which must have produced a serious effect upon the commercial action of the country. In the four years, from 1850 to 1853, this country paid for foreign corn and rice about £64,000,000, and in the four years from 1854 to 1857 no less than £111,000,000, there having been within the last four years a total increase of £47,000,000, or an average increase of about £12,000,000 a year in the amount sent abroad in payment for corn. Surely such an enormous drain of the precious metals could not but have had a material effect in causing the commercial crisis of last November. He did not mean to say that the collection of agricultural statistics would altogether prevent the recurrence of such a state of things, but it would at all events obviate the uncertainty which at present existed with regard to the supply of food, and thus in some degree prevent for the future those sudden fluctuations which were now of such frequent occurrence. (Hear, hear.) He had been informed that, in consequence of the enormous importations of rice which had taken place, £1,000,000 had been lost during the last year upon that article alone. The importations of rice began to increase in 1855, owing to the high price of corn in the previous year, and it appeared that 170,000 tons of rice had been imported from India alone during each of the last two years—a quantity nearly double the amount produced in America. This over-supply had been almost ruinous to the importers, and had been seriously detrimental to the producers of corn in this country; and the result would be, that when the importations of rice were discontinued, consumers would find the price of provisions enhanced in consequence of the cessation of this competition. He held, therefore, that all classes in this country, whether producers, consumers, or importers, were equally interested in obtaining agricultural statistics. Then, again, what were other countries doing in this respect? Great attention had been paid to the subject in France, and the French Government had turned their inquiries to good account. On the other hand, it had been said that there was as great fluctuation in the price of corn in France as in England. That might be so; but their knowledge of the quantity of land under cultivation, and the prospects of the harvest, which the returns obtained by them afforded, gave them a great advantage over this country when periods of scarcity arose. In July, 1854, the French Government, having ascertained that there was likely to be a serious deficiency in the crops in France, came into our markets and purchased very largely at the low price at which English wheat was then quoted, and nearly every quarter of that wheat was bought back by this country at a price nearly double that which had been paid for it by France. (Hear, hear.) He believed that Spain and Turkey were the only nations of Europe which did not ascertain their agricultural position, and he thought those were not examples which the enlightened people of England would desire to imitate. He found, also, from papers laid before Parliament, that minute inquiries had been instituted as to the agricultural statistics of sixteen of our own colonies. He would now briefly review the steps which had been taken with the view of inducing the Government and Parliament to sanction the collection of such statistical returns as he desired to obtain. In 1837 a Bill was first introduced, unsuccessfully, with the view of obtaining agricultural statistics. After the Irish famine, arrangements were made for the collection of statistics in Ireland, and they had been continued

with great success and advantage. In 1853 a similar experiment was made in several counties in England and Scotland, which has led to the adoption of an uniform system in Scotland, and to the continuation of the system which had been commenced in England. In 1855 a Committee of the House of Lords inquired into the whole subject, and the late Government introduced a Bill founded upon the Report, and embodying the recommendations of the Committee, which was passed by the other House, and was brought down to that House, but after some discussion was withdrawn. The hon. Gentleman quoted the opinions expressed, with reference to the measure in question, by the Earl of Derby, Sir G. C. Lewis, Sir J. Pakington, the present Chancellor of the Exchequer, Sir J. Trollope, Mr. Henley, Sir E. B. Lytton, and Lord Stanley, all of whom were favourable to the collection of agricultural statistics, although some of them urged various objections to the details of the Bill to which their observations were immediately applicable. He (Mr. Caird) had endeavoured to frame the measure which he had submitted to the House in such a manner as to meet the objections raised by some of these distinguished individuals. He thought what was most important was a return of acreage. It appeared from the inquiries conducted in Scotland during the last three or four years that the average acreage under wheat had been 211,000 acres, and that there had been a variation of 25 per cent annually above or below the average, and to the extent of 56 per cent between the highest and lowest quantities, while the average produce per acre had been from twenty-seven to twenty-eight bushels, and the variation above and below that average had been only 2½ per cent. The return of acreage would undoubtedly be most valuable, and it would also be very unobjectionable, and could be made even before the harvest. It was also the most reliable, inasmuch as it was the only fact that could be arrived at with certainty. Although he deemed it very important to obtain an estimate of produce, yet, as a mere estimate, he proposed that it should not be included in the statistics of agriculture, but should be published separately, so that the public might attach such a weight to it as they thought it deserved. The Bill would not impose upon the Department of the Board of Trade the duty of obtaining such estimates throughout the country, but he thought it was one which they might without difficulty undertake; and he would follow the example which had been set in Ireland with reference to that point. He found that in Ireland the same persons who collected agricultural statistics, at the same time collected the estimates of the produce; and that those estimates not being considered reliable, the following plan was adopted: When estimates came to the office in Dublin they were sent to the Boards of Guardians of the various electoral divisions throughout all parts of Ireland to be revised and corrected; and the result was, that in most cases the yield, as obtained by the constabulary from practical men, was reported to be correct. In some cases but very few alterations had to be made, and the revised estimates so altered were then adopted by the Registrar General in his report. He saw no difficulty in adopting a similar system in this country; but he did not see the necessity of embracing such a provision in a Bill for agricultural statistics. The Select Committee of the House of Lords had reported, that any Bill to secure trustworthy returns ought to be compulsory; but because the Bill which passed their Lordships' House contained clauses rendering it compulsory upon the farmer, under penalties, to make returns, the opposition to the measure in this House was so determined that it had to be withdrawn. The Bill he had now introduced was not compulsory, and it was, therefore, necessary to show the House that, in the absence of compulsory provisions, it was possible to obtain trustworthy returns. The experience of the last ten years in Ireland, and of four years in Scotland, proved that under the voluntary system these returns had been frankly and freely made. In Yorkshire it was found that ninety-nine and a half of the returns out of one hundred were duly filled up, so that the experiment made there, which was the first of the kind in England, was entirely successful. Great stress had in Scotland been laid upon the necessity of an immediate connection between the head office and the farmers themselves. It was very generally felt that these returns ought not to be subjected to inspection by local authorities; such, for example, as Boards of Guardians, who formed a little local Parliament, in which every man's affairs in the district were known and canvassed. Men were naturally averse to such a scrutiny, and on this point an agricultural society in

Cheshire declared their belief that these statistics would be highly beneficial to the farmers themselves—that it was not the end, but the means taken to effect it which was objected to—and they expressed their opinion that the less these returns were meddled with until they came into the head office in London the better. As to the efficacy of the voluntary principle for the collection of information, he held in his hand a pretty thick book full of statistics, obtained by a Government officer (Mr. Hunt) solely upon that principle. It formed a portion of the mining records of this country, and furnished very important information connected with the mineral statistics of 1856, as a specimen of which he might instance the results given, that 10,000,000 tons of iron ore were annually raised in this country, and 66,000,000 tons of coals. The Returns, from which the information in this book was derived, were furnished quite voluntarily, and this showed what could be done on the system he wished to adopt. The basis of his proposal was the same as that of the Bill of the late Government. He proposed, that every year—in February or March—a copy of the rate-books for each parish, showing the name of the occupier and the number of acres, should be transmitted to the Board of Trade. This would furnish in England, a check which did not exist either in Ireland or Scotland as to the accuracy of the acreage returns, and the Board of Trade would be enabled to communicate directly with the farmer through the medium of the Post Office. He thought the department of Corn Returns in the Board of Trade was the proper department to have the charge of these statistics; for here would be found the necessary superior officers; no new staff would be required, at any large salaries, and the cost of establishing the new system would be very moderate indeed. A printed schedule would be sent down from London to every farmer, who would only have to fill up a few figures and return it to the proper quarter. No doubt, at first, there would be many defaulters; and he proposed, with regard to these, that the relieving officer of the union should be employed to obtain the necessary information. In Ireland, where there were 600,000 returns, the annual cost of procuring these statistics was £2,300. In this country, where there would be about 300,000 returns—for he proposed to limit them to occupiers of five acres and upwards—he calculated that the whole cost, including printing and postage, would not exceed £9,000, or £10,000. Nearly £4,000 of this would be for postage, all of which would be, as it were, transferring money from one pocket to another. The returns for Ireland were complete, and, until lately, so were those for Scotland. It was easy to make them so again; for, if it were found that the machinery of the Highland Society could not be again called into operation, a plan similar to that he had mentioned might be extended to Scotland, where the schoolmaster of the parish would be a most competent man to furnish the requisite information, and would do so at a small remuneration. It had been alleged that the Bill contained compulsory clauses; but he could assure the House that there was no ground for such an allegation. When he introduced it, the hon. Member for South Leicestershire (Mr. Packe) talked about people riding over and destroying the farmer's crops at a critical time of the year in order to obtain information. Now, the Bill simply said—

"If any occupier do not duly make such return, so filled up and signed within the time mentioned thereon, or in case of doubt as to the accuracy of any return, any person or persons thereto authorized by the Board of Trade may proceed to obtain by other means the particulars required, and after three days' notice may and are hereby authorized at any time or times during the day to enter upon and inspect the lands of such occupier, doing no wilful damage to the growing crops"—

How could they ride through the crops without doing wilfal damage?

—"for the purpose of ascertaining such particulars, and shall not be liable to action for trespass, or any other action or proceeding for so doing."

The next clause was as follows:—

"In no case shall publicity be given by any officer or person employed in the execution of this Act to the particulars of any return made or information obtained under the same, nor shall any of such particulars be divulged to any private person, or used for any purpose other than the ascertainment of general statistical results in the manner contemplated by this Act."

To talk of these being compulsory clauses was out of the question, and the information required was so completely on the surface, and could so easily be ascertained by any person looking over the farmer's hedge, that there could be no possible occasion for entering the fields and doing damage in the way pointed out. He had shown how intimately the knowledge of the facts disclosed by the statistics was

connected with the prosperity of the varied interests of this country. Even supposing he had failed to prove that any other interests were now prejudiced by the absence of such knowledge, he thought that if, as he had contended was the case, the labourers, the great body of the people, were most injuriously affected by the want of it, it was the duty of the House, on that sole ground, to support the second reading of this Bill, which he now accordingly begged to move.

Motion made, and Question proposed, "That the Bill be now read a Second Time."

MR. PACKE said, he must deny altogether that this Bill would be of any use to the farmer. He would also maintain that the sixth clause, which would give the overseer of the parish or other officer the power of entering a farmer's land for the purpose of obtaining that information was necessarily of a compulsory character. To say that such a clause was not compulsory was to say that the highwayman did not use compulsion in asking you for your money because he asked for it civilly; but he would knock you down if you did not satisfy his request. Such was the Bill of the hon. Gentleman. He had consulted several farmers respecting it, and from none could he get a greater concession than that, if the truth were told, statistics could do them no harm. He thought, however, that the farmers had a right to inquire respecting it, whether they would do them any good. By the legislation of 1846, the English farmers had been reduced to ruin by hundreds and thousands, and they were naturally therefore very jealous of any measure passed by this House affecting their property, unless they were assured that such legislation would be for their benefit. Now, when it was declared that the farmers would gain an advantage from the passing of this Bill, he would call the attention of the House to the year 1856, when there happened to be a very abundant harvest, to show the fallacies and confusion to which such a measure would lead in calculating the probable supplies of corn. If this Bill had then been in operation, the farmers, perceiving the large crops obtained throughout the kingdom, would probably at once have taken their corn to market. In the latter end of September, however, corn was enormously high, arising from the inundations in France and the failure of the harvest in the south of Europe—a reason which no agricultural statistics in the world would have shown. In that year, then, the hon. Member's Bill would not only have been of no use to the farmer, but would have been productive of positive mischief to him, for it would have led him to believe that corn would certainly fall, instead of rising as it did at the end of the year. There had been a Committee appointed to inquire into this subject by the House of Lords in 1855, but he did not think the evidence bore out the Report. His hon. Friend near him (Mr. Miles) was examined before that Committee, and told them not, in the first instance, to alarm the farmers too much, but to begin by small measures. The hon. Member (Mr. Caird) was apparently profiting by this advice, and was now asking the House to insert the thin edge of the wedge. From his speech it was quite evident that the hon. Member would not stop here, and that he would go on step by step in the endeavour to obtain information from the farmer. Now, he (Mr. Packe) was anxious to know why the farmer, of all other persons, was to be singled out to have his affairs inquired into in this way. Why not introduce a Bill for ascertaining on a certain day the contents of all shops and warehouses? He had sketched out a measure to this effect, and if the hon. Member would propose, he should be most happy to second it. The title was "Shop Statistics Bill." The preamble was to this effect:—"Whereas it is expedient to ascertain the quantity of goods stored in shops and warehouses throughout England and Wales on a given day in the year; be it therefore enacted, &c." The Board of Trade was empowered to collect these returns, and if every shopkeeper did not fill them up, some official appointed for the purpose might, on giving three days' notice, enter the shop or warehouse in question, during the daytime, and inspect the stock, taking care that he did no wilful damage. The Bill would provide, among other things, for a true return, on a certain day in December, of the quantity of wheat in the hands of merchants, millers, and bakers; of the quantity of guano, manure, oil cake, agricultural seeds of every kind, and agricultural implements in store; of the quantity of wine and spirits at the wine merchants, together with an account of ironmongery and groceries. The information thus obtained would be of great value to the farmers, and they were just as much entitled to it as other people were to demand an account of their crops.

It would be also of great importance to them to know the amount of money in the hands of their bankers, so that they might be certain they were safe in making use of any particular bank. His Bill would, therefore, provide for an inspection of the books of the country bankers, with a view to discover what were their assets and liabilities, and what was the quantity of gold in their hands. These would be the contents of his Bill. Would the hon. Member adopt it? The measure now before the House would, it was said, be of great benefit to the labourer. How this could be he did not know. The labourer lived from hand to mouth; he bought his bread every week at the current price; and what advantage would it be to him to know the number of acres under cultivation throughout the United Kingdom? Then, again, if the Bill would prove of such advantage to the farmers, how was it there were no petitions from those persons in support of it? They were a class of men pretty well alive to their own interest, and yet they had not come forward to beseech the House to sanction any such measure; and as to the association in Cheshire to which the hon. Member had alluded, all he could say was that if it was a *bona fide* agricultural association it might find an exponent in that House, and come before Parliament with its petition. On the other hand, the only petition on the subject which had been presented during the course of this Session from occupiers of Land, was against the Bill. It was presented by his hon. Friend the Member for Lincolnshire (Mr. B. Stanhope) and signed by many of the principal farmers of that great agricultural county. There could be no doubt that this Bill was of a compulsory nature. The agriculturist looked upon his farm as a man looked upon his house—as his castle, and any official who came upon his land in the month of June must necessarily do it damage. When Mr. Hall Maxwell was examined before the Committee of 1855, he said, the Scotch system of collecting these statistics was based entirely on the co-operation of the farmers, and that it would be most undesirable to make the returns compulsory; that it would "put the backs up" of the Scotch farmers at once. Now, were the English farmers to submit to that which Mr. Maxwell declared would put up the backs of Scotchmen? Then, again, in a petition from the Statistical Society, presented by the noble Lord (Lord Stanley), it was declared that the information furnished by the Scotch and Irish returns were comparatively of little value so long as similar information was not furnished in England. Since the time of free trade, however, the nations of the earth, they were told, made one common family; and it might just as well be said that, unless similar returns were furnished in every part of the world, these statistics respecting England would be of very little value. What was it which did and would rule the markets of this country? Not any statistics furnished under the hon. Member's Bill, but the corn supplied from other parts of the world. This, therefore, showed the uselessness of the information sought for by the hon. Member. The hon. Member had cited the opinions of many noblemen and gentlemen as to the expediency of collecting these statistics, and therefore he trusted that in support of the arguments which he had urged against the Bill he might next be permitted to refer to the authority of the right hon. Gentleman the late Chancellor of the Exchequer, who, at a meeting of the Radnorshire Agricultural Society, held in October, 1856, had stated it to be his opinion, that the advantages which would be likely to result from the adoption of a system of agricultural statistics would be by no means equal to the expense by which it would be attended. He maintained a similar opinion, and felt assured that if the Bill of the hon. Gentleman opposite were to pass into a law, the £10,000 which he estimated as the probable cost of attaining the object which he had in view would constitute but a small instalment of the sum which it would ultimately be found necessary to expend in carrying out his system. Upon that ground, as well as for the various other reasons which he had urged against the measure, he should move that it be read a second time that day six months.

MR. DU CANE said, that as the representative of a large agricultural constituency he had much pleasure in seconding the Amendment which had just been submitted to the House. And he must, in the first instance, beg to express his regret, that at this period of the Session, occupied as the time of this House was, in the consideration of questions of no ordinary importance, the hon. Member for Dartmouth should seek to introduce a measure, concerning which the agriculturists of the country were most divided in opinion, and should ask this House to give its sanction to a piece of experimental legislation, which,

whether the interests of the agricultural classes or those of the country at large were considered, he was confident would be found, if it should pass into a law, to be nothing less than a snare and a delusion. In asking for leave to introduce a very similar measure last Session, the hon. Member had stated that he came before the House fortified by a resolution arrived at by the London Central Farmers' Club, but the hon. Member omitted to state what he (Mr. Du Cane) believed to be the fact, that that resolution was not arrived at without a very considerable amount of discussion, and that no question had provoked a greater amount of opposition. And when he (Mr. Du Cane) stated, somewhat broadly, that not only did he consider the measure of the hon. Member to be useless, but like all useless measures, to be worse than useless; when he said that so far from effecting any positive good, it would effect positive injury; he was happy to think that he was fortified in that opinion by the judgment of many agriculturists of great practical skill and eminence—men who were, by position and intelligence, far above opposing this measure upon any paltry considerations of individual self-interest. It was an old and somewhat trite saying, that "where ignorance is bliss, 'tis folly to be wise;" and though he might not be disposed to admit the truth of the first part of the proverb as a general axiom, yet he could not help thinking that the wisdom which the hon. Gentleman sought to force upon the country would turn out to be of a most dangerous character. So far from being of opinion that the measure of the hon. Gentleman would be the means of furnishing a reliable basis of adequate information as regards the probable supply of food; so far from its having the effect of putting an end to those panics and convulsions in the corn trade to which reference had been made, he believed its operation would be to furnish the country with a gigantic source of false information. He did not mean to contend that through the machinery which the hon. Gentleman proposed to set on foot the mere amount of acreage under corn might not be ascertained with tolerable accuracy; but what he was at a loss to understand was, how any estimate could be formed from that acreage of what the ultimate yield of the crops throughout the country would be, without which he maintained that mere acreage itself would be utterly valueless. They could not do so without going to the agricultural districts themselves for their own reports as to the general character and appearance of their crops; and they all knew that the most experienced agriculturists were apt to be deceived to the extent of, at least, one-third in any estimate they might form from the appearance of their crops as to the ultimate yield, even after harvest had commenced, and how much more delusive would be any calculations upon the subject made in the month of July, to be embodied in returns which were to be sent in before the 1st of August, he would leave the House to imagine. Why, that was just the very period of the year when, owing to the alternations of temperature, blight and other causes, a total change might in the course of a few days be effected in the crops throughout the country. He had no wish whatever to weary the House, but perhaps they would kindly permit him to read, in support of the views he had advanced, a short extract or two from the discussion on this subject before the Central Farmers' Club of London, which led to the resolution he had above mentioned, and he wished to say at the same time, that being desirous of meeting the hon. Member for Dartmouth in a spirit of fair play, he had purposely selected these extracts from speakers who, to a certain extent, advocated the views of the hon. Member himself. The first extract he would quote was from the speech of Mr. Owen Wallis, of Overstone, Northampton. This gentleman said—

"Exaggeration was, he believed, the general rule with regard to reports of a forthcoming harvest. Wherever the rumour prevailed that it was to be short or productive, there was always unnecessary exaggeration, and in either case mischief was the result."

The speaker then went on to pay, what he (Mr. Du Cane) could not but think the House would agree was a very high compliment to the general agricultural knowledge and experience of the hon. Member for Dartmouth himself; he says—

"He," (Mr. Wallis) "could not be injured by having correct information, instead of the vague and idle rumours that were circulated daily in newspapers by commercial travellers riding about the country, and even by Mr. Caird himself."

The next opinion he would adduce from the same discussion was that of Mr. Stenning, of the Croydon Farmers' Club, who contended that it was not possible to ascertain, with any degree of accuracy, what the yield of corn for any particular year would be until after it had been brought in

and thrashed. Let him, however, suppose that a calculation so accurate could be made as to come within one sack per acre of the ultimate yield of the harvest, what would be the result, he would ask, upon the entire acreage of the country? Why, there would be a difference between the calculation and the actual product of not less than 5,000,000 quarters of corn—a quantity equal to the largest foreign importation in any one year. But, supposing we had this deficiency of a sack per acre, what security would the agricultural interest have that no more than the 5,000,000 quarters would be imported? None whatever; for as soon as the corn merchants of Liverpool, Hull, Bristol, and other places learned that there was likely to be this deficiency, they would send to all parts of the world for supplies, no limit would be set to the amount of importations, and, probably, instead of importing 5,000,000 qrs., it would be nearer ten or fifteen millions. He need not point out to the House how great might be the evils of under-estimating the yield of corn; what groundless alarms might in consequence be engendered, and how the apprehension of a scarcity might be followed by too large an importation of grain from foreign countries. If, upon the other hand, the abundance of the harvest should be over estimated, a false confidence in our own resources might be created, and thus in either case would be produced those very panics and fluctuations in the corn trade which the hon. Gentleman sought to remove. The hon. Gentleman had, however, contended that it was a reproach to England that she should be the only country, with the exception, perhaps, of Turkey and Spain, which did not possess a system of agricultural statistics, and had quoted the case of France as a favourable illustration of the good results which might be expected to flow from the adoption of the scheme to which he asked the House to assent. Now there were two sides to every question, and having heard the hon. Member's statement, he would ask the House to listen to his. He should upon that point state to the House the opinion of M. Trehonnais, a French gentleman of great agricultural skill and eminence, who acted in the capacity of vice-president of an agricultural conference which had been held at Grenoble, for the purpose of discussing this very subject. From his statement it appeared that the French system was carried out by means of committees established in the several districts of the country, composed of the principal landowners and agriculturists of the neighbourhood, under the control and guidance of the Government officials. This committee collected all the information they could respecting the ultimate yield of the crops, which it transmitted to the Prefect of each department, and then forwarded to the Minister of Agriculture. But it appeared, from the testimony of several gentlemen who took part in the discussion, and who were members of statistical committees in various parts of France, a circumstance which gave additional value to their remarks, that the statistical data agreed upon in these committees are mere guess-work, or, at best, arbitrary surmises, and that no dependence whatever can be placed upon their accuracy. The statement of M. Trehonnais went on to say,

"That France has often suffered from these errors no one will attempt to deny. After the harvest of 1856, French statistics proclaimed to the world that the deficiency was alarming. The ports were thrown open to free importation, they were closed against exports. Prices ran up to an almost forgotten height, and the result was that foreign grain poured into every port in ceaseless streams. But when the harvest of 1857 was pronounced to be plentiful, it was suddenly discovered that the deficiency had not been near so great as was officially stated in 1856. A re-action suddenly took place, ports were re-opened for exportation, and we now see the result which every one must deprecate, that is, grain selling at a price which is a positive loss to the producer without conferring upon the consumer any positive boon."

Now, this statement, he (Mr. Du Cane) thought, was a sound unvarnished narrative which he thought he might safely leave to its own weight to carry conviction to the minds of Members of the House. He would merely say of it that he thought we might well adopt, in this instance, for our guidance, the maxim *ex uno disce omnes*, as with one country so with another. The fate of France would be the fate of England were she to hastily adopt the ill-advised proposition of a similar character now before the House. Having said thus much upon the general principle of the Bill, he would not detain the House by entering at any length upon the details of the machinery which the hon. Member proposes to employ. But it certainly appeared to him that the whole essence of the Bill was embodied in Clause 3, and that the proposition there contained was nothing more nor less than to place the whole agricultural interest of the country prostrate beneath the absolute control and domination of the Board of Trade. Now, he for one, as a

member representing an agricultural constituency, must protest, in their name, against the farmers of England being thus unconditionally handed over to the tender mercies of that Board. He had every respect for the hon. Gentleman who now sat as President of the Board; he believed that the agricultural interest possessed no stancher friend, either within or without the walls of this House, and as far as his duration of office was concerned, most heartily did he wish he might sit there for ever. But he was afraid that even the most youthful and sanguine supporters of Her Majesty's Government could not anticipate so much as that. He was afraid that the day was already inscribed in the book of fate, though he devoutly prayed it might be a far distant one, when the present Administration would be gathered to its forefathers. And though, as he said before, he had every confidence in the intentions of the right hon. Gentleman, he could not be expected to have the same amount of faith in those of right hon. Gentlemen opposite, from amongst whom, he presumed, in the event of the lamentable contingency he had hinted at, his successor would be appointed. And he maintained that there was nothing whatever in the provisions of this Act, as it now stood, that would prevent the Board of Trade from doing just as they pleased, making any alterations they liked in the schedule, and employing the machinery most personally obnoxious to the farmer himself. He also objected to that clause of the Bill which provided that inspectors should be sent down to the country to collect that information which the farmers might refuse to give; nor could he, he must confess, see much difference, as far as the alleged compulsory action of the Bill was concerned, between saying to a man, "I compell you to give me the information for which I ask you," and telling him that if he did not furnish the required information, an inspector would be sent down to collect it under his very nose, and in a manner most repugnant to his feelings. But not only were inspectors to be sent down to the country in those cases in which the farmers might refuse point blank to answer the questions which might be put to them, but also in those in which there might exist any doubt as to the accuracy of the returns which might have been furnished; thus casting a slur upon the good faith of the agricultural classes to which it was most unfair that they should be subjected, and placing an arbitrary and unjust weapon in the hands of these inspectors for the exercise of a species of petty annoyance against individual farmers, against whom they may have feelings of personal pique, and for doubting the accuracy of whose returns there might not exist in reality the slightest foundation. In conclusion, he trusted he might be allowed to express a hope that the days were gone by when any hon. Member who ventured to stand up in that House on behalf of the agricultural interest was supposed to be advocating the cause of a species of political Ishmael that stood with its hand raised against everybody and everybody's hand raised against it. Those days were past, he trusted, never to return —the agriculturists had been of late in the enjoyment of a great, and he trusted it might prove a lasting, prosperity; old wounds had been healed, and old differences forgotten. There had been but little legislation of late years immediately affecting their interests, and all that they asked of this House was what he thought they were entitled to demand, that they should meet a spirit of fair play. It was because he believed that measure to be opposed to that spirit, he ventured to give it his firmest opposition, because he believed in its present consequences to be subjecting one interest to an inquisitorial espionage demanded of no other, and because in its future results, he believed it to be fraught with danger and disaster to the agriculture, trade, and commerce of the country at large.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

SIR GEORGE LEWIS: As the hon. Member for Leicestershire (Mr. Packe) did me the honour to refer to certain opinions to which I gave expression at a meeting in Radnorshire, the House will perhaps permit me to state briefly the views which I entertain upon the question under discussion. Now, there is this peculiarity involved in the establishment of a system of agricultural statistics, that, in order to maintain it, a special agency would be required. The enormous mass of statistics which is annually laid upon the table of the House possesses this characteristic, that it is incidentally obtained in the collection of the revenue. When we take, for instance, an account of the quantity of tea or sugar which may have been imported into the country, we do not impose any ad-

ditional charge in consequence upon the Exchequer, because it would in any case be necessary for the purposes of the revenue that an exact account of the amount of our imports should be procured. The same observation applies to the collection of the duty on malt and other internal products, and when statistical information is thus collected you have the best possible security for its accuracy; not because the object of the nation is to obtain accurate statistics upon those subjects, but owing to the operation of the conflicting interests which are brought to bear upon the matter. It is, for example, the interest of the revenue officer to bring to charge every bushel of malt which may be manufactured, while the very contrary is the interest of the maltster. As a consequence, then, of that conflict of interests we obtain an accurate return of the quantity of malt which may be manufactured in the country, without imposing upon the Exchequer any additional expense. There are, however, other purposes for which it is deemed expedient to obtain statistical information, which cannot be acquired in this incidental manner. The information with respect to births, deaths, and marriages taking place in the United Kingdom comes within this category, and is furnished annually. In the case of the number of our population such information is supplied only at intervals of ten years. It may, no doubt, be interesting and important that an annual census should be taken, but owing to the expense with which that process is attended—an expense amounting to £140,000 or £150,000—no census was ever taken before the year 1801, while it has since been taken only at decennial periods. That we should be furnished at those intervals of time with an accurate return upon so important a subject as that of the number of our population—a subject which lies at the bottom of our national prosperity and reputation—is, I think, extremely expedient. The House, however, will not fail to perceive that the question of expense exercises a considerable influence even upon this important subject. Well, we are now asked if we will give our assent to the outlay of a certain annual sum for the purpose of procuring agricultural statistics. When that question was first brought forward in this House it was met by several hon. Members—as it has been by some hon. Gentlemen who have spoken to-day—with objections which I cannot help characterizing as partaking of the nature of prejudice and clamour; I allude to those objections founded upon the alleged inquisitorial visitations to which a system of agricultural statistics would give rise, and the compulsory means of information to which, under its operation, it would be necessary to resort. When this question was first mooted a general impression prevailed among the farmers of the country that it was intended to devise some new means of taxing or of enabling their landlords to raise their rents. Their fears upon these points, however, appear to me to be wholly chimerical and illusory. Nobody can demonstrate how the Government would be provided with an additional means of taxation by obtaining this statistical information; nor does it seem to me that the landlords can fairly be supposed to have that very imperfect knowledge of their own estates which would render it probable that the meagre and unsatisfactory returns which we might hope to obtain in reference to agriculture would place them in a different position, so far as the question of raising their rents is concerned, from that in which they now stand. I cannot help thinking, therefore, that the fears to which I have referred are wholly unfounded, and my experience tends to convince me that they are now very much dissipated, and are not shared in by the more intelligent members of the agricultural classes. I should, however, be prepared if those objections existed even to a greater extent than I believe to be the case, to incur a considerable amount of unpopularity in advocating the adoption of a system of agricultural statistics if I thought that any real advantage to the community would be the result. But that is the very part of the question upon which I require to be satisfied. It appears to me extremely doubtful whether, in the event of the Bill under our consideration passing into a law, we should derive from its operation information which would be of the slightest value for any practical purpose. We might, no doubt, by means of this Bill be furnished with information which would be found of some historical value fifty years hence; for, let me suppose, to illustrate my meaning, that in the time of Arthur Young such a system as the hon. Gentleman proposes were in existence, the historical agriculturist of the present day might derive some advantage from a comparison of the statistics of those two different periods. To that extent I concur with those who are of opinion that advantage

might arise from the passing of this measure, but that it would afford useful information to the farmers or corn-dealers throughout the country is a proposition as to which I must express myself as being entirely sceptical. In maintaining that opinion I do not stand unsupported. I hold in my hand the fifth volume of the well-known treatise of Tooke and Newmarch upon prices, two gentlemen possessing great statistical knowledge and who, upon a question such as that we are discussing, are as great authorities as any whom I could name. Well, I find at page 226 of this volume, which was published in 1857, the following words:—

"The collection and publication by Government of agricultural statistics, however desirable the information communicated by them may be in a general point of view, as throwing light upon debateable grounds of discussion respecting the progress of the country and its resources in material wealth, are not likely to have the slightest influence in the way expected from them, of imparting greater steadiness to markets and enabling farmers to get better or more equal and equitable prices."

Such is the opinion of Mr. Tooke and Mr. Newmarch, and we have, under those circumstances, to consider whether it is worth while to incur that amount of expenditure which the collection of agricultural statistics would entail. We have had different sorts of machinery proposed for the purpose of carrying such an object into effect. The machinery of the Poor Law Board, for instance, was used for this purpose in some portions of England. It has been suggested that the machinery of the Register General's Department might with advantage be applied to it. The Bill under our notice proposes to use the machinery of the Board of Trade as a central office, while the Poor Law Relieving Officers are to be employed as local agents, by whom these statistics are to be collected. In Scotland, until within the last year, agricultural statistics were collected at a moderate expense, through the instrumentality of the Highland Society; while in Ireland, annual statistical information is provided by means of the constabulary force. In England there is now no such system; and in Scotland it has for the present ceased, owing to some misunderstanding with the Highland Society. The vote in the case of Ireland and Scotland hitherto amounted to between £6,000 and £7,000 per annum, while it is now proposed that a vote of £10,000 should be taken for England with a view to procuring the required information. That, certainly, is not a very large sum, but I confess I should like before I give my assent to the plan of the hon. Member for Dartmouth, to hear from Her Majesty's Ministers a statement as to what, in their opinion, the probable amount of the expenditure would be, consequent upon the adoption of that plan. We know that the produce of land differs in different parts of the country; but there may be a good harvest in the eastern while there may be a bad one in the western counties, so that no general rule can be applied in connection with this subject to the whole of England. Therefore, when you have procured the statistics with respect to mere acreage which the hon. Gentleman seeks to secure, you will have to go through the process of reduction and a calculation of averages, so that the result obtained would after all be uncertain and open to dispute. The hon. Gentleman alluded incidentally in the course of his speech to the subject of corn returns, and said there was in connection with it a department of the Board of Trade which would form a convenient nucleus for the collection of agricultural statistics. Now, the hon. Gentleman may think me an incurable sceptic when I state that I entertain considerable doubts as to the expediency of retaining the department connected with corn returns in the Board of Trade. What is its history? It was created during the existence of the corn laws. In order to collect the duties levied upon corn at that period it was necessary that weekly averages of the prices of that article should be taken, inasmuch as the duty varied in accordance with the weekly declared average price, and the maintenance of an elaborate machinery in order to attain that object was the consequence. That machinery was naturally placed under the control of the Board of Trade, but when the corn laws were repealed the purpose for which the system had been created ceased to exist; and if the right hon. Gentleman who now presides over that department will turn to the records of his office he will find a Treasury Minute, which was written in the course of last autumn, suggesting the expediency of transferring this system of corn returns to the department of the Tithe Commission, which is now the only department that has an interest in the subject. I should therefore strongly recommend the right hon. Gentleman, whose rule the hon. Member for Essex (Mr. Du Cane) desires to be

perennial, and whose continuance in office I trust nothing which falls from me may tend to disturb, to take this question into his consideration. The last point to which I will advert is, as to how far this Bill can be considered a compulsory measure. If it is merely to permit farmers to make a voluntary return, I do not think any legislation is necessary. For a purely voluntary collection of statistics it would be only necessary for Parliament to vote the money which would be required to pay the expenses. Whether the Returns which have been collected under the existing system in Ireland and Scotland are of much value I will not say; but certainly the most complete agricultural statistics are those collected by the Irish constabulary, and I have never heard that that body has been brought into discredit by having to perform that duty. For my own part, I do not see that any legislation is at all necessary. There are some penalties in the 11th clause, but they are not very material, and the most material point is as to the construction of the 5th clause. As I read that clause, it is compulsory. "Every occupier shall fill up the return," &c., and "shall sign his name," &c. It does not say the occupier may do so, if he thinks fit. It is true there are no penalties imposed for non-compliance, but I believe the general rule to be, that when an Act of Parliament imposes an obligation it also creates an indictable offence. If that presumption be correct, any person failing to comply with the requirements of the 5th clause would be liable to be indicted for a misdemeanour. That, perhaps, is rather a question to be considered in Committee, and therefore I will now only repeat that what the House really ought to consider is, whether the statistics, if collected, would be worth the sum which the country would have to pay for them. I attach little importance to the "inquisitorial" argument, and if it could be shown to the satisfaction of the House that the result to be obtained would be worth the sum it would cost I should not object, although I do not entertain too exalted an opinion of the value of the information which would thus be procured.

MR. DRUMMOND said, that he had opposed this system on a former occasion, and as he had heard nothing to bring him to a conclusion different to that he then entertained, he must continue his opposition. He agreed, however, with the right hon. Gentleman that there did not exist in the minds of the farmers the same antipathy to the present Bill as they had felt towards former propositions on the same subject, and the reason was, that those former Bills were much more objectionable in their character. Although it might appear somewhat harsh, when they were told that the measure was intended to procure information which would affect the price of the first necessary of life, and which would tend to benefit the poor man, that they should refuse to pass such a Bill, still he agreed with the right hon. Baronet, that the collection of such information would not, and could not, by any possibility, make the slightest difference in a practical point of view. He thought statistics were a subject upon which there was a monstrous deal of pedantry. Some day we might have an ethnological enthusiast who would want to know how many yellow-haired Saxons there were left, or how many black-haired Normans, and there were no end of subjects upon which such questions could be raised, if the consideration of utility was to be quite given up. The only argument adduced by the hon. Member for Dartmouth in support of his Bill was the advantage which a possession of statistical facts would give to the farmer and the consumer, but the hon. Gentleman did not appear to draw any distinction between the farmer and the speculator in corn. The very worst thing that could be done for the agricultural interest was to convert the farmer into a speculator. Let the corn-dealer obtain the information he required—it was purely a corn-dealer's question—but let them not encourage the farmer to hold back or to sell his corn, but leave him to dispose of his produce as his necessities required. How was it possible to ascertain the quantities of corn that would be produced? He was surprised that any gentleman who ever had a field of corn of his own could imagine that it was possible at any time to form a true estimate of the future produce. Every farmer had been deceived in his calculations, notwithstanding the best skill and the aid of his neighbours' judgment. Last year was a remarkable instance of that difficulty. As far as utility was concerned, the statistics would be utterly valueless. The hon. Gentleman had referred to the consumers, and had said that the position of the agricultural labourer would be materially improved if his Bill were passed. No doubt the labourer's wages were affected by the price of corn, but how would the collection

of statistics help him? When the labourer was earning 12*s.* a week, and knew that bread for his family was to be obtained for 8*s.*, he knew that he could make ends meet. But when bread for his family rose from 10*s.* to 11*s.* 6*d.* per week, what on earth was the use of a statistical paper telling him that such was the fact? In fact, the best that could be said of this Bill was that it was useless. Then the hon. Gentleman referred to the merchants, and used a most extraordinary argument for a Free Trader and a Liberal—a gentleman who prided himself, no doubt, upon being rather "advanced." He stated that bullion was sent out of the country in return for the corn brought in, which, no doubt, aided in producing the financial crisis. What proof was there that bullion had gone out of the country? Was it not just as likely that manufactures had been sent in return, and, if so, that would have relieved rather than added to the financial crisis. The hon. Gentleman also told them that a great quantity of rice was imported from India, but that appeared to be the oddest argument of all; for surely it must be an advantage to procure our supplies from our own dependencies. The hon. Gentleman said the acreage return would be the most valuable part of the returns. He (Mr. Drummond) had thought the most important point was the price of food, and the acreage return was merely a means to an end, but the Bill did not touch that end. Even with the means provided in the Bill the end would not be attained. The Bill would be useful to the corn merchants alone, but as far as the agriculturists were concerned it would be thoroughly useless and exceedingly vexatious.

MR. TURNER said, he was surprised that hon. Gentlemen opposite should exhibit such sensitiveness at an attempt to look into the affairs of the farmer, for there was very little of it shown, when a similar inquisitiveness was displayed in commercial affairs. The hon. Gentleman who moved the Amendment said, that if this Bill were to be extended to manufacturers and shopkeepers, it would be seen how objectionable it was. But he denied that statement entirely. Connected as he was with the manufacturing interest, he could assure the hon. Member for Leicestershire (Mr. Packe) that the interference which was now so much deprecated by the farmers had long been sanctioned and practised in nearly all branches of trade and commerce. The rampant independence of manufacturers had been a little tamed by legislation, and he thought a judicious application of the same means to the farmers would not be injurious to them. In almost every branch of trade returns were made. The stocks of sugar, tea, and other articles were exactly known, as were also the quantities on shipboard, and the probable quantity to be expected from the sources of supply. In reference to cotton more was done, for agents were sent to America, who traversed the cotton-producing districts of the United States, and sent home estimates of the probable extent of the growing crop. He could see no objection to returns being made in every case in which they were needed, and he was sure it would be advantageous to the farmers to know the real quantity of corn in this country, in order to enable them to dispose of their produce at its fair price, instead of parting with it, as in many cases happened, at a price below its value, solely on account of their ignorance of the real state of facts. If the system of agricultural statistics were once introduced, he believed that the farmers would soon find out its advantages, and would cease to feel that dislike to it which appeared now to exist among them. And although this Bill might not secure perfect accuracy in those returns, he believed it would effect a near approach to accuracy, and every year it would be in operation they would be approaching nearer to the truth. He hoped, therefore, that the hon. Gentleman would be allowed to advance his Bill to the stage of Committee, in order that they might have an opportunity of making the measure as effective for its objects as possible.

MR. BENTINCK said, he had listened with great attention to the very able and ingenious speech of the hon. Member who moved the second reading, but he was bound to say he thought that the hon. Gentleman himself had furnished some of the strongest arguments that could be adduced against the adoption of his own measure. Whilst he dwelt upon the important consequences of regulating the price of corn in the country, the hon. Member had utterly failed in showing that those statistics alone, if obtainable, would in any way be serviceable to the country in enabling it to surmount the difficulties with which the subject was surrounded. The hon. Gentleman had used one of the most extraordinary arguments he (Mr. Bentinck) had ever heard uttered when he said that the labouring population would be essentially served by the passing

of his Bill. Now he admitted the great importance of consulting the interests of that class of the population, and if it could be shown that the labouring population would be at all benefited by the measure before the House, he (Mr. Bentinck) would give it his most cordial support. But the hon. Gentleman had not attempted to show them how the labouring population could be served by this Bill. How could the labouring man deal in any way with the fluctuations in the price of corn? Unless it could be shown that the labouring man could take advantage of the low price of corn by laying in a six or three months' stock of it, it was impossible that he could be benefited. The hon. Gentleman also adverted to one question which greatly surprised him (Mr. Bentinck) when he recollected the particular opinions which he held—he dwelt at much length upon the disadvantages of the late drain of bullion from this country for the purchase of foreign corn. Now that was precisely the argument used in 1846 by those who were opposed to the legislation of that day on the subject of corn. He was happy to find the hon. Gentleman opposite compelled, after some years' experience of the law of 1846, to come to the same conclusion. But the hon. Gentleman admitted that even his own statistics would not meet the difficulties of the case. He boasted of a very high authority in his favour—the hon. Baronet the Member for Hertfordshire, who he stated had declared himself in favour of a good and conciliatory measure of agricultural statistics, but that it should be based upon the voluntary principle. He (Mr. Bentinck) did not think, with all due deference to the hon. Gentleman, that his measure possessed any of those characteristics; for surely he could not contend that it was either conciliatory in principle or voluntary in practice. He believed that the only possible result of the publicity sought for upon this subject would be, as had been stated by the hon. Member for Surrey (Mr. Drummond) to give an increased tendency to the system of jobbing in corn, and even to induce farmers themselves to become corn jobbers. Then as to the time of the year at which it was proposed that those statistics should be given, the hon. Gentleman had completely left out of sight the vicissitudes to which farmers especially were exposed. It never could be shown that any statistical returns made in June could give any reliable result as to the nature of the harvest in August. Such an idea was a complete misconception, and would prove a delusion to all who would attempt to act upon it. Unless the hon. Gentleman admitted that he had chosen the wrong time for his statistics, he thought he had utterly failed to show that his proposed arrangement would prove in the slightest degree beneficial to either the farmer or the commercial man. The hon. Gentleman proposed that the relieving officers should be empowered to collect those statistics. Now, there could not be a more inconvenient or mischievous proceeding than to convert the relieving officer of the parish into a kind of spy upon the farmer. Such a system would occasion a great deal of ill-blood and irritation, which would be most disastrous in its consequences. He asked the hon. Gentleman how could he anticipate by his measure any better result than had been shown in the case of France? But the hon. Member quoted authority to show that his Bill was both conciliatory and voluntary in its principles. Now he (Mr. Bentinck) could not conceive, after reading some of its clauses, a measure more likely to create feelings of annoyance and irritation in the minds of agriculturists. So far as the 5th clause was concerned, he viewed the Bill in that light. And as to the 6th clause, he did not think it was possible to conceive anything more compulsory than that provision as it stood. Who was to be responsible for accidental damage? Any man conversant with the country must see how difficult it would be to go over farm lands for the purpose of making such a survey as would be necessary under this Bill without inflicting considerable damage to the crops. What arrangement had the hon. Gentleman made for meeting this difficulty? Was the expense of this damage to be put upon the country? As far as his (Mr. Bentinck's) knowledge of the agricultural community went in relation to this subject, he must say he could not imagine a measure that would occasion more irritation, and would be more offensive and insulting to them. He trusted that his hon. Friend near him (Mr. Palk), who had so ably and so clearly shown the objections to the Bill, would persevere in his Amendment.

MR. LINDSAY said, that as he believed this Bill was as intimately connected with commercial as agricultural interests, he was inclined to support it. It appeared to him, moreover, that the objections which had been made to it might be urged against every system of returns that might be

moved for in that House. It was said that this Bill would make the farmers speculators. Now a speculator was one who worked in the dark, who relied upon chance to make gain. This was now the state of the farmer, who worked in the dark with no reliable guide to give him information. The information which would result from this Bill might not be absolutely perfect, but it would be an approximation, and thus the farmer, through its aid, would cease to be a speculator instead of becoming one. He would venture to call the attention of the House to a memorial which was some time since presented to the Government of the Earl of Aberdeen from the first merchants in London on this subject. This memorial was not, like too many documents of that class, hastily signed by unthinking men ; it was the deliberate opinion of 322 of the oldest and highest firms in London. Amongst those who signed it were Messrs. Baring, Rothschild, Overend, Gurney and Co., Glyn and Co., and many others of the highest position and respectability. The memorialists set forth the great want of information on agricultural matters in this country, and urged upon the Government the necessity for collecting statistics having relation to that subject. He would ask, were hon. Members prepared to say that some means could not be obtained to procure much better information on this subject than at present existed ? The Bill simply asked the farmers to give the amount of acreage sown with wheat. Surely there was nothing objectionable or inquisitorial about such a proceeding as this? He considered it was monstrous that the representatives of the farmers in that House should say that they must not be asked to afford such simple, though at the same time most important information, as was the object of this Bill to obtain. Then again some hon. Members opposite cried out against this Bill as though it was to place the farmer in a position different to all other persons. Why merchants and manufacturers had every day to divulge their commercial transactions. Take the case of a shipowner : he had to return the number of ships he possessed ; he had to deposit his registry, showing what interest he had in each ship, at the Custom House, where it was open to all ; he could not even borrow money on his ship without notifying that fact, and the amount borrowed, to the customs. And similar obligations tending to publicity prevailed in every branch of commerce. It was desirable for the public interest that there should be some kind of agricultural statistics, and therefore, unless the right hon. Gentleman the President of the Board of Trade would promise to consider the subject, and to introduce a measure, he should advise his hon. Friend the Member for Dartmouth to take the sense of the House upon his Bill, in which case he would receive his (Mr. Lindsay's) cordial support.

MR. KER SEYMER said, if he might presume to tender a word of advice to the hon. Member for Dartmouth (Mr. Caird), who was a distinguished Scotch agriculturist, he should say to him, "Look at home." What had taken place in Scotland ? They had had in that part of the kingdom for many years a complete system of agricultural statistics, collected with the assent of the Scotch farmers, through the medium of the Highland Society, and by the indefatigible zeal of that able man, Mr. Hall Maxwell. The Government found the money, and the Highland Society the machinery. He regretted very much that circumstances had arisen owing to which the collection of agricultural statistics had been discontinued in Scotland ; and he thought that Mr. Hall Maxwell had been hardly used in the matter. Those statistics were very complete, and if they had gone on for a series of years, probably at the end of fifty years they might have produced some valuable results. He was not surprised in a former Session at the Board of Trade bringing in a Bill for the collection of agricultural statistics. At that time there were many gentlemen fond of "pottering over blue-books"—to use an expression of the right hon. Baronet the Member for Carlisle (Sir J. Graham) which had been immortalized — who felt much scandalized by the fact that, while many foreign countries possessed a system of agricultural statistics, England had none. It was said that even Russia had its agricultural statistics, which was not very civil to Russia ; but at that time we were at war with her. However the House must recollect that many of those foreign countries had what was called paternal Governments. Those paternal Governments undertook to feed their people in times of scarcity, and whenever they ascertained that there was a probability of a coming scarcity they went and bought corn. Was that House prepared to adopt the paternal system, and to let the President of the Board of Trade speculate in corn ? The truth was, however, that this

poor, unstatistical, and unscientific England of ours had made more rapid progress in commerce and agriculture than any other country in the world. The energy and industry of her farmers, and, where these were wanting, the enterprize of her merchants, had procured for the whole of the people of England and Wales a more abundant supply of animal and vegetable food than fell to the lot of any other people in the old world. In our own rough, unscientific way, not as a matter of science but as a practical matter, we had got on well, and had acquired all the necessary information in regard to the modes of procuring an abundant supply of animal and vegetable food for the people of these islands. And that was really the answer he had to give to the promoters of the Bill before the House. The hon. Gentleman who introduced the measure said he merely asked for the acreage; but on looking at the Bill he (Mr. Ker Seymer) saw the words, "the Board of Trade," on almost every page of it. Unfortunately the House knew what the Board of Trade really wanted. They had had their Bill before them, and, when it came to be considered by the House, so objectionable was it found to be to the whole agricultural body, that the Government of that day never pressed it to a second reading. Ever since that time the farmers had regarded this question with great jealousy and suspicion. They did not like to be treated differently from other classes of producers in the country. In this country, for example, it might be said that warm clothing was almost a necessary of life; but suppose they were to go to the manufacturers of the West Riding and say to them, "Winter is coming on, and we want to know what you are doing in the way of providing a supply of warm clothing against its approach." Would not the manufacturers laugh at such an application, and ask to be allowed to look after their own business? And so said the English farmer—"I am busy growing corn; you ask me to fill up schedules; I would rather grow my corn, if you please." The time had gone by for asking the farmer to furnish agricultural statistics. It might have been right that he should do so a few years ago in the times of protection; but now the farmers stood on an equal footing with all other people. They had said, "We will buy our food in the cheapest market;" and now they might find out that market for themselves. What would be really important would be to ascertain the prospects of the "yield" in each year. But the hon. Gentleman (Mr. Caird) did not profess to do that, and, what was more, he (Mr. Ker Seymer) feared he could not do it. The hon. Gentleman himself said they could not depend on the "yield;" to estimate the produce of the acreage, he said, was a matter of comparative certainty, but that on the yield he could not reckon. There was no question that the effect of climate and of weather, especially during harvest, was vastly more important than any difference in the system of cropping. The fact was that good farmers were unwilling to change their system of rotation of crops. But they did get from private enterprize very valuable reports with regard to the prospects of the crop. Any gentleman who chose to buy the *Gardeners' Chronicle*, in August, for 6*d.*, would obtain much more information about crops than the hon. Gentleman (Mr. Caird), who merely proposed to give the acreage, could furnish if this Bill passed into a law. Even if they could get a good return as to the yield, that would not be sufficient. What was wanted was greater information than even was arrived at by this Bill—information as to the state of the crops throughout the whole world. This was the necessary consequence of free trade. The fact, however, was, that this question of agricultural statistics, if it were ever an important one, had been spoilt by Parliamentary interference. We had in England an Agricultural Society in which great confidence was placed; but that society, under the terms of its constitution, positively could not touch the question, because it had been made a political one. Now, he (Mr. Ker Seymer) said—speaking for the farmers—leave them alone. If this question was a practical one, let the farmers talk it over themselves. They might depend upon it, the British farmer was not quite so dull as they took him to be. If it was for the benefit of agriculture, the English farmer would probably make arrangements for himself, and only come to that House for the money; but at present he asked Parliament to let him alone. With regard to the question of expense, there was much force in what fell from the right hon. Baronet (Sir G. C. Lewis). He (Mr. Ker Seymer) confessed that, judging from what the statistics cost in Scotland, the cost would be considerably more than £10,000 or £12,000, which had been spoken of as

their probable expense in England. Admitting, therefore, that the hon. Member for Dartmouth had good intentions, and knowing him to be a most scientific agriculturist, but believing also that in the interests of his own case he ought not to bring it under Parliamentary discussion, he (Mr. Ker Seymer) should certainly support the Amendment.

MR. BASS said, that although he had listened with great attention to the speeches of hon. Members he had heard very little indeed that required an answer. With one exception, he had not heard from any Member who had spoken that any harm was likely to result from the scheme of the hon. Member for Dartmouth being carried into effect. The hon. Member for North Essex (Mr. Du Cane), in a speech of considerable ability, endeavoured to show that the French statistics had a detrimental effect on things in that country. The authority stated, however, was not so high as to be received without qualification, and even admitting that the French Government had made a mistake in importing a larger quantity of grain than was wanted, that surely ought not to be accepted as absolute proof against the value of agricultural statistics, for it must be considered that the object of the French Government was to produce abundance without any strict regard to the precise quantity requisite. The hon. Member (Mr. Du Cane) told the House that it was most difficult to estimate the production of a standing crop, and that the mistake of a single sack in calculating the produce of an acre would — taking the whole acreage of the country into account —lead to a variation in the estimate for a year of the produce of the whole country of not less than 10,000,000 quarters. ["No, no, 5,000,000 quarters."] Well, 5,000,000 quarters. [An hon. MEMBER: "So much for your statistics."] He (Mr. Bass) admitted there were not many men who could calculate to a bushel or two an acre what would be the probable produce of any crop even on the eve of its being gathered. Taking the hon. Member's statement that an error of a sack an acre gives 5,000,000 quarters, that calculation gives 10,000,000 acres under the cultivation of wheat, which at only three quarters per acre would yield an annual produce of 30,000,000 quarters for this country; but he (Mr. Bass) defied the production of any reliable statistics which placed it higher than 20,000,000 quarters. With regard to the distribution of crops, it was of great importance to know at a certain period of the year how many acres were devoted to the cultivation of cereals. Nothing had surprised him more than to hear his right hon. Friend (Sir G. Lewis) depreciate the value of agricultural statistics with reference to buying and selling. [Sir G. C. LEWIS: I said no practical value.] As a tradesman he could state that they would be of great practical value, and he trusted the House would excuse him if he gave his own personal experience, and stated what the value of these statistics would be to him in his own trade. He had within the last eight or ten months bought 100,000 quarters of corn. When he began to buy in September it was of vast importance to him to know how much had been grown. If, for example, he was sure that 3,000,000 acres had been planted with barley in one year, while in the previous year scarcely more than 2,000,000 acres had been planted, instead of sending his agents to the Continent to buy barley he should keep them at home, and thus become a better customer to the farmers. It could not be doubtful that farmers had frequently held their corn over for higher prices, on account of erroneous statements of large or small quantities being in cultivation. He really thought the matter scarcely admitted of argument, and he was surprised that a measure which was calculated to be of great service to the country should be opposed. He would, however, remind the House that only one petition had been presented from the farmers of England against the Bill under consideration, and that, with one exception, no hon. Member who had opposed the measure had ventured to state that he apprehended any harm would result from it.

MR. CARDWELL said, this debate had not been limited to the Bill introduced by his hon. Friend the Member for Dartmouth. The House had been indebted to him for an interesting discussion on the whole subject. He (Mr. Cardwell) must, however, acknowledge that he had listened with surprise to some of the observations which had been made. It was curious to note the alternation of feeling which sometimes pervaded that assembly in reference to the most practical questions. He remembered when the feeling of that House in favour of the collection of agricultural statistics was very urgent, and when considerable pressure was put upon the President of the Board of Trade on the subject. So far

did that feeling go that the other House of Parliament, who could not be supposed to be indifferent to the agricultural interest, appointed a Committee to investigate the matter, and that Committee reported in favour of a compulsory system. They went further than that. There was introduced into the Upper House a Bill to carry into effect the strong recommendations of that Committee, but when it reached the Commons they, most judiciously, refused to pass it. But because the House then refused to force a compulsory system on the country, did it follow that they were now to turn round, and, adopting the humorous language of his hon. Friend the Member for West Surrey (Mr. Drummond), disparage the whole value and importance of the subject, and ridicule it as if it were a mere question of statistical pedantry? Pedantry was the scum of knowledge of all kinds, and when knowledge was in the hands of weak and injudicious people it was liable to become pedantry. There might be pedantry in agricultural statistics; but because there was pedantry in general, or statistical pedantry in particular, was that any reason why they should disparage knowledge altogether? He would ask, had there already been no advantage gained by the limited amount of statistics they possessed? Was there a more interesting problem than the advance which Ireland was making in agricultural, social, political, and moral improvement? He held a higher opinion of the farmer than his hon. Friend (Mr. Drummond), who thought he must only conduct his business on the hand-to-mouth principle, and only go into the market to sell his produce under the immediate pressure of necessity. Pursue that train of reflection, and they would see that the British farmer was of all others the most interested in the collection of agricultural statistics. The persons with whom he made his bargain usually conducted their business on a great scale, but the farmer had only the produce of his own farm to sell, and could have little or no knowledge to guide him except that which the Legislature might afford him. If, as they had just heard, a large purchaser of barley could tell them that it would be of the greatest interest to him in his trade to have a collection of agricultural statistics; if, with all his means and intelligence, he would be glad to have such information as he had referred to, how much more glad would be the farmer who dealt with him? Therefore he (Mr. Cardwell) said he heard with regret the retrograde notions, with regard to commercial knowledge, that had been propounded by some hon. Members in the course of the debate. He must say that they owed very much to the Committee of the other House, and to the compulsory Bill which was introduced and carried there, the retrograde tendency which had been exhibited on this occasion. He admitted if they were to attempt to carry into effect a compulsory measure it would entirely fail, inasmuch as it would not be analogous to the rest of our institutions or congenial to our feelings. Reference was made by his right hon. Friend to the system of corn averages which now existed at the Board of Trade. When he was at the Board of Trade he received a deputation from a very influential body of farmers by whom complaints were made that the publication of those corn averages had a very prejudicial effect on their interests. They said their farms were let at rents which varied with the price of corn. They further said:—"We are dissatisfied with your corn averages; you have got a compulsory law; why don't you enforce it? Only the higher qualities of corn are registered, and those at too high a figure, and the result is that the clergyman gets too much tithe and the landload too much rent." These were true propositions; and he (Mr. Cardwell) was unable to vindicate himself against the charge of not enforcing the law. But when he explained to them the consequences for enforcing the compulsory provisions of the law, their former complaints vanished into air, and the Deputation was immediately dissolved. He said, therefore, if there was a proposal for a compulsory collection of agricultural statistics, it would not only signally fail, but all its tendency would be to frustrate the useful object which his hon. Friend the Member for Dartmouth had in view. He believed, also, that that which it was so desirable to obtain—namely, the yield of the crop—it was impossible for any Executive Government to give. In the communications which he had with the Highland Society of Scotland, he entirely declined to assume responsibility with regard to returns of that kind, on the ground that it was the duty of the Government to afford accurate information, where accurate information could be obtained; but that it must be founded on something like certainty—not

on mere surmise. He begged to say, however, that very great progress had been made in obtaining information on the voluntary method. Owing to the excellent arrangements of the Highland Society of Scotland, under the charge of Mr. Hall Maxwell, at a very small cost of money, the statistics of Scotland had been furnished to the House, and, under the superintendence of Sir John Walsham, great progress had also been made in particular counties in England in obtaining, through the agency of the poor law authorities, statistical information for this country. A new agency had now been furnished, however, of which his right hon. Friend (Mr. Henley) might avail himself, if he undertook the discharge of this duty. Statistical returns had been obtained from Ireland through the instrumentality of the police; and the time was approaching when, from one end of England to the other, the same instrumentality might be employed here, for in every part of the country a police force was being established. He would say, that if they meant to obtain statistics, they must not attempt any compulsory measure, which would alienate those whom they desired to conciliate and enlist on their side. He hoped, therefore, that his hon. Friend would look to that clause of the Bill which might render it an indictable offence for any farmer not to make the returns asked for, and expose him to penalties. He thought that when his right hon. Friend the President of the Board of Trade had considered the whole subject, and ascertained the expense of accomplishing the object in view, he would submit to the House an estimate of the amount of information they might expect to get, and how much they would have to pay for it. That would throw light and knowledge upon a question which he admitted to be one intimately connected with the industry and the prosperity and welfare of the people of this country.

MR. HENLEY said, that the course the debate had taken, and the opinions which had been expressed, clearly proved that much attention had been given to this subject of late years, and that its importance was not underrated. It was impossible not to feel, however, that the first great difficulty in the way of dealing with the subject was created more than ten years ago, by the course taken by the Government which succeeded that of Sir R. Peel. A proposition was then made to collect agricultural statistics, and a Bill was brought in by the then Government. The general feeling of the agricultural Members was not to oppose the Bill, only they said "do not put us to any expense"—it being by that Bill proposed to charge upon the rates in the country the expense of what was substantially a measure for the public benefit, and ought, therefore, to be paid for out of the Exchequer. The Chancellor of the Exchequer, however, would not consent to pay for the collection of statistics out of the public purse. The Bill, consequently, came to nothing; and the effect of its introduction was only to create a feeling throughout the agricultural districts against any collection of statistics at all. Various measures had been introduced since. He agreed with the right hon. Gentleman (Mr. Cardwell), that the chances of carrying any measure at all on the subject had been immeasurably diminished by the attempt made a year or two ago to introduce a compulsory system into the collection of these returns. He must say he was surprised that, after the evidence of Mr. Hall Maxwell, any attempt should have been made to introduce the compulsory system. The collection of these statistics had succeeded in Scotland, because it was undertaken by parties in whom the farmers had confidence; all parties, so to speak, drew together, in the best possible spirit, and the result was success. Although he had heard objections taken to the accuracy of the returns, he had never heard there was any grumbling or jarring on the subject. He had, on a former occasion, said that he thought the collection of a return of the acreage was the only thing of value that could be obtained, because that was a fact, and the only fact at which they could arrive; anything further would be a mere guess, and he did not think it worth while to publish guesses. He had stated also that he would offer no opposition to the introduction of the Bill, but that he reserved his opinion regarding it till he had an opportunity of considering its details and the machinery which it provided. He had now looked into this Bill to see how far it promised to obtain three distinct objects. First, he had considered it in relation to what might be called pure statistics, such as ascertaining what might be the quantity of land under cultivation, and what might be the state of the cultivation of the coun-

try. He would beg the attention of the House to this point, as it bore very materially on some questions raised in the debate. The other two points related to the time in which the inquiries might be made, and the expense which would attach to them, and were, therefore, of a more practical nature. It had been said by the hon. Gentlemen who supported the introduction of such a system, that the collection of these returns would give some knowledge which we did not now possess, and would, if obtained and communicated early in the year, enable parties engaged in commerce to judge of the probable wants of the country during the next season, and accordingly to make their purchases abroad, and arrange for the introduction of a foreign supply. An hon. Gentleman, who was competent to give information to the House on the subject (Mr. Bass), actually said that he formed his opinion according to the produce of the harvest, and sent his agents to purchase in foreign countries for the coming season. It became, therefore, of the first necessity that that information should be given by a certain time. It must be early, in order that supplies might be obtained from those countries in Europe which are shut up early in the winter. The hon. Gentleman who introduced the Bill had shown himself perfectly alive to this part of the subject; and had fixed the time for obtaining the desired information at the beginning of August. Another class of men interested were the sellers and growers of corn; and it was equally necessary that they should be informed at the same period, because immediately after harvest they began to sell, and the hon. Gentleman said, the knowledge they would acquire from these statistics would enable them the better to conduct their sales throughout the season. Therefore, if the knowledge to be obtained was to be of any degree of use, it must be gained about the time the hon. Gentleman had pointed out. The hon. Gentleman the Member for Tynemouth had quoted the opinion of many mercantile firms in London, as to the value of this information; but what the memorialists to whom he had referred wanted, was not only a return of the acreage under cultivation, but an estimate of the probable amount of produce. He had already expressed his opinion of the futility of endeavouring to supply such an estimate. He had, however, looked into this Bill, and he hoped the House would bear with him while he examined the machinery to see how far the information to be gained through the operation of this Bill was likely to be obtained at the right time? Next, how far was it likely to be accurate? And, thirdly, how far was the information to be obtained likely to be worth the expense of obtaining it? To begin with the accuracy of the returns. The hon. Gentleman proposed that the notices should be sent to the overseers in February. That would absolutely defeat his own object; because the tenure of farms in England changed at Michaelmas and Lady-day, or, he believed, in some parts of the country at Candlemas. The overseers were usually changed at the end of the month of March. It was very unusual, however, to have the rates altered until the commencement of the New Poor Law year, in April; and, therefore, a return of the rates sent up to London before the month of March would give a wholly inaccurate account of the occupiers that would be found in the month of June; and it must be evident that even a slight inaccuracy on this point in each district would greatly interfere with the object in view. He was told by the Poor Law Board and the Home Office, that when a circular, requiring an answer, was sent to the various parishes throughout the country, some answers were returned in a month, more in two, while the remainder dribbled in during the third. Therefore, they might take two months as the average time in which replies to these circulars would be received. What, then, was to be done when the copy of the rates came? Those who knew as much about rate books as he (Mr. Henley) did, knew that they were seldom filled up with very great care. In agricultural parishes disputes were not very often heard of, the rates were collected without trouble, and the persons charged with the duty were not very particular as to their entries, so that the rate books were seldom very accurate or very complete. Now, there were about 230,000 persons, according to the Census, enumerated, under the name of farmers, to whom, according to the Bill of the hon. Gentleman, these Returns must be sent. But he believed the central authorities would have great difficulty in picking out the other persons engaged in other occupations, but occupying above five acres of land, to whom, according to this measure, whether they were enumerated as farmers or not, these Returns must also be sent. There would be among them butchers, and tailors,

and landlords, and men of every class who occupied land, but did not come under the name of farmers, and every one of these left out would cause an inaccuracy in the Returns. Supposing, however, that this difficulty was surmounted, he had looked into the Census Returns, but had been unable to form an estimate of the number of persons to whom letters would be sent. Probably they would be nearer 300,000 than 200,000. Well, a certain number of them would answer, and a certain number would not. Now, he would suppose that it would take two months to get in the original Returns of the rates, and that it would take two months to get answers to the Returns or letters issued by the central authorities, it being well known that the matter was not looked upon by the farmers in the most favourable light, and that many, no doubt, would put the letters requiring Returns of their land under cultivation, behind the fire. When the answers to the letters issued by the central authorities were received, the first thing would be to ascertain the number of defaulters to how many letters you had not received answers. Even in Scotland, where they had enumerators, Mr. Hall Maxwell said there were many persons they could not find, and even when all were agreed there were some there from whom they could obtain no information. Well, then, what was to be done with the defaulters? Acting under the authority of an Act of Parliament, the central authority would feel it its duty to put in force the powers which it possessed. According to the Bill those powers were to be exercised through the relieving officers. But they could not obtain the services of the relieving officers without the consent of the poor-law guardians, and he very much doubted whether they would consent to those officers' time being employed in this duty. Supposing, however, the person, whoever he was, proceeded to discharge his duty under this Bill. The hon. Gentleman seemed to suppose he could make the Returns required by craning over a hedge, and thus counting the number of acres under cultivation by each farmer without going into his fields. He (Mr. Henley) did not, however, believe that Returns with any approach to accuracy could be thus obtained. It was said, however, that he might go on the land after notice duly given. Now, the agricultural class, if treated civilly and with courtesy, were the most kind and easily managed people in the world; they would do almost anything you asked. But if they were not, if you sought to do anything which was distasteful to them, they had got, and were in the habit of acting up to, a very expressive phrase, "You do not know how awkward we can be if we like it." And he thought it very likely that, if an official went on any land without leave, some young occupiers of the land would take him by the scruff of the neck and turn him off. It would then become a case of assault, and would be brought before the magistrates. Let the House, then, see what protection this Bill proposes to give the persons engaged in collecting these Returns. They are to be allowed to go on land "if the occupier do not duly make a Return," but how could that be proved? The prosecutor in a case of assault could only prove that such a Return had not been received in London; he could not prove that it had not been sent. If a man were brought up for assault, the first question the prosecutor would be asked would be, "How do you know that the defendant has not duly made out the Return required from him?" No doubt it might be proved that the notice to make the Return had been duly posted in London; but he (Mr. Henley) did not exactly see how it could be proved that the Return had not been made. However, to return to the point with which he had commenced. It would take two months to get the Returns of the rates, and two more months, at least, to send out the notices and to get the answers of the parties to whom Returns were sent—that is four months, which, supposing that the original requisition for the Return of rates was not made until after Lady-day, carried you to the month of August. This was the very beginning of the operation of the Bill; but it was also the time by which, if the Returns were not furnished, and the information deduced from them published, the Bill would be useless. Well, but if you did not also get in the Returns of the defaulters who did not answer the notices sent from London, and which might be from 10 to 30 per cent upon the whole number of occupiers, the whole of the Returns would be thrown away. The collection of the Irish agricultural statistics had been referred to, and the right hon. Gentleman seemed to think that when the county police were established throughout England they might serve the same purpose in the collection of these returns that the county constabulary did in Ireland. But it must

not be forgotten that the Irish constabulary were under a central Government control and pay, while the English police were a local body, organized with respect to counties, paid by counties, and under the control of the county magistracy. That made a very material difference between the two forces. Well, but passing that by, it appeared that with all this machinery in the hands of Government in Ireland, no less than 4000 enumerators were employed in collecting these statistics, and that although this staff commenced their labours in June, the returns were not published until the latter end of September. Was it not, therefore, impossible by this Bill that we could obtain such information as was within our reach in England, faulty and inaccurate as it would be, within the time which would serve the objects which those who promoted this Bill wished to obtain? He had been asked whether he could give any probable estimate of the expense which would be entailed by this Bill. He confessed that he was wholly unable to do so. To put all other considerations out of view, the sketch which he had given of the working of the Bill must show that it must be wholly impossible to do so. Of course they could estimate the expense of sending out a number of letters and receiving the answers; but that would not meet the case. For not only was it uncertain what number of enumerators would have to be employed until it was seen what per centage of defaulters there would be amongst those from whom answers to the returns were required; but it was quite uncertain what number of actions or legal proceedings might arise out of the disputes with respect to the proceedings of those enumerators, and as to what they were justified in doing under the Act. Besides that, there was a vague power given by the Bill to the Board of Trade to employ such inspectors as they might deem fit for overseeing the proceedings of the enumerators in the preparation of these returns. Of course, if the Bill passed, that Department would call on Parliament to provide funds for the payment of a large and competent staff, the number of which, however, could not at present be foreseen. Looking at all these circumstances, he hoped that the hon. Gentleman who had introduced this Bill would take the advice of the right hon. Gentleman opposite (Mr. Cardwell), who from his acquaintance with the subject was well qualified to give it, and withdraw the measure. He hoped that he would not damage the cause he had so much at heart, by attempting to pass a Bill that would not work. It was clear that the information that was wanted could not be obtained accurately, and in sufficient time to be useful for the purpose for which it was wanted. If that information was to be obtained at the time at which it would be useful, it must be done through the employment of a considerable number of enumerators, and they must have considerable powers. Half-and-half measures would only throw money away. What would be obtained by the Bill then before them would only be returns which would be inaccurate, insufficient in amount, too late in time, and without any value, and he believed that in the present temper of the parties most concerned—the tenant farmers—to attempt any compulsory measure would produce an amount of contention so much greater than the value of any returns which could be obtained, that it would be utterly unwise in any Government to attempt to carry out such a measure. As reference had been made to the corn returns, he might say that his attention had been drawn to the subject, and that he quite agreed that if they were not needed for the purposes of the tithe commutation, they might be allowed to drop. For that purpose, however, something of the kind was necessary, and up to the present time, although a good deal of correspondence had passed between the various officers interested in the subject, no substitute for the present returns, regarded with a view to the tithe commutation, had been agreed upon. To return, however, to the Bill before the House. He had, he thought, shown that by the machinery proposed, the returns required could not be obtained in time to serve the practical object proposed to be obtained. As to the purely statistical object—to show the progress of the country and the state of cultivation—he thought that it would be sufficient if a return of the land under cultivation were made once in ten years, through the instrumentality of the machinery employed for the collection of the census. He did not believe that even those who objected to make a return annually would refuse to do so once in ten years. There would be a considerable outcry if we asked the ladies to furnish a return of their ages every year; but we got it without difficulty once in ten years. He believed it would be the same with reference to returns of the land under culti-

vation. He would conclude by again expressing a hope that the Bill would be withdrawn.

MR. MILES said, that having been examined on this question before the Lords' Committee, he was anxious to state why he differed from the hon. Gentleman who had moved the Amendment. Ever since 1847, when the question was first broached, a feeling had existed that it would be advisable to have annual statistical returns on the subject of agriculture, provided they could be obtained without affecting the interest of the farmers. He was astonished that a Bill, the only object of which was to ascertain the amount of acreage under crop, should have met with so much opposition. He knew, and could prove, that the agriculturists in his county had not the slightest objection to furnishing these returns as to acreage, provided there were none asked for as to their produce and stock. The whole question turned upon the point, whether the results would justify the expense. It appeared to him that such returns would be beneficial to the farmer, corn-dealer, and at the same time to the agricultural labourer. The farmers knew that they could not hope for a continuance of the high prices of the last two or three years; but what the agriculturist wanted was steady, and at the same time remunerative prices. Hon. Gentlemen might laugh, but it was a fact that, owing to the great improvements in agriculture, prices which formerly would not have been considered remunerative were so now. He was glad that it was so, and that the agriculturists had put their shoulders to the wheel and were now able to compete with the foreigner. Were they afraid then of statistics? Besides of late years the restrictions in leases which formerly existed had not been enforced, and the farmer was left more at liberty to use his land as he pleased. It was notorious that this country did not grow wheat sufficient for its consumption, and if this Bill came into operation the farmers could adopt their cultivation to the wants of the country. He had stated in evidence before the Lords' Committee, and he now repeated it, that if they attempted to get returns of the quantity of produce they would fail. Some of the clauses in the Bill he objected to, but to the principle, as stated in the preamble, namely, that it was expedient that provision should be made for ascertaining yearly the extent of land under each kind of crop in England and Wales—he gave his consent, and should vote in favour of it. He would recommend the hon. Member for Dartmouth, if he should be successful in getting the principle of the Bill affirmed on a division, to leave the carrying out of the details of the measure to the Government.

MR. STANHOPE said, he represented a large agricultural interest which was opposed to this Bill, and as such he would beg to ask the supporters of this measure what information they really wished to obtain? Did they wish to obtain returns of the average under cultivation, or the quantity of corn grown per acre? It would be impossible for a farmer to return what quantity of corn he had per acre, and if he only returned the amount of acreage, a very small measure of information would be obtained. If returns had been made last year, for example, whatever reliance might have been placed upon the number of acres of wheat would have led the House to a wrong conclusion, because the result of the harvest was so different from what had been anticipated from the acreage. Moreover the hon. Member who introduced the Bill had given no data towards forming an estimate of the probable expenses of his scheme, and he (Mr. Stanhope) thought they were about to ask for an amount of information which would cost more to get it than it was actually worth. It was very desirable that the good feeling which at present existed between the agricultural population and the other classes of the community should not be disturbed, and that Parliament should not force down the throats of the farmers a measure of a compulsory character which would be of little or no use to the community.

SIR JOHN SHELLEY said, he thought that agriculturists as a body were not opposed to agricultural statistics, but they required two things—first, that the Returns should not be made compulsory; and, secondly, that it should be shown that the Returns would be of some use. Now, although he could see that there was some advantage to be derived from these Returns by the shipowner and the corn-buyer, yet the ground upon which he objected to this Bill was, that it was utterly impracticable. With regard to the Highland Society of Scotland great success had been obtained, and he really believed if the Royal Agricultural Society were to ask for returns of acreage they would get them. The Royal Agricultural Society of England were forbidden by their charter to interfere with

any matters before Parliament; but, as that society had the confidence of the tenant-farmers, if this matter were dropped in Parliament, it might be taken up by the Royal Agricultural Society and successfully carried out by them. As for the annual yield, it was well known that the changes which took place often a week or a fortnight before harvest made such differences, that the best computations would be utterly illusory. He hoped the hon. Gentleman would withdraw the Bill; but, if not, he should feel it his duty to oppose it.

Mr. WHITESIDE said, he thought that the hon. Member (Mr. Miles) had propounded a somewhat alarming doctrine in legislation, when he said that the House might sanction the first two lines of the Bill and take the chance of what might become of the rest. He believed that the right hon. Gentleman (Sir G. C. Lewis) was accurate in his interpretation of the fifth clause, when he said that a farmer might be indicted for not complying with its provisions, although no specific penalty was attached to non-compliance. It was true, as had been stated by the right hon. Member (Mr. Cardwell), that agricultural statistics were collected in Ireland, but there were 4,000 local enumerators there, who, having very little to do, employed themselves in something useful. It did not, however, follow, that any measure could be carried into effect under a different system. The excellence of every measure depended upon its details, and this would be a useful measure only so far as it gave useful information.

Mr. BALL begged the House to permit him to make a few observations, because if it were known that he had not spoken, it would be thought that he had not done his duty. The table would have been covered with petitions against the Bill, only the farmers had petitioned against a similar Bill, and they did not think it necessary to petition again. He looked upon the Bill of the hon. Gentleman as a great improvement upon the Bill that was then thrown out. Several clauses were omitted, particularly those requiring returns of stock and produce. The farmers would not consent to a compulsory measure, and, on the other hand, if the Bill did not obtain the acreable produce, it would be of no use. The right hon. Gentleman the President of the Board of Trade had torn the Bill to tatters, and he advised the hon. Member for Dartmouth to collect the fragments and take them out of the House. Seeing the fate of the Bill which came down from the other House, he trusted that the Government would have nothing to do with such a measure.

Mr. CAIRD said, he was quite unaware that the fifth clause was compulsory until it had been pointed out by the right hon. Gentleman (Sir G. C. Lewis), and it would be his business, in Committee, to remove this unintentional oversight. The discussion had shown that the principle of the Bill was generally approved of, and therefore he would accept the advice of the hon. Member for Somersetshire (Mr. Miles), whose opinion on agricultural matters was entitled to so much weight in that House and in the country. He would go to a division, and, if the House should affirm the principle of the Bill, he would leave it to the Government to devise the means necessary to carry it into effect. The acreage of every field in the kingdom could be found upon the tithe-map, and, with regard to the objection taken by the President of the Board of Trade, the sending of a letter by the post was held under the Registration of Voters Act to be a good service.

Mr. WILSON said, he wished to remove a misunderstanding which might arise from what had been stated with regard to Mr. Hall Maxwell by the hon. Member for Dorsetshire (Mr. Ker Seymer). The hon. Member had said, that Mr. Hall Maxwell was supposed to be a public debtor or defaulter. To those acquainted with that gentleman, it was hardly necessary for him to say that no such charge could justly be brought against him. The only question between the Treasury and Mr. Maxwell was, whether his accounts should go, like other accounts, through the Audit Office.

Mr. KER SEYMER said, the whole tenor of his remarks went to show that Mr. Hall Maxwell had been hardly used. It was never his intention to make any accusation against that gentleman of the kind referred to.

Lord ELCHO said, he held a letter in his hand explaining the circumstances that led to Mr. Hall Maxwell's resignation, and to the cessation of the collection of statistics by the Highland Society. The question turned not upon the production of vouchers, but upon Mr. Maxwell's authority as to the employment of clerks. The collection of agricultural statistics was undertaken as a voluntary act by the Highland Society. If it had not been for the influence of Mr.

Hall Maxwell among the farmers, these statistics would not have been collected. The Audit Office tried to impose the same conditions upon Mr. Maxwell, who only received a slight *honorarium* for his services, as were attached to public servants in the receipt of a salary. The Board of Trade thought that there ought to be a departure from the strict rule in this case; but when the Treasury declined to sanction any such departure, then, and then only, Mr. Hall Maxwell declined to proceed any further.

Question put, "That the word 'now,' stand part of the Question."

The House *divided:*—Ayes 135; Noes 241: Majority 106.

Words *added:* — Main Question, as amended, put, and *agreed to.*

Bill *put off* for Six Months.

JOINT-STOCK BANKING COMPANIES.

SECOND READING DEFERRED.

Order for Second Reading read.

Motion made and Question proposed, "That the Bill be now read a second time."

MR. HEADLAM said, he knew it would not be convenient to enter upon a discussion of this Bill within half an hour of the adjournment of the House. Still he thought he had some ground on which to make an appeal to the indulgence of the House. The Bill stood first on the Notice Paper on a Wednesday before the Easter holidays, but he postponed it then at the request of the Government, who wished to examine its provisions. Since then he had had no opportunity of bringing the measure forward till now. What he proposed, therefore, was this—to allow the Bill to be read a second time *pro formâ*, on the clear understanding that the discussion on the merits should be taken on going into Committee, which he proposed to fix for the 13th of May.

SIR JAMES DUKE said, he should move that the House do now adjourn. This was one of the most important Bills which had ever been brought before the House of Commons, and he certainly could not allow the second reading to be taken *sub silentio.*

Motion made, and Question proposed, "That this House do now adjourn."

THE CHANCELLOR OF THE EXCHEQUER said, he must beg to remind the hon. and learned Member that he intended to-morrow to move, that Orders of the day have precedence of notices of Motion on Thursdays on and after the 13th of May, and this would give the hon. and learned Gentleman an opportunity of bringing on the second reading of his Bill.

MR. HEADLAM said, that if there was any objection to his Motion he would withdraw it.

MR. WALPOLE suggested, that the hon. and learned Gentleman should fix the second reading for the 20th of May, and not the 13th of May, as it was probable that that evening would be occupied by the discussion on church rates.

Motion, by leave, *withdrawn.*

Original Question, by leave, *withdrawn.*

Second Reading *deferred* till *Thursday,* 13th May.

ROADS, &c. (SCOTLAND) BILL.

SECOND READING DEFERRED.

Order for Second Reading read.

Motion made, and Question proposed, "That the Bill be now read a second time."

LORD ELCHO said, this Bill was much in the same position as the last; it was impossible to discuss it to-day, and on reference to the Order-book he found that the first day on which there was any certainty of his being able to bring it on was the 23rd of June. This would, of course, throw the Bill over for the Session, and, as he intended to refer it to a Select Committee, he hoped the House would allow him to take the second reading now on the understanding that no one was committed thereby to the principle.

MR. BLACKBURN said, the Scotch Members had not had an opportunity of considering this Bill, as copies were only delivered last Saturday. He suggested its postponement until an early day after the 13th of May.

Motion made, and Question proposed, "That this House do now adjourn."

MR. COWAN remarked, that he thought the noble Lord's Bill extremely reasonable.

SIR MICHAEL SHAW STEWART said, he thought it was not quite respectful to the interests concerned in this Bill that so long a time should have been taken to print it, and so short a time proposed for its consideration.

MR. E. ELLICE (St. Andrews) observed, that although he objected to the principle of the Bill, he saw no valid reason against its being read a second time under the circumstances.

MR. BUCHANAN said, he should advocate the second reading of the Bill.

MR. STEUART objected strongly to the Bill being persevered with.

LORD ELCHO said, he would consent to withdraw the Bill for one week.

Motion, by leave, *withdrawn*.

Original Question, by leave, *withdrawn*.

Second Reading *deferred* till *Wednesday* next.

House adjourned at Ten minutes before Six o'clock.

HOUSE OF LORDS,

Thursday, April 29, 1858.

MINUTES.] PUBLIC BILLS.—1ª Customs Duties (No. 2); Barrel Organ Suppression. 2ª Exchequer Bills (£20,911,500).

INDIA.—KINGDOM OF OUDE.

PETITION.

THE EARL OF ALBEMARLE said, that he had been intrusted with a Petition which rendered it absolutely incumbent on him to make a very few remarks. The Petition came from 12,000 of the Inhabitants of Manchester and Salford, and contained a request—probably the first of the kind ever made to Parliament—for the restoration of the Royal Family of Oude to the throne of their ancestors. Considering that British subjects had an unquestionable right to express their opinions to Parliament on any subject, provided their petition was couched in respectful language, he at once consented to present it; but he now stated, what he had before stated to the petitioners themselves, that it was not in his power to support the prayer. The annexation of Oude was a *fait accompli*, and restoration could not be made without shaking the British rule in India to the centre. Hence it became impossible. But at the same time he would guard himself from being supposed even for one moment to sanction the policy which led to the deposition of the King of Oude. No language could be too strong to express the abhorrence which he felt at the wholesale system of the annexation, or, more properly speaking, of the confiscation of the dominions of the Native Princes of India—that system which commenced particularly in 1848, and of which the deposition of this very monarch was the crowning act of folly and injustice. Considerable apprehensions were felt by those Native Princes who continued true to their allegiance in consequence of these annexations. During the last Session of Parliament it was intimated to him on their part that they would desire that there should be some expression on the part of that House discountenancing that policy; and accordingly he entered a notice on their Lordships' business paper for that purpose; but it was suggested to him that any expression of the opinion on the part of the House at that period of the mutiny might be construed into fear. He consequently abstained from bringing the subject under the notice of the House further than by placing a memorandum on the notice paper. But it appeared that the proper time had now arrived for assuring the Native Princes who had preserved their fidelity that their rights would be respected. This would teach them that they had a prospect of better government from a responsible Minister of the Crown than from an irresponsible Minister inextricably mixed up with the East India Company. When the measure for creating a responsible Minister would come before their Lordships he did not pretend to say. He had seen that four different measures professing this object had been produced in the other House, and he believed that none of them would effect that end. He therefore proposed to resume the intention of which he gave notice in last Session, and on Monday, May 10, to move that

"It is the opinion of this House that the principle of annexing Native States in India for supposed default of 'heirs natural,' or under pretext of misgovernment on the part of Native Princes, is a flagrant violation of international law, opposed to the feelings of the people of India, derogatory to the Christian character, and dangerous to the stability of British rule; that this House, therefore, pledges itself henceforward to abandon such policy."

EARL GRANVILLE wished to ask the noble Earl at the head of the India Board a question respecting the despatch that had lately been sent through the Secret Committee to the Governor General of India respecting the treatment of the mutineers in India. With the principles comprised in that despatch he found no fault, though he apprehended there was a time not long gone by when the noble Earl was not disposed to be so lenient towards the insurgents. But it was satisfactory to find that the conduct which Lord Canning had all along pursued now met the noble Earl's approbation. But the point to which he wished to draw attention was this. The despatch had been sent through the Secret Committee. He apprehended this was a

somewhat unusual, if not illegal course, as there was nothing in the despatch which required secrecy, nor did it relate to peace or war, or any of those matters for which the transmission of a despatch through the Secret Committee was provided. What he wished, therefore, to ask the noble Earl was, whether he considered the transmission of that despatch through the Secret Committee was legal, or whether he considered it an illegal step to be justified by some peculiar circumstances.

THE EARL OF ELLENBOROUGH said, he had no doubt whatever that the despatch was transmitted in a perfectly legal manner, and that all the prescribed forms had been strictly observed. The despatch did require secrecy, for it referred to a matter which he thought at the time he wrote it had occurred, but of which he could not be sure; and nothing could have been more injurious than the publication of that despatch if the matter to which it referred—the capture of Lucknow—had not taken place;—for he was sure their Lordships would see that it was highly desirable to pursue a line of policy after the capture which might be very inexpedient before that event. And although news had been received of the fall of the town, yet he was not sure that that despatch even now would have been published had not a question been asked regarding it in the House of Commons; so that it was thought better to give it. He did not know on what ground the noble Earl inferred that he was at one time averse to a system of leniency; he was sure that he had once at least, if not twice, advocated such a course last Session.

Petition to lie on the table.

DIVORCE ACT (IRELAND)—QUESTION.

LORD LYNDHURST wished to ask his noble and learned Friend on the woolsack, whether he was now in a condition to inform the House as to the probability of the Divorce Act being this year extended to Ireland.

THE LORD CHANCELLOR said, it was not the intention of the Government to introduce any Bill upon that subject in the present Session. If there were no other reason for coming to that determination he thought the compensation to the proctors was sufficient to deter them. It appeared that the compensation claimed by the English proctors amounted to £210,000, and if the measure were extended to Ireland, compensation to the proctors there must also be given, which, though not to the same amount, would still be a considerable sum.

THE EARL OF WICKLOW was surprised to hear this declaration on the part of the noble and learned Lord, considering the great importance of the subject. Last year he called the attention of the then Lord Chancellor to the subject who assured him—

THE LORD CHANCELLOR rose to order. The noble Earl was not in order. A question had been put, he had given the answer, and there was now no question before the House.

THE EARL OF WICKLOW again attempted to address the House.

THE MARQUESS OF CLANRICARDE said he rose to order. He would move that the House do adjourn, in order to afford his noble Friend an opportunity to proceed. He had sat in that House a great number of years, and he had never heard such an objection taken before. He apprehended that his noble Friend did not mean to argue the question, but surely he had a right to express his opinion.

Moved, That the House do now adjourn.

THE EARL OF WICKLOW said, if the noble and learned Lord had sat in that House for five or six months he would not have thought of rising to order on such an occasion. He did not wish to occupy their Lordships' time, but he was going on to say that when in the course of the last Session he pointed out to the noble and learned Lord who then occupied the woolsack the inconvenience of having one law for England and another for Ireland, the noble and learned Lord fully admitted the inconvenience, and promised to introduce a Bill to assimilate the law on this subject.

LORD CAMPBELL said, that justice had not been done to Ireland in being excluded from the Divorce Bill. Her Majesty's subjects in Ireland would be greatly aggrieved unless steps were taken to assimilate the laws between the two countries. He was astonished at the answer that was given by his noble and learned Friend. He could understand that it might not be convenient to proceed this Session; but he trusted the subject would not be lost sight of—because, what was to become of Irishmen if this law were not extended to that country? Were they still to be condemned to come to this House and have their marriages dissolved by Act of Parliament. No change was required in Scotland, because there the tribunals had the

power of dissolving marriages; but in Ireland no such power existed.

Lord CRANWORTH said, he saw no reason why the extension of the Divorce Act to Ireland should be mixed up with the question of compensation to the proctors, because the proctors would not be at all affected by such a measure. He could only say, and with all sincerity, that it was the intention of Her Majesty's late Government to introduce a bill for Ireland, though he guarded himself by saying that it might not be in exactly the same form. When they left office they had not made up their mind as to the precise form in which they should introduce the Bill; and at the beginning of the present Session he was in communication with his right hon. Friend the Attorney General for Ireland, when the alteration of the Government occurred, and nothing more took place on the subject.

Motion (by leave of the House) *withdrawn.*

BARREL ORGAN SUPPRESSION BILL.

SECOND READING. NEGATIVED.

Order of the Day for the Second Reading read.

The Marquess of WESTMEATH, in moving the second reading of this Bill, said that, in respect to the nuisance of street music, a reconsideration of the Police Act was not only desirable but absolutely necessary. The persons who annoyed the inhabitants of London were, as their Lordships were aware, chiefly foreigners, and were brought over here by persons who made a profit of their earnings, allowing them only a bare subsistence. He admitted that hospitality was due to foreigners, but he denied that the peace and tranquillity of the metropolis were to be sacrificed to their convenience and profit. Now, the defective condition of the Police Act with regard to this class of persons was admitted on all sides, and the annoyance they occasioned, particularly in cases of sickness, was perfectly intolerable. Only the other day a case came to his knowledge, in which a respectable person in Belgravia was under the necessity, during his wife's illness, of paying men to act as patrols on all sides in order to prevent the approach of those nuisances. Several persons had objected to his Bill on the ground that it would deny the public the gratification of listening to the German bands. That was a mistake. A man could not keep on blowing a wind instrument for ever; but a barrel organ never tired; it was a nuisance which never ceased, and was an object of universal detestation; and it was the object of his Bill to suppress it. But for his own part, he looked upon the streets as the place for traffic and not for tunes; still he would have no objection to expunge any portion of his Bill which seemed objectionable. He felt perfectly confident that if a Committee of their Lordships' House were appointed on the subject the police would fully bear out all that he had said upon this and a former occasion as to the inadequacy of the Police Act to deal with these nuisances; and as he would not strictly adhere to the precise terms of his Bill, but willingly adopt such Amendments as their Lordships thought necessary, he trusted they would consent to the second reading of the Bill.

Moved, That the Bill be now read 2ª

The Earl of WILTON was understood to say that the nuisances the noble Marquess complained of were not, he thought, greater than the exhibition of Punch. He, for his own part, thought that the noise of a barrel organ was somewhat a relief to the usual monotonous sounds heard in our streets. He would oppose the second reading.

Lord LYNDHURST said, that when he came down to the House his noble Friend asked him if he would support the second reading of this Bill, and he consented to do so, on condition that it should be entirely new modelled and altered in Committee. His noble Friend in everything he undertook was over zealous; on almost every occasion he exhibited too much warmth. In endeavouring to get rid of this nuisance, would not this Bill, if carried, produce another of a much graver character? His noble Friend possibly was not aware that as his Bill was to be coextensive with the Police Act, and the Police Act operated in a radius of fifteen miles from Charing Cross, it would affect a district thirty miles in diameter. So that if any person played a single tune or a single note upon a flute in a public road at a distance of ten or fifteen miles from London, he would be an idle and disorderly person, and was to be immediately dragged before a magistrate, and committed to prison for a month with hard labour. That was the main provision of his noble Friend's Bill. Was it possible that such a measure could pass their Lordships' House? They might read it a second time,

but they must entirely alter it and new-model it in Committee. He had a very musical friend who lived in one of those holes called chambers in Old Square, Lincoln's Inn. This gentleman worked hard night and morning at the study of his profession, and he could conceive his looking out of the window early some May morning, seeing the sun shining upon the chimney pots — for it never shone upon anything else there—and being tempted to take a walk into the country. He might put his flute in his pocket, and walk off perhaps to Hampstead Heath, perhaps to Hornsey Lane, or perhaps to Richmond Hill. He might sit down and begin to blow upon his flute — which he did most beautifully. People would be attracted round him in considerable numbers; but after he had played for a quarter of an hour or twenty minutes a man in a blue coat, having a letter A and a number marked on the collar, would come up, and, presenting a piece of parchment or paper, say, "Read this!" "What does it mean?" "Oh! the magistrate is sitting at the King's Arms, and requires your attendance." "My attendance! For what?" "Why, Sir, you are an idle and disorderly person; you are idle yourself and make other people idle by attracting them by your beautiful playing on the flute?" "What does this mean?" "It's under the Westmeath Bill." "The Westmeath Bill: why, that must be an Irish Act." "No! Lord Westmeath's Bill. You must come before the magistrate. He is sitting to hear the case, and will commit you as an idle and disorderly person, and sentence you to one month's imprisonment with hard labour." This was a curious Bill. He did not know whether his noble Friend, who was one of the most straightforward persons he knew, objected to the performance of bands in the Parks on Sundays. [The Marquess of WESTMEATH made an observation.] His noble Friend said he did not interfere with that; Her Majesty's bands were excepted from the Bill. That was true; but, while the Queen's bands played in Kensington Gardens, what happened in Victoria and Regent's Park? By a side wind his noble Friend would put an end to what he considered a most excellent and laudable establishment — the performance of bands in the parks on Sundays. Further, there were many companies in the City of London which had private bands and made processions with them; but this Bill would put an end to all such proceedings. On the 9th of November a great ceremony was performed, all the city companies went in procession with the Lord Mayor, accompanied by bands of music. Under this Bill all persons who played in those bands would be liable to be imprisoned for a month, with hard labour. What sense was there in that? At present there were in London many German bands of great merit which played in the streets surrounded by crowds of people, who were attracted by the beauty of their music. Did his noble Friend mean to say that all the persons who were attracted by their music were idle and disorderly persons or that if all the inhabitants of a street wished that one of these bands should play in it they should not have the music which they desired? Was he not right in saying that his noble Friend, in trying to abolish one nuisance, was creating a much more abominable one of another kind? A noble Friend of his (the Earl of Wilton) had alluded to Punch. He recollected that when some time ago this subject of street nuisances was discussed in the other House of Parliament Punch was by universal acclamation excepted; but his Pan-pipes would bring him within his noble Friend's Bill, and he would be at once sentenced to a month's imprisonment, with hard labour. There were some mews behind his house, and he had noticed that about the dinner hour of the inhabitants the street music was regularly detained in the neighbourhood of the small tenements therein. He had no doubt that the players were paid, and if they were it could only be because their performances were agreeable to the humble proprietors of homes in that district, and he had as little doubt that it exercised a softening influence on their manners. He recollected very many years ago, when he was studying in chambers, having a neighbour who was learning to scrape on the violin. He was at first disposed to complain of his neighbour's innocent pastime as an annoyance; but on a little reflection he said to himself, "Is it wise in me to object?" Let me see whether I cannot stand it without distraction. If I can, what an admirable discipline it will be to me in pursuing my mathematical studies. After a time he ceased to hear this "nuisance" as it was called—it made no impression on him. Again, he knew a story of a woman who took a house near to a blacksmith's forge. On the day of taking possession she heard the black-

Lord Lyndhurst

smith's hammer for the first time, and thought it a nuisance. She went to the landlord and sought to get rid of her engagement. "Oh, no, Ma'am," said the man, "I can't let you off; try it for a week." A week elapsed, and by that time she ceased to hear the noise — it made no impression on her; and for ten years afterwards she lived in the same house, without suffering any inconvenience from the clang of the blacksmith's hammer or the sound of his bellows. He repeated, that it was impossible for their Lordships to pass this Bill in its present shape, but he would support it if his noble Friend would consent to remodel it completely.

EARL GRANVILLE entirely agreed with every word that had fallen from the noble and learned Lord. Only a very small proportion of the community were gifted with such exquisite ears that they could endure none but the most refined and costly music; and he could not see why, for the sake, perhaps, of some rich and highly-sensitive connoisseur, a whole neighbourhood of poor people should be debarred of the innocent pleasure of listening to a barrel-organ. The allusion to foreigners in the preamble of the Bill seemed to pander to an unworthy prejudice; and for his own part he infinitely preferred the performances of a German band to the favoured musicians alone exempted from the operation of the measure — namely, the sham base and falsetto singers, who trusted to the strength of their own lungs for their success, instead of having recourse to a much milder and more harmless instrument. If any serious annoyance were created by itinerant musicians the existing police law provided a sufficient remedy for it. Moreover, these poor persons would not be found to play if people did not support them. And was it to be said that if the daughter of any noble Lord, or any nurserymaid, gave a penny to a poor boy to play upon a Jew's-harp for them, the child should be treated as a common vagabond? He hoped their Lordships would not assent even to the second reading of the Bill.

THE EARL OF WILTON moved, as an Amendment, that the Bill be read a second time that day six months.

Amendment *moved* to leave out ("now,") and insert ("this Day Six Months.")

VISCOUNT DUNGANNON supported the Amendment. He gave every credit to the noble Marquess for his good intentions, but his measure was a very harsh and mistaken one. Many persons liked to hear street bands, and he could not see why they should not be gratified.

LORD CAMPBELL said, he was opposed to any "organic" change.

THE EARL OF DERBY said, he was of the same mind.

THE MARQUESS OF WESTMEATH, in reply said, he did not pretend to be very expert at drawing Bills, and was quite willing that the measure should undergo modification in Committee. His sole object was to amend the existing Police Act, the wording of which, he maintained, was not sufficient to give the public the protection intended by its framers.

On Question, That ("now") stand part of the Motion? *Resolved* in the *Negative;* and Bill to be read 2ª on *this Day Six Months.*

CASE OF THE *CAGLIARI.*

QUESTION.

THE EARL OF AIRLIE, in calling attention to the case of the *Cagliari,* and asking some questions relating to the correspondence concerning it, said that in a recent speech of the noble Earl, the Secretary for Foreign Affairs, there were two statements, which he found great difficulty in reconciling with the papers which had been presented to Parliament. One of these statements was an expression of opinion on the part of the noble Earl; the other referred to a matter of fact. Alluding to the capture of the *Cagliari,* the noble Earl said that, under the circumstances it was impossible to take any strong measures, even if strong measures were advisable; he then went on to say, that the law officers of Her Majesty's Government had declared the condemnation and confiscation of the *Cagliari* to be illegal; and he added that he was not aware that any official communication of the condemnation of the *Cagliari* had yet been made to the Sardinian Government. Now, in the correspondence which had been presented to Parliament on this subject, there was a note from the Marquess D'Azeglio to his noble Friend who was then at the Foreign Office, accompanied by the decision of the Neapolitan tribunal. That decision decreed the condemnation of the vessel and all goods on board as contraband of war; such of the goods as were not contraband of war were ordered to be restored to the owner; and, as if to complete this mockery of justice, it was

declared that the unfortunate owner's claim for compensation was on the pirates who had seized his vessel, and were afterwards executed. He hoped some noble Lord learned in the law would to-night favour the House with an opinion as to the validity of this decision. For his part he thought it was impossible to reconcile it with common justice; but then he remembered that this was a question of law not of justice. In so saying he was raising no objection to the constitution of the Neapolitan tribunal. He simply wished to state the fact that that which the law officers of the Crown had declared to be illegal had taken place; and, on the other hand, that the noble Earl had stated his opinion that there was no ground on which this Government could have recourse to strong measures against the Government of Naples. Now it seemed to him that as the law officers had unanimously declared the confiscation and condemnation of the *Cagliari* to be illegal, the Government of Sardinia had a perfect right to remonstrate against the confiscation and condemnation, and that if its remonstrances were not attended to, it had a right to enforce them; and that Her Majesty's Government had a right to support our ally in her demands. Of course he spoke only with regard to the question of legality, and not at all as to the question of policy. There was also an ambiguity in the terms in which the opinion of the law officers was couched in reference to the condemnation of the *Cagliari*. It did not appear from what they said, whether they considered that the *Cagliari* was not within the jurisdiction of the Neapolitan tribunal, or whether the decision given by that tribunal was wrong, but he (the Earl of Airlie) must protest against the monstrous doctrine which had been laid down by a certain school of lawyers, that, however unjust the condemnation of the vessel might be, however corrupt the tribunal, however subject to undue influence or the power of the Crown, Sardinian subjects were bound to abide by the decision of the Neapolitan court of law, and had no right to apply to their own Government for redress, and that the Sardinian Government had no right to demand that redress. All the lawyers in England could not persuade him to assent to such a doctrine, nor did he think that all the lawyers in England would persuade Parliament to assent to it either. If the Sardinian subjects had no right to appeal to their own Government,

The Earl of Airlie

what right had the British Government to demand compensation for the detention of the Engineers—for the two questions could not be separated? As regarded the abstract right of persons to appeal to their own Government for redress for wrongs inflicted on them by a foreign tribunal the principle had been affirmed in both Houses of Parliament. He remembered that in the year 1850, a Resolution was moved in the other House of Parliament approving of the foreign policy of the Government of that day. It was contended by those who disapproved of Viscount Palmerston's policy, that he had overstepped the limits of international law by affording to British subjects resident in Greece that protection which they had not been able to obtain from the regular tribunals of the country, and that, however unjust were the decisions of those tribunals, from their decision there was no appeal. After a four nights' debate, the House of Commons refused to recognise such flimsy legal sophistries, and declared that the noble Lord was justified in obtaining either by negotiation or force that justice which the native tribunals had not granted. He might be told that their Lordships had come to an opposite conclusion upon this point; but he held that it was not upon this point at all. The noble Earl now at the head of the Government did indeed move and carry a Resolution, part of which implied "that British subjects were amenable to the decisions of the tribunals of the countries in which they resided; but in the speech with which he prefaced his Resolution he distinctly excepted countries which were subject to despotic Governments, where the tribunals were notoriously and corruptly under the influence of the Crown. Thus, he might say that one House of Parliament by direct Resolution, and the other by implication, had affirmed the principle that foreigners resident in countries where the tribunals were notoriously corrupt and under the influence of the Crown were entitled to appeal from the decisions of those tribunals to their own Governments. He had refrained from touching upon the legality of the "capture" of the *Cagliari*, for that was a question in respect of which a difference of opinion existed amongst the highest authorities in the law. He did not mean to say that it was the business of Parliament to dictate the policy of Government, although he might say that Government had of late shown themselves very amenable to dicta-

tion ; but when important statements as regarded foreign policy were made in either House of Parliament they had a right to demand explanation. In the other House of Parliament, on the 17th of April, the Chancellor of the Exchequer made a similar statement to that of the noble Earl the Secretary for Foreign Affairs, but he added that the international part of the question was quite distinct from any other question raised by the capture, and that this country was "only interested as all the great maritime powers were." He (the Earl of Airlie) protested against the tendency of such a doctrine as that. He should have thought that there existed between this country and Sardinia a strong bond of natural sympathy, in consequence of the similarity of the institutions of the two countries ;—he should have thought that Sardinia was entitled to some regard as the firm and steadfast ally of this country. Let him be clearly understood. Not for one moment would he have it supposed that he wished the Government to allow the sympathy and the regard which they might feel for Sardinia, so to affect their judgment as to influence the decision which they might come to on the legality of the seizure and condemnation of the *Cagliari;* but if once that seizure or condemnation were shown to be illegal, and consequently the claim of Sardinia for the restoration of the vessel were shown to be just, he did say that this country would stand towards Sardinia in a position very different from that of other maritime powers, many of whom had not cultivated such intimate relations with Sardinia as ourselves. But Sardinia had a still stronger claim upon us than any which might arise out of the sympathy which we might feel for a country enjoying similar institutions with ourselves, or out of the regard which we might entertain for a faithful ally. It was impossible to read the despatch of his noble Friend (the Earl of Clarendon), dated 29th December, 1857, without seeing that he (the Earl of Clarendon) was of opinion that the seizure and detention of the *Cagliari* were illegal, and that he was anxious that Count Cavour should object to the course which had been taken by the Neapolitan Government ; and, although the draft presented to Count Cavour was couched in somewhat stronger terms than the despatch itself, still even the original despatch, if he had seen it, must have left upon Count Cavour's mind the impression that the Earl of Clarendon was of opinion that the course taken by the Government of Naples was unjustifiable, that he was anxious that Count Cavour should object to that course, and that the English Cabinet was prepared to support the claims of Sardinia so far as they might be grounded in justice. He (the Earl of Airlie) said, therefore, that the Government were bound to act in the spirit of the despatch of the 29th of December; that inasmuch as they had, by their representations, induced Count Cavour to take a certain course and to make certain demands, they could not in honour abandon him now ; but that they had no alternative but to support the claims of Sardinia, so far as those claims were reasonable and just. It appeared, however, that the Chancellor of the Exchequer wished us to divest ourselves of all consideration of kindly feeling towards our ally, to throw to the winds the expectations which we had raised in the mind of the Sardinian Government during the last three months ; and to content ourselves with occupying the same position as "other maritime nations." He was far from saying that England was not interested in this question as a maritime power. On the contrary, we might well feel a deeper interest even than other powers in the strict observance of international law, because for the sake of improving that law we had made concessions which no other country could have made. There was a time when England was looked upon as not only the mistress but the tyrant of the seas, on account of the rigorous mode in which she exercised her belligerent rights ; but at the Congress of Paris—acting in the interests of humanity and of civilization—she voluntarily abandoned those belligerent rights ; and would she now, in the face of this act, allow the King of Naples to violate the conditions even of the old maritime code ? He hoped the noble Earl had written an answer to the Marquess d'Azeglio's note, and that he had no objection to produce it. The noble Earl concluded by asking the Secretary of State for Foreign Affairs whether the opinion of the Law Officers of the Crown had been taken by Her Majesty's Government on a document, dated Naples, Nov. 28, 1857, and entitled the "Decision of the Commission of Prizes and Wrecks" in the case of the Sardinian steamer *Cagliari ;* and, if so, whether Her Majesty's Government would lay a copy of such opinion on the table of the House ; and also, whether any Answer had yet been returned by Her Ma-

jesty's Government to a Note addressed by the Marquess d'Azeglio to the Earl of Malmesbury, dated March 28, 1858, and enclosing a communication from Count Cavour to Count Gropello, dated March 18, 1858?

THE EARL OF MALMESBURY: My Lords, I do not quite clearly understand what is the information which the noble Earl wishes to obtain from me. He has occupied the time of your Lordships for five and twenty minutes upon various subjects, some of them having reference to "another place," which, generally speaking, we are not allowed to mention here. I shall not follow him through all those subjects. As far as I can understand the noble Earl, however, he appears to imply by his first question that I was incorrect the other night when I stated my belief that the condemnation or confiscation of the *Cagliari* had not been officially reported to the Sardinian Government. I cannot positively say that that is the case; but I still am of opinion that that condemnation has not been officially reported; and for this reason, that it as yet has not been legally effected. I received this morning a despatch from Mr. Lyons at Naples, in which he states that, according to the Neapolitan law, there are three degrees of jurisdiction in prize cases. The first is that by which the *Cagliari* was condemned; the second is that by which the owners of the *Cagliari* have now appealed; and then, if the verdict of the first Court be confirmed by the second, there is still a third appeal to the King. So far as that point is concerned, therefore, I was perfectly correct; and I have been fortified in the opinion expressed by the Sardinian Minister at this Court. The second question which the noble Earl asks is whether I have answered the Marquess d'Azeglio's note of the 22nd of March last. That note has been answered; and, as no doubt it will interest your Lordships to be informed in what way Her Majesty's Government have answered it, perhaps you will allow me to go back a little and to refer to the events which preceded our reply. The note of the 22nd of March from the Marquess d'Azeglio to Her Majesty's Government began by stating that on the 5th of January last Sir James Hudson, Envoy Extraordinary and Minister Plenipotentiary of Her Britannic Majesty at Turin, informed Count Cavour, the President of the Council, that his Government was disposed to object to the proceedings of the Neapolitan Government in the affair of the *Cagliari*, because the vessels of war of the navy of the Two Sicilies had no right to pursue and capture her beyond the limits of the territorial jurisdiction of the kingdom of Naples. The Marquess d'Azeglio added, that this principle being thus laid down, Sir James Hudson requested the Government of the King to inform him whether it took the same view of the capture of the *Cagliari*. The Marquis then proceeded to say that he was "formally charged to request the concurrence, and, if need be, the co-operation, of the British Government to bring this important affair to a successful termination." The only answer that I could return to that was the one I did, and, writing on the following day—the 23rd of March—to the Marquess d'Azeglio, I said:—

"The undersigned has the honour to acquaint the Marquess d'Azeglio that his note will be duly considered by her Majesty's Government; but pending the answer which it will be the duty of the undersigned eventually to return to it, he thinks it right at once to state to the Marquess d'Azeglio that Her Majesty's Government had no cognizance of the note addressed by Her Majesty's Minister at Turin to the Count Cavour on the 5th of January, no copy of it having been received in this Office until it was communicated to the undersigned by the Marquess d'Azeglio on the 10th inst."

Your Lordships are aware that there was an error committed by the Secretary of Legation at Turin—an error which may be best described in this way—that whereas he was directed by the late Foreign Secretary to ask a question, he made a promise instead. I cannot help regretting even now, as I did at the time, that that answer having been given to the Marquess d'Azeglio only three weeks after we came into office—Her Majesty's Government being well disposed towards Sardinia, having all the sympathies which Englishmen naturally feel for that brave country, which has escaped so many dangers by the great judgment and courage of its present Minister, and whose soldiers were brothers in arms of our soldiers so recently—I cannot but regret, I say, having these feelings strongly within my own breast, that I should so soon have received the answer which I did from the Marquess d'Azeglio. I think, if he had considered the position of the Government—if he had given himself time to reflect upon it, and to have referred to his own Court, he would have avoided the inference which he drew, and which, I must say, was a rather painful one, that we were about to "abandon" Sardinia. My Lords, that was very far from

our wish indeed; but, as the word "abandon" has been used, let us consider for a moment what it means. To abandon means to forsake some one whom you are bound to protect, either by some natural law or by some recent and specific promise. But, my Lords, I have looked back through the eight months over which this controversy has extended, under my noble Friend opposite (the Earl of Clarendon), and I must say that nowhere do I find anything like a promise given that the English Government will co-operate with Sardinia in the affairs between that Government and the Government of Naples; and, if we look at this question in a selfish view, I must point out that our connection with the matter at first was extremely slight. The only connection that England had with the seizure of the *Cagliari* Sardinian ship arose from the accidental presence of two English engineers on board of her, who had been imprisoned and had suffered in common with the rest of the unhappy crew of that vessel. I do not say this in order to flinch from that support which we are ready to give to Sardinia in seeking the recovery of that ship, but to show that the word "abandon" is not quite the fair word to apply to Her Majesty's Government, whatever the policy they may determine to pursue may be. My Lords, I need hardly say that in my opinion the Sardinian Government ought not to take advantage of the unfortunate error which was committed by Mr. Erskine when he unintentionally falsified the despatch which he was ordered to write; because it is clear, if you lay down that a Government may take advantage of errors such as that, that a country may be involved either in a disgraceful peace or in an unjustifiable war, through the technical error of a subordinate. I do not say that the Sardinian Government have taken advantage of this circumstance; but I allude to it because I have constantly seen it stated in certain papers that the error of Mr. Erskine actually bound the English Government to whatever he had written. Now, my Lords, if your Lordships will bear with me for a few moments, I wish to recall to your recollection what the position of the Government was with respect to this question when we entered office. We found a great variety and difference of opinions from the law officers of the Crown on various points. In fact, the law officers had at that moment no clear view of the case, and there were no salient points on which the Government could act. I thought, therefore, that it was my duty to ascertain if there were any points on which the new law officers of the Crown could agree, and on which the Government could found a definite course of action. Before deciding upon that, however, it appeared to me that there was a peculiarly English question which required my immediate attention, and that was the liberation of the two English engineers. When we came into office, they had been in a horrible prison for eight months—one had lost his reason, and the health of the other was seriously impaired. I therefore felt that the first paramount practical duty of the Government was to obtain the freedom of those men; and accordingly we, without delay, sent Mr. Lyons to Naples with instructions to endeavour to persuade the Neapolitan Government to assent to their liberation. That was happily accomplished by the energy and ability of Mr. Lyons; and it is fair to say that the Neapolitan Government made very little difficulty in the matter. This only proves to me how unfortunate it was that, at the time when the capture took place, our relations with Naples had been broken off; because I am persuaded that, if we had had regular diplomatic relations with Naples at that time, the confinement of those men would have been restricted probably to a very brief period. On consulting the law officers of the Crown I had the satisfaction to find that they were agreed upon two points—first, that Park and Watt were illegally detained; that after the *prima facie* evidence against them they ought to have been released; and that we had a right, therefore, to ask for compensation for their illegal detention. We have, as your Lordships know, asked for that compensation; but up to this time we have received no answer from the Neapolitan Government to our application. On the second point, as to whether the *Cagliari* was legally captured or arrested or not, the law officers differ in opinion whether she was legally arrested, but are unanimous that it would be illegal to condemn her. I had the advantage at last, therefore, of finding the law officers unanimous upon two points, and the Government were accordingly enabled to act upon them. I have told your Lordships how we acted in respect of the two English prisoners. With regard to the other question, I had already ascertained that the feeling of Sardinia was so strong with respect to it, that it was not at all impossible that she might

have recourse to the *ultima ratio* of going to war with Naples, rather than wait the result of any further steps which diplomacy might suggest. I need not say how anxious Her Majesty's Government were to prevent that step; because I am sure, interested as your Lordships must be in this question, you cannot fail to recognize the dangerous consequences which might result if those two Italian States were to come to a rupture. These two States represent the two extremes of Italian policy. If a war were to arise between them, there is little doubt that it would soon become a European war, the extent of which as to territory or time it is impossible to speculate upon. If Sardinia and Naples were to go to war, it is impossible to suppose that Austria would long remain quiet; and, if Austria were to move, I leave your Lordships to say how long France was likely to look on with her arms folded. I go further than that in my apprehension. Anxious as I am that Sardinia should remain the model of a constitutional Government in Europe, I say that the greatest misfortune that could happen not to Sardinia only, but to Europe, would be a war thus begun, because I believe it will be found that constitutional liberty is almost invariably the child of peace and reason, and is seldom established by the sword. Strongly imbued with these feelings and this apprehension, I wrote to the Sardinian Government in answer to the note of the 22nd of March, saying that Her Majesty's Government entirely accepted the description given of the question by Count Cavour himself to Sir James Hudson, in reply to the despatch of my noble Friend opposite of the 29th of December. Count Cavour says:—

"This is a legal question, and I have wished to treat it legally and on its own merits. I have been blamed for coldness and for not treating it politically rather than internationally."

Sir James Hudson, in reply to this, on behalf of my noble Friend, stated, that in his opinion also it was a purely legal question. In these very words of Count Cavour I might answer the noble Earl opposite, who has charged the Government with lukewarmness, in not going to war with Naples. [The Earl of AIRLIE: I made no such charge.] I stated to the Sardinian Government that our law officers, having determined that the capture of the *Cagliari* was legal, but that her condemnation was illegal, it is evident to us that the King of Naples was right in the beginning and the Sardinian Government wrong, and that at this moment the Sardinian Government was right and the King of Naples was wrong. We therefore offered to Sardinia our good offices for the purpose of persuading the King of Naples to abandon the condemnation of the *Cagliari*, and to restore her and her crew to Sardinia. At the same time I stated to Count Cavour that we thought it would be the most unhappy disaster if Sardinia should resort to hostilities with Naples before taking every step which diplomacy could suggest to avoid such an unfortunate result. The step which I advised him to take was one springing out of a proposition of my noble Friend opposite at the Conference of Paris, for which, I think, all civilized nations have reason to thank my noble Friend that he obtained the concurrence of the representatives of several of the first States of Europe. In the protocol of the 14th of April, 1856, of the Conference of Paris, there is the following passage:—

"The Earl of Clarendon having demanded permission to lay before the Congress a proposition which it appears to him ought to be favourably received, states that the calamities of war are still too present to every mind not to make it desirable to seek out every expedient calculated to prevent their return; that a stipulation had been inserted in Article VII. of the Treaty of Peace, recommending that in case of difference between the Porte and one or more of the other signing Powers recourse should be had to the mediation of a friendly State before resorting to force. The first Plenipotentiary of Great Britain conceives that this happy innovation might receive a more general application, and thus become a barrier against conflicts which frequently only break forth because it is not always possible to enter into explanation and to come to an understanding. He proposes, therefore, to agree upon a resolution calculated to afford to the maintenance of peace that chance of duration hereafter, without prejudice, however, to the independence of Governments."

When my noble Friend had made that suggestion one Member of the Conference rises after another, and agrees to the principle of it, Count Cavour among the rest:

"Whereupon the Plenipotentiaries do not hesitate to express, in the name of their Governments, the wish that States between which any serious misunderstanding may arise should, before appealing to arms, have recourse, as far as circumstances might allow, to the good offices of a friendly Power."

My Lords, I think the cause of civilization received a vast service from the principle here laid down by my noble Friend. I therefore referred Count Cavour to this protocol, and I advised him, in case of the continued refusal of Naples to agree to

give up the *Cagliari*, notwithstanding our joint efforts, to have recourse to some friendly Power to obtain an arrangement of the matter without recourse to hostilities. I have as yet received no answer to that despatch; but, I may say, that I believe the other great Powers of Europe view the matter in the same light as Her Majesty's Government, and that they will use their efforts to persuade both parties to have recourse to the means which are recommended in the protocol of the Conference of Paris which I have just read. That, my Lords, is the case as it at present stands. I do not know whether the noble Earl opposite meant his speech as an attack on Her Majesty's Government, or on me personally; but I think you will be satisfied that I have done my duty in using my best efforts for the maintenance of that peace which is so invaluable to Europe.

The Earl of CLARENDON: My Lords, I think Her Majesty's Government have shown a sound discretion in the course which they have pursued in this matter. As I understand from my noble Friend, they have recommended the Neapolitan Government to restore the *Cagliari* and her crew to Sardinia; and, in the event of a continued refusal on the part of the Neapolitan Government, they have recommended the Sardinian Government to resort to that principle to which Count Cavour, along with the other Plenipotentiaries, assented in the Conferences of Paris. It is important that a maritime Power like England should not allow any act of illegality on the high seas, respecting which we are entitled to interfere, to pass unnoticed, or unavenged if necessary; but it is still more important to be quite clear that we are right, and not to put forward any claim which we should not be justified by the law of nations in enforcing. There appears to have existed, from the very first, a great doubt as to the legality or the illegality of the capture of the *Cagliari*. Indeed, it is not only on this point; but, as your Lordships will have seen from the papers, on every point throughout this question, that the action of the Government has been hampered by legal doubts which it was impossible to disregard. High authorities have been of opinion that the Neapolitan Government was justified in seizing and detaining the *Cagliari;* and high authorities, on the other hand, have held that the Neapolitan Government was not justified. There is also an important question as to whether the *Cagliari* was voluntarily surrendered, but that may be at once dismissed; the only question we have to deal with is, whether she was legally seized. The captain of the *Cagliari* may have announced to his crew and the passengers that he intended to carry the vessel to Naples, and there to give an account of all that had passed; but the commander of the Neapolitan cruiser could know nothing about that. He had orders to seize the *Cagliari*—he discovered her at sea, twelve miles from land, he fired a shot at her to bring her to, signaled for her master to come on board, sent an officer to take charge of her, and carried her into port. It would be perfectly absurd, therefore, to say that the *Cagliari* was voluntarily surrendered; she had no means of resisting, and she would have been sunk if she had resisted. The question is, therefore, was the seizure legal? That question was first raised by ourselves. We heard that it had been stated by some of the liberated portion of the crew that the *Cagliari* had been seized several miles beyond the Neapolitan waters; we referred to them, we ascertained that such was the fact, and we then took the opinion of the law officers of the Crown whether the Neapolitan Government was justified in pursuing and detaining a Sardinian vessel beyond the territorial jurisdiction of Naples, and whether, if the *Cagliari* had been an English vessel, Her Majesty's Government could have demanded her release. Feeling, at the same time, that as the vessel was Sardinian, was owned by a Sardinian, and was sailing under the Sardinian flag, we should have no right to make any demand on account of her unless the Sardinian Government interfered, we instructed Sir James Hudson to put to the Sardinian Government the same question which we had addressed to the law officers. We asked what were the views of the Sardinian Government on the matter, and whether they intended to object to the proceeding of the Neapolitan Government, on the ground of the vessel being seized beyond the territorial jurisdiction of Naples. At the same time I expressed on our part an opinion, certainly in strong terms; but we purposely avoided any suggestion that this opinion should be acted upon, nor did we offer any advice on the subject, for this simple reason, that we had not then received the opinions of the law officers. The propriety of our course was made clear three or four days afterwards; for when we did receive the opinion

of the law officers it was to the effect, that under the particular circumstances of the case the Neapolitan Government were justified in following the *Cagliari* and seizing her, and that Her Majesty's Government, *mutatis mutandis*, would not be justified in taking any objection to that proceeding. The communication to Sir James Hudson was not precisely of the nature my noble Friend behind me (the Earl of Airlie) has stated. It was not in support of any claim the Sardinian Government had brought against the Neapolitan Government, because they had not brought any claim at all. As regards the other circumstances connected with this despatch, I do not think that the alteration of the despatch bears out what my noble Friend (the Earl of Malmesbury) has said as to its having become a promise. It was, no doubt, very improper to alter the despatch; but Sir James Hudson was not exactly aware of the reason why the matter was put in interrogatory. The object of the despatch was simply to ask what view the Sardinian Government took of the matter; for, as we had not then received the opinion of the law officers of the Crown, we were not in a position to recommend a course. But, although it was very improper to alter the despatch, Sir James Hudson found in the despatch a strong expression of opinion, and did not know how far the Government intended to act on it, and therefore I do not think so much blame is attributable to him as has been attached to him. However, having received the opinion of the law officers of the Crown, it was impossible for us to insist on our objection to the capture of the *Cagliari*. I still think, however, that, in conformity with international law, a ship of war has no right to interfere with a foreign merchantman on the high seas. She may demand the merchantman's papers to ascertain her nationality, but that being once ascertained, she has no further right to interfere with a foreign merchantman unless at the time in commission of an act of piracy. No such act was attributed to the *Cagliari* at the time and place where she was seized, but the law officers said, that under the particular circumstances of the case, the Neapolitan Government were justified in pursuing and capturing her. I suppose, therefore, that particular circumstances may perhaps justify an exception to that which ordinarily must be held to be the rule of international law, and that without these circumstances it would be impossible to contend that the seizure would not have been a violation of international law. It is impossible to deny that the *Cagliari* had been employed in a very nefarious proceeding. A number of persons, who got on board as passengers, having taken possession of the vessel, landed a body of men at Ponza, overpowered the garrison, killed and wounded several persons, and released the prisoners who were confined in the castle. The *Cagliari* took the latter on board, and proceeded to the Gulf of Policastro, and at Sapri a great number disembarked, and endeavoured to raise an insurrection against the Government of the country. The officer in command of the Neapolitan steamer was no doubt aware of these circumstances, and did not know under what circumstances a number of passengers had overpowered the crew. These particular circumstances might justify, in the opinion of the law officers, the Neapolitan vessels in pursuing and seizing the *Cagliari*. I think that under similar circumstances we should have done the same thing. I think, *mutatis mutandis*, that we should not have hesitated to pursue and detain any vessel, under whatever flag sailing, that had landed on our shores men who committed acts of outrage and violence. I think that had the captain of a British frigate captured a vessel which had been so used for insurrectionary purposes against our Government, an immediate inquiry would have been ordered; but I do not think that, having ascertained all the facts of the case, the Court of Admiralty would or could have condemned the vessel. The Neapolitan frigate which seized the *Cagliari*, brought her into port. There was ample evidence that she was a regular and well-known trader, that her papers were all in order, and that a large number of her passengers had embarked for Tunis. There was evidence, also, that the crew had been overpowered and compelled to work the vessel under the orders of the parties who were guilty of these insurrectionary proceedings; and they had evidence that after those parties left the vessel at Salerno the captain communicated to the crew that he would proceed to Naples to inform the Neapolitan Government as to everything that had taken place. Yet notwithstanding all these facts, all this evidence—with the manifest circumstance that the diversion of the vessel from her original course, and her subsequent capture, must have been an enormous loss to her owners—the Neapolitan court,

without, I must say (having regard to the commonest principles of justice, and the rules of international law) the shadow of a pretext, held that the vessel was a lawful prize. I share, my Lords, in the satisfaction expressed by my noble Friend (the Earl of Malmesbury) that there is no difference of opinion amongst the law officers of the Crown on the subject of the condemnation of the vessel being illegal. I also heard with pleasure that my noble Friend had asked for an indemnity for the two Englishmen, and that he does so on the recommendation of the law officers of the Crown. I am glad of it, because I stated here in December last that it would turn out that the accusations against Watt and Park were frivolous to the last degree. The first charge against them was, that they had not been provided with passports. The law officers say in their last opinion that it is not unusual for engineers not to be provided with passports; but, my Lords, it is not only not usual, but the general and uniform practice of engineers employed by foreign steam-boat companies is not to have passports; because if they have their names on the muster-roll, that is considered a sufficient certificate of their nationality and business, and Watt and Park had their names on the ship's muster-roll. The next charge is, that they were in possession of a letter from Miss White. This would constitute no ground of accusation; but it was not a letter; it was a paper not addressed to any particular person, but was a direction written in English for the information and guidance of the engineers of the *Cagliari*, who were, of course, English. The third accusation is that the engineers did not convey the ship to Tunis. Such ignorance is hardly credible, but it appears by an interrogatory to which Watt was subjected, that he was asked if he could bring evidence in support of his allegation that the *Cagliari* was not steered by the engineer. The fourth charge was that these two engineers had committed certain acts on land, whereas it was proved that neither of them had been on land at all. I hope your Lordships will bear in mind that her Majesty's late Government were altogether ignorant of the circumstances under which those two men were dealt with. We knew nothing of what had taken place on board the *Cagliari;* we knew nothing of the circumstances under which the parties were set on shore at Salerno. The Neapolitan Government had possession of the vessel, the passengers, and the crew, and the greatest secrecy was maintained; we were not able to obtain any information on the subject. No one can lament more than I do the sufferings which our poor countrymen were exposed to. Certainly, had we known the facts, nothing would have induced us to tolerate their maltreatment. It was stated that six months ago they had not the protection of the British Government; but we had no means of knowing to what extent that protection was required. We had no information to show us that the *Cagliari* had not left the port of Genoa with the full knowledge of all on board as to how she was to be employed. The fact of this vessel leaving Genoa at the time Mazzini attempted to gain possession of that city, and other circumstances, created suspicion in the mind of the Sardinian Government, who sent a ship of war to bring the vessel back; we had nothing to prove that these engineers did not land at Sapri to take part in the insurrection; although we had great doubts as to the probability of the offences charged against those men having been committed, we could not assert their innocence; all we could do was, to secure for them, as far as possible, a speedy and fair trial, and that in the meanwhile they should be well treated. We instructed the consul to visit them; but it appeared that it was contrary to the Neapolitan law, for prisoners to be allowed to see the persons engaged in conducting their defence, and the British consul was regarded in the light of a law adviser, because it would have been competent for him to communicate with the advocate of the prisons. However, as it turned out that these men ought never to have been detained for a single moment, they were clearly entitled to indemnity. I go farther than the law officers, and say that we are entitled not only to demand an indemnity for these men on account of their cruel, unjust, and illegal detention, but also by reason of the deception practised on us by the Neapolitan Government; because, though the English consul was not allowed to see them, he was informed that the Sardinian Government furnished them with money, that the English residents at Naples had subscribed to supply them with clothes, and that they were so well treated that there was nothing to be desired on that ground. On the 5th of August, Signor Carafa officially informed us that, owing to special instruction which had been issued, Park and Watt were perfectly well treated and had nothing to desire. The Neapolitan Government thus assumed

a responsibility to the English Government for the treatment of these men; and although we had no high idea of the state of Neapolitan prisons, or of the manner in which persons confined in them were treated by the Government, we could not suppose that the Secretary of State for Foreign Affairs in Naples would give us a solemn assurance that Park and Watt, in consequence of special instructions, were perfectly well treated and had nothing to desire at the very moment when they were suffering all the horrors and misery which we now know of, and which so clearly entitle them to indemnity. In September we requested that Park and Watt should be released, still not knowing the sufferings to which they were exposed, but being convinced of their innocence, having got from their employers in Genoa the best character of them, and having also heard of their illness. Signor Carafa again gave us an official assurance that the men were both in perfect health, and at the same time repeated the reasons why the Consul could not be allowed to see them. Great stress has been laid in the newspapers upon the fact that on the 8th of October the Consul informed us that our demands would never meet with compliance unless they were accompanied by a strong remonstrance. The truth is, that I anticipated the Consul upon that point, for on the very day on which he wrote to me—namely, October 8th, that a strong remonstrance was necessary, I sent a despatch to Naples expressing the hope that a voluntary compliance with our demands would save Her Majesty's Government from the necessity of repeating them in a different manner and through a different organ. On the 23rd of the same month, Signor Carafa repeated all his reasons for not admitting the Consul until the act of accusation was completed; but that our despatch of the 8th had produced its effect was apparent, from the fact, that three days afterwards the Attorney General announced at Salerno that Park and Watt might see their friends and relations. It was not till November that we knew from the liberated prisoners that the crew had acted under compulsion, and it was not till the 5th of December that we had any idea of the treatment to which these men had been exposed, because even in November we received a letter from Mr. Pugh, the English clergyman at Naples, stating that the two engineers were confined in an airy room, and had distinctly told him that upon the whole they were well treated, and had nothing to complain of except being carried handcuffed through the streets, and not having received letters from England. I say, then, that as we have since ascertained how entirely erroneous these statements were, and how deliberately we were deceived—I can use no other word—by the Neapolitan Government, we are entitled upon that ground alone to demand indemnity. I was always of opinion, my Lords, that Park and Watts ought not to be detained; that there was not an atom of evidence against them; that the time would come when we should be able to ask for compensation for their sufferings; but as long as they were in the hands of the Neapolitan Government it would have been manifestly imprudent to excite irritation against them by announcing our intention to seek indemnity. We are now, however, at liberty to do so, and I rejoice to hear from my noble Friend opposite that we are not only to demand compensation for them, but to support the Sardinian Government in their claims for restitution and indemnity, because those claims are founded upon the same ground as our own, namely, the illegality of the proceedings of the Neapolitan Government.

Lord WENSLEYDALE thought it was of the utmost importance to consider deliberately what course they should adopt. He would not enter into any detailed argument on the main question, upon which there was a great diversity of opinion in both Houses of Parliament, and between the law officers of the Crown of the past and present Government; but all, he believed, except the present and perhaps the late Attorney General, were agreed that there was a right on the part of the Neapolitan Government to pursue and seize the vessel. He could conceive an analogous case; he would suppose that a number of American filibusters should purchase and fit out an American vessel, land on the coast of Jamaica, rob and pillage the country, and attack the Queen's troops, and then re-embark and sail away, and that an English frigate should pursue and capture the vessel, beyond the maritime league from the shore on the ground that she had been engaged in the outrageous acts. It could not be a question that Her Majesty's frigate had authority to pursue and capture such a vessel. The crew of the vessel, though lawfully under the American flag, would in the supposed case have, he thought, been unquestionably guilty of piracy, and the vessel was without doubt seizable by the law of nations on the high

seas. If the American vessel had been previously seized and taken from the real owners by pirates and used for piratical purposes by them, it seemed to him to make no difference as to the right of seizure. He was, therefore, strongly inclined to concur in the opinion of the present Solicitor General that it was a lawful act, on the part of the Neapolitan frigate, to seize the *Cagliari*, and carry her into Naples for examination. Then it became a question as to whether the Neapolitan Government had a right to adjudicate on the question of piracy and condemn the ship on that account, and also to punish the crew. The Queen's Advocate and the present Solicitor General give as their opinion that the condemnation was unwarranted; but whether it was so simply wrong as to be only reversible on appeal, or so clearly against all principles of justice, *in re minimé dubia*, as to be void by international law, they leave undecided. As there was this conflict of opinion among the law advisers of the Crown, both under the late and the present Government, he would repeat his suggestion that it would be wise in Her Majesty's Government to take the best possible opinion, that of the Judicial Committee of the Privy Council, who, by an Act of Parliament, had power to consider these questions, and to report its opinion to Her Majesty thereon? The noble and learned Lord went on to show that this power thus delegated to the Committee of the Privy Council had been in several cases, which he cited, most usefully exercised on questions of international law and home policy, as well as on questions of individual dispute. When he first recommended the adoption of this course, he was told by his noble and learned Friend near him (Lord Cranworth) that such a reference could not be made to the Judicial Committee because this question might come before them in a legal form. That objection was quite untenable, because the Judges were now required to answer questions put to them by the House of Lords upon cases which might come before them in their judicial capacity, and indeed would necessarily come on many occasions, as, for instance, in McNaughten's case, when they were asked as to the rules of law on the subject of insanity giving an immunity for crime, a case of very frequent occurrence in criminal courts. A decision of the Committee of the Privy Council would settle all the important questions in the case of the *Cagliari* might have some effect with the Sardinian Government, and would enable our own Ministers to act according to law in a case of some nicety.

Lord CAMPBELL said, he would not at that hour of the evening enter into a dissertation on the law of nations, but would take the opportunity of expressing the difference of opinion he entertained from his noble and learned Friend as to the expediency of making any reference of this matter to the Judicial Committee of the Privy Council. He had great respect for the Committee of the Privy Council, and happened to be a Member of it; but he did not think that any good was likely to arise from referring the present case to that learned body. No doubt the Act of Parliament to which his noble and learned Friend had referred, gave power to the Privy Council to consider this subject; but the question was, whether there was any necessity for it, or whether there was any advantage to arise from it. In the first place, the Judicial Committee of the Privy Council might not be unanimous in coming to their decision; they might differ like the Solicitor General and the Queen's Advocate, and this would give to the King of Naples a plea for refusing compensation which he did not now possess. Another reason was, that this being an international matter, the Committee of the Privy Council was not a recognised tribunal. It was not like the Court of Admiralty but merely the Queen's adviser, and for but purpose of expressing to Her Majesty their opinions on questions submitted to their consideration. The reference too, was quite unnecessary; because, on the points in which the English and Sardinian nations demanded compensation, there was no doubt whatever about the law. Without giving any definite opinion on the doubtful question as to the right of the Neapolitan cruisers to seize the *Cagliari*, he thought that under the circumstances of grave suspicion in which the vessel was placed, the Neapolitan Government might well have supposed that those on board of her still had hostile designs against them, and would have been excusable in at least overhauling her: that, however, did not justify them in imprisoning our fellow-subjects and confining them in a dungeon, where they were exposed to such dreadful hardships that the one lost his reason, and the other had his constitution undermined. For this there could be no justification or

palliation. If it were admitted that the capture of the ship was lawful, was it lawful to seize the English subjects who were on board engaged in their lawful calling, and against whom there was not a shadow of suspicion? He was delighted to find the unanimous opinion that prevailed amongst their Lordships as to compensation being demanded of the Neapolitan Government for the sufferings of these individuals; but on that point there was no necessity for any reference to the Committee of Privy Council. Then came the question as to assisting the Sardinian Government in what they demanded. They complained of the shameful condemnation of this vessel, against all justice and against all law. Of course, if the owners of the vessel could be implicated in any act of hostility or piratical design, the ship could be made a lawful prize; but this was not the case; on the contrary, the owners were not only not guilty of such complicity, but were as much aggrieved by what had been done as was the Neapolitan Government itself; and when these facts came out, it was an act of the greatest injustice in any tribunal to proceed to the condemnation of the vessel. Such a judgment as that was entitled to no respect whatever. He paid the greatest deference to the opinions of his noble and learned Friend, but he must differ with him as to the necessity of this reference, for he felt that it was calculated to do more harm than good.

THE MARQUESS OF CLANRICARDE hoped the noble Earl the Secretary for Foreign Affairs, would lay before the House the despatch from the Marquess d'Azeglio. It was necessary to have a clear understanding as to the contents of this despatch, for upon it much depended the action and line of policy that the Government ought to take in the matter. He understood the noble Earl to have advised the Sardinian Government to be quite certain of the law of the case, and to pursue a moderate course; and if the Neapolitan Government would not consent to surrender the vessel, to assent to a mediation; and also that Her Majesty's Government would support the Sardinian Government. Now, the real point which it was desirable to know, was the state in which the Government stood at the present moment with regard to its engagements towards Sardinia. It was clear from the papers that had been published that the Sardinian Government expected and had asked the support of the British Government, and he wished to know what answer the British Government had given to that demand. And when he said support, he meant really to ascertain what kind of support—because, when we talked of giving moral support to the Sardinian Government, while we had no Minister at Naples, we were talking of that which was nothing and of no account, unless we promised and gave a support of a more substantial character, which might be required. The noble Earl the Secretary for Foreign Affairs had said, that Naples and Sardinia represented two extreme opinions in Italy. Now, he (the Marquess of Clanricarde) entirely dissented from that opinion. The Sardinian Government, in his view, represented no extreme opinion, but on the contrary represented sound, moderate, constitutional opinions. Extreme opinions were represented, he was afraid, occasionally in Italy, but by persons of a very different class and character, with which the Sardinian Government had no connection whatever, and of which the Sardinian Government was the warmest and most efficient opponent. His noble Friend who had brought forward this question (the Earl of Airlie) did not say the Government were to blame for not going to war, nor did he wish this country to go to war, and he did not express anything of the kind; but the question was, whether the Neapolitan Government should be allowed by us as well as by the Sardinian Government to do wrong, and to persist in that wrong. He trusted and believed that in this matter Her Majesty's Government had acted rightly. That was the point to which the attention of Parliament and the country was directed, and he believed that if this despatch and the answer of Her Majesty's Government were laid on the table, it would be satisfactory to the House and the country.

LORD CRANWORTH considered that a reference of this question to the Committee of the Privy Council would place the Government in an awkward if not discreditable position. He would not discuss the question of the rights of either country. As far as England was concerned, the question of right had been decided, and a demand had been made for reparation upon the Government of Naples. But it was now proposed to refer the question to one of our own tribunals, as to whether another country, Sardinia, had a good claim against a third country, Naples; and he could not conceive anything more

calculated than the reference proposed to the Committee of the Privy Council to place the Government in a difficult and embarrassing position. Let the result of this discussion be either one way or the other, he did hope there would be no reference of the subject to the Committee of the Privy Council.

The Earl of DERBY said, that he fully agreed with the opinions expressed by the noble and learned Lord and by the Lord Chief Justice, that this matter ought not to be referred to the Judicial Committee of the Privy Council. As had already been said, such a reference was in the first place now unnecessary; in the next place it might be extremely inconvenient were different opinions to be expressed by that learned body; and, lastly, their decision when given would not be binding upon a foreign country. For these reasons, although the noble and learned Lord was right in saying that Parliament had the power to refer the matter to the Privy Council, he thought it was inexpedient to do so. If his noble Friend (the Earl of Airlie) had been supposed to have represented Sardinia as being a country of extreme opinions, he was exceedingly glad that the noble Marquess opposite had given him an opportunity of explaining this misconception. What his noble Friend did say was—not that Sardinia was a country of extreme opinions, for he rather concurred with the noble Marquess in thinking that Sardinia, in an unexampled manner considering all the circumstances of the case, maintained a sound constitutional Government on the soundest principles—what the noble Earl did say was, that Sardinia and Naples were, as regards their system of government, two extremes—that Sardinia was understood to represent the most liberal principle in Italy, and Naples the most extreme or despotic opinions the other way. It was in that sense that the noble Earl intended to explain that they represented two extreme opinions. He (the Earl of Derby) would not prolong the discussion that had taken place; he rose principally for the purpose of expressing his satisfaction at the manner in which his noble Friend opposite (the Earl of Clarendon) had expressed his valuable concurrence in the course that Her Majesty's Government had taken on this occasion. He thought that concurrence of opinion, coming as it did from that side of the House, would materially strengthen the hands of Her Majesty's Government in carrying on the further negotiations which were still in progress. This was most satisfactory to the Government, and most honourable to the noble Earl who so expressed himself. As regarded the question put to him by the noble Marquess, whether Her Majesty's Government were prepared to lay on the table the correspondence with the Neapolitan Minister, the Marquess d'Azeglio, he had to say that he was not at present prepared to lay that despatch upon the table; and he thought that on reflection the noble Marquess himself would see that, although upon the present occasion his noble Friend, in answer to the question of the noble Earl opposite, thought it expedient and desirable that they should explain the course—the general course—that Her Majesty's Government had pursued, and intended to pursue, on this important question, yet it was quite impossible, while negotiations were still pending and in progress, that they should step by step lay on the table of that or the other House of Parliament those despatches and those representations which they had made to Sardinia, and the answers they had received from Sardinia; and thus by putting out the whole correspondence piecemeal, interfere most mischievously with the conduct of the diplomatic negotiations that were still going on. In addition to the satisfactory concurrence of opinion on this important question that had characterized both sides of the House as to the correctness of the course Her Majesty's Government had pursued, and were now pursuing, he was happy to say that Her Majesty's Government were acting also strictly in concurrence with the views of the French Government. The French Government, he was enabled to say, had declared a very deep interest in the question, and in the preservation of international rights arising out of this question; and he believed the French Government had almost entirely concurred in the opinions entertained by Her Majesty's Government on this matter, and had certainly entirely concurred in the advice given to the Sardinian Government as to the mode of proceeding they should adopt in the event of reparation being refused by the Neapolitan Government. On one point which he thought had been misunderstood by some noble Lords, he would make one remark. The noble Earl seemed to have understood that we had supported Sardinia in her demands for restitution and indemnity. But the question of indemnity was one which, as between England and

Sardinia, had been kept quite distinct from the question of the seizure and restitution of the vessel. The question of a pecuniary indemnity had not been raised by Sardinia, and the English Government had thought that they ought not to bind themselves up with any question of indemnity to the owners of the vessel. What the Government had done was, to promise to give Sardinia the aid of all their moral force in pressing her demands upon Naples. All that they had promised was their good offices, and they had, in concert with France, recommended Sardinia not to have recourse to any measures of violence, but to act on the principle of calling for the mediation of some third Power. Having explained the course Her Majesty's Ministers had taken, he hoped it would be to the satisfaction of the noble Earl opposite. In this House so much forbearance had been shown in the matter—so much reluctance had been shown to interfere with negotiations, which he hoped would lead to a satisfactory termination, that he should much regret if anything occurred to interfere with such negotiations, the satisfactory termination of which he must observe were rather impeded than promoted by repeated discussions of the question.

Motion (by leave of the House) *withdrawn.*

GOVERNMENT OF INDIA.

REPORT OF COURT OF DIRECTORS.

THE DUKE OF ARGYLL, in rising to move for the Report of the Court of Directors to the General Court of the East India Company upon the two Bills before Parliament relating to the Government of India, said that he was extremely unwilling at that critical hour of the evening to trespass at any length upon their Lordships' attention, but he felt it to be his duty to move for the production of this Report, because he thought that their Lordships and the country should be made fully aware of the difficulty in which they were placed with regard to legislating for the government of India. It was not his intention to make any observations in a spirit of political hostility to the Government, or to discuss the merits of the measure which they had introduced in any party spirit; but he wished to point out to their Lordships the position in which they were placed. In one respect an advance, and a most important one, had been made, and he did not attach any blame to the present Government for having changed the course which at one time they intended to pursue. He thought that it was undoubtedly true that the vote of the House of Commons (carried he believed by so large a majority as 200), made so essential a change in the whole position of the question that the present Government were quite entitled to say that, whatever their previous opinion had been, they were by that vote bound to proceed to legislation for the government of India; and he most sincerely hoped that the Session would not come to a close without the question being settled one way or another. He quite agreed that so long as the Court of Directors was the *de facto* Government of India it ought to be respected; but no one could deny that after what had taken place the authority of the Court of Directors had been materially diminished, and that the more perhaps when the character of the noble Earl at the head of the Board of Control was borne in mind. It was notorious that the noble Earl had never been disposed at any time to pay any great deference to the Court of Directors, and he could not conceive that after what had occurred that deference on the part of the noble Earl would be increased, and he felt bound to say that the answer which had been given by the noble Earl to a question addressed to him earlier in the evening appeared to him to place the matter in a more serious light. He need hardly say that he most heartily concurred in the eulogy which had been passed by his noble Friend upon the despatch which had been sent out by the noble Earl in reference to the policy to be pursued in India towards our revolted subjects; but he thought it most remarkable that that despatch should have been sent through the Secret Committee. It appeared to him that if the course of sending despatches through the Secret Committee were recognized and adopted, then, in point of fact, the President of the Board of Control would possess absolute authority over the government of India, and might, by employing that machinery, act as he pleased, without in any way consulting the Court of Directors. Although he was willing to admit that under the circumstances the present Government were bound to proceed to legislation, he could not say that their subsequent proceedings had tended to render the solution of the question easier or more simple. Shortly before the late Government proposed their scheme, the noble Earl opposite expressed distrust beforehand for any

scheme which would materially alter the present system of constitution, for he said that constitutions grew up and could not be made. He therefore expected that the noble Earl, when he came into power, would bring forward a scheme which would be a considerably less change in the present constitution than that of the late Government. But in reality, upon a comparison of the two Bills, he found that the Bill of the present Government involved an entirely new constitution for India; there were in it far more elements of change, it was much more complicated, and was more open to the objections that it created a new constituency, than the Bill of the late Government. He was not desirous upon that occasion of entering into any defence of the plan of the late Government, for no doubt a time would come when the principles upon which it was founded would be fully discussed, and he would therefore only say, that the principle upon which the late Government had proceeded was that of making as little essential change in the main branches of the constitution for the government of India as was consistent with the necessary condition of removing what was in reality a mere fiction, and of assuming the Government in the name and under the authority of the Queen; whereas the Bill of the present Government proposed far greater changes. The Bill of the present Government had, however, been withdrawn, and the House of Commons had been invited to discuss the subject in the form of abstract Resolutions. Now, that was, it appeared to him, a most inconvenient course, and one that could not present a fair issue to Parliament. It had been laid down as an abstract principle that in order to secure efficiency and independence the system of election was necessary. He objected to that. What did Her Majesty's Government mean by independence? Did they mean to secure it as regarded the position or the authority of the members of the Council? A great deal too had been said with regard to the principle of election. What did they mean by the principle of election? There was no abstract principle involved in election—it depended on the practical definition of those who were to be the electors and the functions of those who were to be elected. So far as the abstract idea of election was concerned, it stood in immediate connection with a notion which was very prevalent in this country, but in which he was perfectly sure neither his noble Friend the President of the Board of Control nor any other member of Her Majesty's Government concurred. It had been stated day after day in the press—and the same notion was involved in many of the passages of the Report of the East India Company for which he intended to move,—that one of the main difficulties connected with the transfer of the government of India from the East India Company to the Crown was the undue authority and power which that transfer would confer upon the Crown. Such expressions as these had been heard during the recent debates on this subject—"The Council must be such as to exercise control over and check the Minister intrusted with the administration of Indian affairs," &c. Almost every page of every document that had recently proceeded from the East India Company insisted on the same notion—not indeed very consistently, for one part of the paper contradicted the other; though that was not to be attributed to any want of ability on the part of those who drew up those documents, but to the false position in which the Court of Directors were placed. These sentiments originated in the memorable contest of 1783, the greatest in our Parliamentary history, the effect of which upon the policy not only of England, but of the world, was felt even now. The chief question in that contest was whether the government of India could be transferred to the Crown without dangerously increasing the power of the Crown. Persons who totally forgot that, the whole of the circumstances under which that contest was carried on having been essentially changed by intervening events and measures, that difficulty at least did not exist, still repeated that question. The danger dreaded in 1783 was not so much the transfer by Fox's India Bill of the Government of India as of the whole of the commerce of India to the Crown. But there was no commerce to be dealt with now. No one need now apprehend that a transfer of the Government of India from the East India Company to the Crown would make the Crown the monopolist of all our Indian commerce. But even a still greater chance had since that period taken place, which seemed to be very much forgotton by those who objected to an increase of the power of the Crown. He referred to the change that had taken place with respect to patronage in India. It was then argued that there would be nothing to prevent a Minister from ap-

pointing to these great pro-consular commands any person he pleased, whatever might have been his previous qualifications or services. One of the dangers that constantly flitted before the eyes of public men in England at the period he had alluded to was that of nabobs, as they were called, coming back from India to England, with their ill-gotten wealth, to influence by corrupt means the House of Commons and the Government. He need hardly say that that danger had been completely removed by the various statutes which had since passed. No person could now be appointed to any of the great offices in India who had not had experience of Indian service; and so far from fearing the return to England of men who had filled such offices we should only be too rejoiced to secure their services in the proposed Indian Council. He believed that every one who considered the subject would be convinced of the absurdity of talking about giving to that Council an independence which the Government did not intend to give to them, and which they themselves would not desire;—namely, one which would enable them to control the Minister intrusted with Indian affairs. This doctrine was laid down in one part of the document for which he was moving; but in another part of it they were told that the Council must be one not to control but to advise the Indian Minister. And here he must express the astonishment with which he had read a statement of a right hon. Friend of his, for whom he had the greatest respect, during a very recent discussion in another place, that the power exercised by the President of the Board of Control over the Government of India had been lately increasing, and that of that power this at least might be said, that it was one which had never received the formal sanction of the Legislature. Now the fact was that the machinery of the Secret Committee, through which the power of the Board of Control was exercised, had received the sanction of Parliament over and over again. There could be no greater mistake than to suppose that Parliament ever contemplated that in the case of Indian wars the Executive should be under any other control than that which was exercised at home with reference to European wars. No doubt, in the case of European wars there was an indirect check upon the Executive, because they had to come down to Parliament for money to enable them to carry them on; but as to the power of the Executive to declare war or make peace, it was the same in India as in England. He must, therefore, protest against such a mis-statement of fact coming from so high an authority as his right hon. Friend. He fully concurred with an observation made some months ago by a noble Friend of his in that House, that there was a tendency in the public mind in this country to overrate the importance of questions connected with Central Asia, and should be very glad to see more fully recognized the truth that, after all, the great danger to our Indian empire arose from inefficiency in its internal government, and that so long as we devoted attention to its internal improvement, we might look with indifference upon any advances that might be made by Russia or any other power in the direction of Central Asia. But to return to the proposed Council. It was one of our greatest boasts that we had entirely got rid of the commercial principle with regard to those who were intrusted with the government of India, and he could conceive nothing more disastrous than a reintroduction of the very principle which, with immense advantage to India, we had succeeded in eliminating. He would refer to a speech made by his noble Friend opposite during a discussion on the government of India in 1853, when his noble Friend said that "experience had satisfied him that it might be inconsistent with the public interests that the commercial element should prevail to any very great extent in the Direction, as much public inconvenience might be occasioned by persons engaged in commerce having previous knowledge of fiscal changes in India." Their Lordships must admit that his noble Friend's observations on that occasion were singularly free from anything like party spirit; that they were not intended to embarrass the Government, but simply to point out the best machinery for the Government of India. His noble Friend expressed the strongest possible opinion against the principle that commercial interests should be represented in the government of India; and of all things, he said, it was most undesirable that there should exist any suspicion that the members of the Indian Government were personally interested in mercantile transactions. He did not deny that the mercantile interests of England were very much bound up with the peace, progress, and prosperity of our Indian empire. If those interests were represented, not individually,

but by the action of a united Council for India, he believed that they would be materially advanced; while, if particular interests only were to be represented, the result would be disastrous to the real welfare of India. He thought, therefore, that the view which was expressed by the noble Earl in 1853 was sounder than that which he had embodied in his Bill of 1858. The noble Earl was generally supposed to be the chief authority for the introduction of the elective principle; but he had looked over his evidence in 1853, and he found that the noble Earl only advocated election as an alternative if nomination was not adopted; but it could be no matter of doubt that in 1853 the opinion of the noble Earl was that the only principle on which the system of election could be maintained was, that it would introduce into the Indian Council men of the greatest knowledge and experience. The great objection to the present system was, that owing to the nature of the canvassing and of the constituency to be canvassed, the best men would not expose themselves to the trouble and expense of a contest for a seat in the Direction. The same result must be expected when the constituency was extended beyond what it was at present; and he was satisfied, therefore, that the principle of election as contained in the Bill would fail. After the evidence which the noble Earl had given upon all these points before the Committee, he had been puzzled to understand the scheme which had been propounded under the authority of the noble Earl. A great deal had been said of late about the impropriety of mixing up party politics with Indian affairs; the events of the last few years had, he thought, clearly illustrated the importance of those great party organizations by which large measures of reform had been inaugurated and carried to a successful issue, and had shown that they afforded the best means of sifting great public questions and maturing great public measures; but there was an element usually in party politics which he should heartily wish to see excluded from all considerations connected with the government of India. When he looked for an explanation of the departure from his formerly expressed opinions by the noble Earl, his belief was that the noble Earl found himself not sufficiently strong, in a Parliamentary sense, to carry that which, in the abstract, he considered to be best for the government of India. We could not continue, however, to deal thus with this serious and difficult question. He did not believe that the difficulty would be great if they maintained the essential feature of the existing system; but if they entered upon extensive and new plans of representation which did not exist at present, they would involve themselves in endless troubles. The problem with which they had to deal was not easy of solution; it was how to govern a distant empire under an absolute government abroad, yet under the influence of a popular government at home; how to bring to bear upon the people of India the light of our purer faith, of our more extended knowledge, of our more perfect civilization; and how at the same time to defend them from the evils which were inseparable from the maintenance of our rule, from the waywardness of popular opinion, and the suspicion of selfish interest. Surely that was a task, the noblest ever given to a people to perform, — a problem the most difficult that a Government ever had to solve! He entreated the noble Earl, then, not to present to Parliament the naked idea of election enunciated in the Bill which he had introduced, but which was now abandoned, coupled with an imaginary independence which he did not give, and with a pretended authority and power which he did not confer. The noble Earl must have formed a higher estimate of the good sense of the English people than he had before entertained from the mere fact of their having rejected his plan for representing certain great cities in his Indian Council. He recommended the noble Earl to propose some such scheme as he had frequently propounded when in opposition; for if he did so he was satisfied that from no section of politicians would he experience the slightest tendency to thwart his endeavours at legislation. In conclusion he begged to move —

"That there be laid before this House, the Report to the General Court of the East India Company from the Court of Directors upon the Two Bills now before Parliament relating to the Government of India."

The Earl of ELLENBOROUGH: Whatever may be the difficulties, my Lords, with respect to the future government of India, Her Majesty's present Ministers are not responsible for them. I deprecated at the end of last year, and I deprecated this year, the consideration of the subject in the present circumstances of India. I said that if you were merely to introduce the Queen's name, and were to

carry on the government in her name, it would, in my opinion, strengthen the government of India, and that few alterations would be required in order to effect that purpose; but that beyond that I was most unwilling to attempt to go in the present circumstances of the times. Her Majesty's late Ministers apparently had not made up their minds upon this subject before Christmas. At all events, they were asked what they intended to do, and, as they declined to give any answer, I concluded that they had not made up their minds. They did so, however, during the recess, and immediately after the meeting of Parliament, they intimated their intention of proceeding to legislate, and a Bill was prepared and introduced. I think that they took a step very injurious to the welfare of India in disturbing the question at this time; but I must say that I have heard with the greatest satisfaction what fell from the noble Duke. I rejoice that he is of opinion —and I trust that those who were recently his colleagues agree with him—that, having begun to legislate, we must go on; because it would be pregnant with danger to India if, after having cast a stigma upon the government of the East India Company, you should practically confess your weakness and your inability to create a Government which should take the place of that which you had so stigmatized. The news of the overthrow of Lord Palmerston and of the overthrow of the East India Company will arrive in India at the same moment, and they will create confusion from one end of the country to the other. You must go to the rescue. Whatever Parliament may think best in its wisdom to do, let it proceed at once to the consideration of this great question, and let it not leave India for the next six or seven months without a Government. Depend upon it, my Lords, the state of that country is not such as to make it desirable or advisable to add to the difficulties in which the Government is already involved. While I express my gratification at the expression of opinion which has fallen from the noble Duke, I may in turn impart to him some slight gratification by informing him that, whatever may be my differences of opinion with the East India Company, it is impossible for any individuals to conduct public business in a manner more amicable than the East India Company and myself. That has always been the case. I am now for the fourth time at the Board of Control, and I never have had a dispute with the East India Company nor with any individual member of the Court of Directors. It is impossible for two bodies to co-operate more amicably, and, I hope, more efficiently than the East India Company and the Board of Control at the present moment. It has always been so. I did them justice in this respect last year. I said that I did not believe they could have thrown any obstruction in the way of the Government, that if they could do so at any time they would not be likely to have done it last year, and that that, consequently, could be no reason for proceeding to immediate legislation with respect to the government of India. I said so in distinct terms last year, and I believe I repeated it this year. The great evil of the present system is the necessary delay. It is impossible to overcome that difficulty. I was asked early in the evening for an explanation of the circumstances under which I had passed a certain despatch which has just been printed through the Secret Committee; but if I had attempted to pass it through the public department that letter would not have gone till now. It would have taken three or four weeks to do it; and, though in this particular instance I was perfectly justified by law in what I did, I can well believe that there may have been cases in which Presidents of the Board of Control have been induced to stretch the law in order to do that at once, which they felt it was essential for the public service should be done. I impute nothing to the Court of Directors. It is the system, and it is impossible to avoid it, even with the best intentions. They cannot extricate themselves; and I can assure your Lordships that the difficulty is sometimes extremely serious. I do not mean to follow the noble Duke into a discussion of the Bills or the Resolutions, nor will I go back to my speeches or my evidence, which I have never read since it was printed; but when the noble Duke says that I have proposed a plan which changes the present Government of India more essentially than the plan of the late Government proposed to do, let me tell him that he is entirely in error. The plan proposed by his colleagues established a Council of eight persons nominated by the Crown. They must of necessity have resided fifteen years in India, or they must have served in India for ten years. Now Her Majesty's army in India at the present time—and it is probable will so continue for some time to come—amounts to between 60,000 and

70,000 men ; and it is extremely desirable that some of the officers of that army should find their way into the Council, but this I must say, that by the Bill of the late Government, the officers of Her Majesty's army are sedulously excluded from the Council. But more than that, the provisions of the first Bill practically excluded fresh English minds ; and I know that is a most serious evil. No person could have sat in that Council but men grown grey in India and wedded to Indian opinions on all subjects. I felt in India the great inconvenience of not having a fresh English mind to support me in my Council. I had no fault to find with the gentlemen who formed my Council, but they were thoroughly Indian in habit and opinion—all their views were Indian ; they knew nothing of English modes of thought. The light which breaks in upon this country does not break in upon India till long long afterwards. And so it would have been in this proposed Council. The only person in the Council who would have English opinions would be the Secretary of State himself, and he would practically be seriously embarrassed, because he would have in his Council no one able to support his views. Practically, under the present system, which is one of election, and always has been, there has been no occasion on which there were not in the Court of Directors some commercial gentlemen, some gentlemen who had not Indian minds, but who brought English opinions to act on opinions formed in India. I think it is of great advantage to preserve that element in the Council, and it is of much more importance to do it now than it was five years ago. There has been a great increase of late in the commercial intercourse with India. In the course of the last four or five years there have been, or, under existing arrangements there will be, invested in India in railways and permanent works not less than £30,000,000. Persons with capital are beginning to turn their attention to India ; and I must say I think it most advisable that we should have in the Council, especially under present circumstances, some persons with whom the President may advise upon subjects connected with commerce between England and India. In the Bill which we proposed, means were taken which appeared most advisable for effecting this object, namely, by the admission of persons to the Indian Council by election. The noble Duke said much, but I shall say little, on the elective principle. But this at least I may recal to his mind—if the noble Duke will do me the favour to refer to my former declarations on this subject, and he seems to have read my speeches a great deal more carefully than I ever did—he will find that this year, last year, and on all occasions on which I have spoken of the future government of India, I have always insisted on a Council, and I have invariably maintained that it should be appointed, in part at least, on the elective principle. Now I will distinctly explain why I think this is desirable. When I came to consider and settle the provisions of the measure, I naturally asked myself what I should desire to find in the Council, if by accident I should happen to be the first man charged with the government of India under the new system. I thought that I should like to obtain there not only advice from the ablest men of every service in India, which was secured by that part of the arrangement by which nine members were to be nominated by the Crown, but also from the ablest men who could be discovered, and whom, in fact, the Government could not discover, to advise in matters of Indian commerce ; I knew that in point of fact that the Government had not the means of finding those persons. The Government could find without difficulty the most distinguished men of the civil service ; it might ascertain easily the fittest men in the military service ; but it has not the means of discovering who are the fittest commercial men to sit in such a Council. That can be done only by election, and I considered it absolutely necessary that to obtain the class of men I have mentioned we should have recourse to the elective principle. But I desired more than that. I see from day to day questions put about India and opinions expressed about India arising from strong and laudable feelings no doubt, but also—I may be pardoned for saying—from an ignorance of the real state of that country, which fills me with alarm. I did, and I do desire, to give the Minister who may have the charge of India a Council so independent, so respectable, so influential, and with so great a hold upon the country, as by their support to afford him great strength in resisting the pressure which might be made upon the Indian Government in the House of Commons. I know not whence the Council is to derive this strength, except from a system of election. The system of nomination, however perfectly, however discreetly, and however hon-

estly applied, cannot create a body which would obtain to the same extent the confidence and respect of the people. No purely nominated Council can have the same weight with the country as a body, a portion of which is elected by influential constituencies. I may be wrong—the Government may possibly find the best men—I question whether they could find the best commercial men—but without the application of the elective principle they will not be able to find men who will enjoy the public support to the same degree as a body of men added upon the elective principle. Those were my reasons for desiring the introduction of the elective principle. It is no new opinion of mine. It is one which I have often expressed. In all the advice which I have given in respect to this great subject I have perhaps been led away by a jealousy — an almost morbid jealousy—which has at all times animated me, of that system of jobbery and corruption which I knew must be fatal to the Government of India. I knew that I should never do wrong in this respect—I would never commit a job ; but I could not trust those who might follow me. If I have gone too far on any point, my only object has been to render it impossible that any person who might follow me should be able to make that a bad government which I wished to make a good government. My only object has been to lay the foundation of a government which should enable us to make India happy, strong, and powerful, and which should connect her for ever with this country. I thought that by connecting the Council of India with some of the greatest cities and towns in England —with the greatest representative power that I could find—I should have found a principle of stable connection between India and this country, and a principle which would have effectually prevented any one of my successors from jobbery and improper conduct, but which would have enabled any one of them who did what was right to support his opinions against the mistakes which might be made in Parliament. I may have been wrong in all this ; but that has been my object—a thoroughly public object—to give India a good government. I do trust that the friends of the noble Duke, acting in the spirit in which he has spoken to-night, will feel that it is absolutely necessary to go on. If this work is to be accomplished let it be accomplished this year. Whoever they may be who are to administer the affairs of India, do not let India remain in a state of doubt and uncertainty a week longer than is necessary. Depend upon it, my Lords, you must not trifle with the security of India.

EARL GREY: My Lords, although I concur in some of the observations of the noble Earl opposite (the Earl of Ellenborough), yet I differ from both him and from the noble Duke (the Duke of Argyll) on one very important point—namely, the necessity of settling the question of the home government of India during the present year. I quite concur with the noble Earl in thinking that Her Majesty's late Government acted most unadvisedly in launching this question during the present Session ; and I am also obliged to concur in the opinion that the vote of the House of Commons in favour of the introduction of their Bill has considerably increased the difficulties of leaving the home government of India as it is. But, admitting these increased difficulties, I conceive that the dangers of delay are not to be compared with the danger of taking a false step upon so important a subject. If we now organize the home government of India upon a wrong principle — if we adopt a system which may not work according to our expectations—that false step will probably be irreparable. Everything that has taken place in this country since the question has been raised—the proceedings in the other House, and the proceedings out of doors—has tended to convince me more and more that the public mind is not yet prepared for dealing with this subject in the manner in which it ought to be treated. If I felt this conviction before, I must say it has been strengthened by the speech of the noble Duke. Able as that speech was, I cannot help thinking that, with regard to many points, it showed that the real difficulties of the case were not understood by my noble Friend, and that the principles which ought to govern our legislation for India have not yet been so thoroughly investigated that any one is qualified to deal with the subject with the wisdom which its treatment requires. Let me also say in passing that I think the danger of delay in settling the home government of India has been considerably exaggerated on all sides ; for, after all, what is it that remains in doubt? The only question in doubt is the manner in which the authority of the Government at home is to be exercised over the government of India. There is no dispute at all that at this

moment Her Majesty's Government is supreme. The President of the Board of Control enjoys powers so large and complete that his policy must be adopted by the Directors of the East India Company; and if—as I am persuaded is the fact, and as I never doubted would be the case—the noble Earl (the Earl of Ellenborough) acts most harmoniously with the Directors—if he has no difficulty with them—the only alteration you would introduce by any new Bill would be some modification of the manner in which the Cabinet of the day might act upon the Indian Government. That is the way in which the home government of India is managed, and you would not, by either of these measures, touch materially the constitution of the home government. On the other hand, the Native population of India have relations almost exclusively with the Governor General. They have nothing to do with the authorities in this country. They can know and understand but little of the machinery by which the conduct of the Governor General is controlled by distant authorities in England. They look only to the Governor General, and, whether we pass a new Act or the present system be continued, the Governor General will continue to be in their eyes, as he is now, the representative of British power. The result will merely be, if we adopt a new measure, that some vague rumours will be current among them of alterations, which they will be totally unable to comprehend, in the manner in which the Governor General receives his instructions from home. I cannot, therefore, apprehend any serious difficulty in India from a little delay. I do not deny that there may be some difficulty. I do not deny that the introduction of a Bill has given rise to more difficulty than would have existed if the measure of the late Government had not been laid before the House; but I say that the difficulty is greatly exaggerated, and that it is not to be compared with the danger of committing an error in establishing a permanent constitution for the government of India. I venture to say that, in my opinion, the principle upon which the authority of the home government of India should be established has hitherto not been considered as it ought to be, either by Parliament or by the public. There ought to be full discussion and deliberation upon that subject before we can safely pronounce an opinion as to the best mode of legislation. Let me remind your Lordships of what has taken place. A few months ago there ran through the country a sort of general cry for the substitution of the power of the Crown for that of the Company with regard to the government of India. I think any one who looks at the manner in which that cry arose and was expressed must agree with me in the opinion that it originated rather from passion and panic than from sober consideration. I believe that what people meant at that time was, that they wished the government of India to be controlled by the Cabinet of the day, in the same manner in which it managed the administration of other parts of the empire. In a petition which was presented, I think, from the Chamber of Commerce of Manchester, a desire was expressed that a Secretary of State for India should be appointed, who should be assisted by four under-secretaries. When the subject was looked into, however, it was found that the proposition that a Secretary of State, with very little control and advice, should manage the affairs of our enormous Indian empire, was utterly opposed to common sense and reason. According to the constitution of this country, it would be absolutely necessary that the head of the Indian Department, like every other Cabinet Minister, should hold his place by the uncertain tenure of a Parliamentary vote; and it is therefore scarcely possible that a person placed in so high a position could be qualified for it by long Indian experience, or trained for it by the studies of a life. To expect, then, that a person without control or assistance should efficiently administer the affairs of such an empire as India seems to me a simple absurdity. For five years and a half I discharged the duties of Secretary of State for the Colonies, a large proportion of which possess representative institutions, and are inhabited by a population of British origin, so that the functions of the Secretary of State with reference to them are limited and comparatively easy. There are, it is true, some of our Colonies which have not representative institutions in a population capable of receiving them with advantage, and the Government of these colonies, therefore, requires to be more closely superintended by the Secretary of State, but it is scarcely necessary to say that they are not to be compared in point of population or complexity of interests with our vast Indian empire. Our empire in India, I believe, now involves the interests of about 180,000,000 of

people. But it is notorious that, with regard to the administration of colonial affairs, complaints have been made against every successive Secretary of State, and that it is impossible for any Minister to conduct the department in a manner satisfactory to all those whose interests may be affected by his policy. In old times a wish was frequently expressed that some control should be exercised over the Secretary for the Colonies, but how much more necessary would be such a power with regard to a Secretary of State for India. In the case of India, it is not only necessary that the Secretary of State, and the Government which he represents, should be assisted by competent advisers, but, notwithstanding what has been said by the noble Duke, I think it is requisite that he should be controlled. The noble Duke has said, "All you want is a council of advice and assistance, and not of control; and there is, therefore, no utility in the principle of election." I admit that the Government of this country must, in the end, be supreme; they must have the final decision of every question; but still a very powerful moral control may be exercised—which, although simply moral, will not be less effective, and which can only be exercised by a powerful and independent body. Hitherto the Court of Directors has been that body. When I presented a petition to your Lordships from the East India Company, I called attention to the fact that in many cases the Directors of the East India Company, when they felt that right and justice were on their side, had resisted the wishes of the Ministers of the Crown, and that, when they were supported by right and justice, their resistance had been effectual. It is absolutely necessary that the body which is associated with the Minister in regulating the affairs of India should have this independence. The noble Earl (the Earl of Ellenborough) said he wanted a Council which would strengthen the position of the Minister in the House of Commons, and prevent the measures which were brought in there from being the mere sport of factious debaters. But it is essential to the very idea of a Council, able to give such support, that it should exercise some degree of control. You cannot have responsibility without power. As to the control which Parliament wants to exercise, let me remind your Lordships that the interests of India and of England may sometimes clash. There is a well-known case, that of the Chinese war of 1840, which the East India Company denied was a war undertaken for Indian purposes, and the expenses of which they contended ought to be paid for by this country, and that no part ought to be paid for out of Indian revenue. Now, is it not very possible that the House of Commons and your Lordships' House might feel tempted to put an undue burden on the people of India for Oriental wars; and is it not, in order that India may be justly and wisely governed, indispensable that there should be some body—call it by what name you please—which shall be able to exercise an impartial authority (or perhaps I should call it influence rather than authority), and which shall be able to state the case of India in a manner to command attention and insure justice to that country? This, I think, is absolutely necessary; and how is it to be accomplished? By the Bill of the late Government the Crown was to nominate a Council of eight, whose tenure of office was to be for eight years, two going out annually; and in all cases where the Council was equally divided, the casting vote was to be with the Minister. How would this have operated? There would always have been two Members of the Council on the point of going out, and anxious to be reappointed, and there would always have been two more just appointed. The Bill, therefore, was so drawn that there would have been at all times a majority at the service of the Minister of the day, and the Council would be no check upon him at all; it would have made him perfectly supreme, and would have reduced the Council to a mere shadow and a name, exercising no moral power whatever. I do not suppose such a result was intended; but if this had been the very purpose for which the machinery of the Bill was intended, it could not have been more admirably contrived. While agreeing, however, with the noble Earl opposite, that we want an independent Council—a Council which will exercise great influence, and which, from its numbers and its composition, will have such a hold on public opinion that no Government can quite set aside its views—while admitting that this is what we want, I still cannot concur in the noble Earl's argument that election will give us such a body. I am afraid that election never has been, and probably it is never likely to be, a very good way of selecting men for the discharge of particular functions—func-

tions which they are paid for assuming It is an admirable way of selecting persons to express the opinions and the wishes of the electors on matters in which they are themselves concerned; but I am quite at a loss to understand how it can be expected that—taking the electors of the City of London for example—they would be likely to exercise a very wise discrimination in choosing a Member for the Council of India. The appointment of paid officials is a subject of all others on which electors are apt to go wrong. Take a vestry, a board of guardians, or any other body you please, I am afraid that selections made by them, whether of an overseer, a policeman, or a beadle, are determined by interest and by canvassing rather than by any special fitness. It has always been held that the most discreet choice in such instances is not made by means of election, and I cannot help thinking that if you were to have a numerous constituency of this sort, elections would only be won by management out of doors. You would have little cliques or parties, like the "caucuses" in America, and a few irresponsible individuals would virtually nominate the Members of your Council in the name of the numerous constituencies which you professed to establish. I am bound to say that I think the great fault of the present government of India arises from the manner in which the elections by the Court of Proprietors have degenerated. Formerly, I believe, the existing Court of Directors virtually influenced the choice of those who were to come in, and the election was therefore a merely nominal one; practically, the persons elected were, to a great extent, those who the Directors thought would make desirable colleagues. That was the way in which elections worked formerly; and within my own times the system produced a very able body of Directors, who performed their functions with very great ability. Now, I would suggest whether our best course would not be to adopt avowedly—and with some further guards and precautions—that which was substantially the arrangement existing in former times. It might easily be provided for by these simple means:—Allow the Council or Court themselves to choose the new Members who are to be appointed, subject to the check that such nominations shall not take effect without the approbation of the Crown, and that that approbation shall not be signified until the names of the persons intended to be appointed have been laid before both Houses of Parliament, either House to be able to signify its dissent. Experience shows that self-election, though it is apt to degenerate into jobbing and corruption, often answers the object, and provides very able and efficient bodies of men. We have seen in old times how the corporations under such a system continued in many instances very efficient bodies. What was wanted was some check upon abuse. While, therefore, on the one hand, I see objections to a system of election, and while, on the other hand, objections may justly be raised to the principle of direct nomination by the Crown, I venture to suggest whether it might not be as well for us to meet half way, and allow Members of the Council to be appointed subject to the restrictions I have mentioned, thus establishing, not a system of nomination by the Crown, but one in which the Crown would nevertheless exercise great influence. I throw this out merely as a suggestion; but I say again, that the very variety of opinions existing on this subject, and the number of considerations that must be taken into account, all show to my mind that this subject is not yet ripe for legislation. The question requires to be further discussed in Parliament as well as out of doors; and, if this is done, I believe it may be dealt with hereafter much more satisfactorily than it can be at present. I therefore, for one, cannot but rejoice in the prospect which I think I see, of a great change of opinion on this subject. A little while ago, as I have said, the public seemed to be in favour of a sudden and a sweeping change in the government of India. That feeling has passed away; and it is a remarkable circumstance that both the late and the present Government, in proposing to abolish the East India Company, have tried which could go furthest in praises of the very body they were about to extinguish. The noble Viscount lately at the head of the Government (Viscount Palmerston) praised the East India Company very warmly; and, in the same manner, the present Chancellor of the Exchequer, in introducing the Government measure, spoke in the highest terms of the working of the existing form of government. Now, I cannot help believing that such opinions, expressed by those who agreed in nothing else, will lead to a great change of feeling on this subject, and will reconcile the public with the prospect which exists that this question will remain over for another year. What

chance s there, I may ask, of any legislation with respect to India in the course of the present Session? Here we are at the end of April, and the Resolutions upon which a Bill is to be founded have still to be discussed in the House of Commons. Moreover, we are in this position—that we have the present Government bringing forward one plan, the late Government proposing another plan, while a distinguished friend of mine, who was formerly at the head of affairs (Lord J. Russell), proposes a third measure based on principles which differ essentially from either of the others. Then you have the Manchester Chamber of Commerce recommending one thing, the Liverpool Chamber suggesting something quite different; and, in short, such a chaos of opinions prevails, that we do not seem to have decided yet on the first principles upon which we ought to proceed. Such being the state of things, can you suppose that a Bill will come before your Lordships' House at a season of the year which will enable us to pass upon it a deliberate judgment? It seems to me that such a hope is impossible of realization. Sooner or later the attempt to legislate on India in the present year will be abandoned; and, if it is to be abandoned, the sooner this is done the better.

EARL GRANVILLE: I cannot, I confess, my Lords, understand, after listening to the speech of the noble Earl who has just spoken, why he should have been so loudly called for, or why he should have been so loudly cheered by the opposite side of the House, inasmuch as, with the exception of the objections he raised to the introduction by the late Government of any measure at all, and to the appointment of the Council proposed by them, his speech is diametrically opposed to the scheme for the future government of that country which has been laid before Parliament by the present Government. The noble Earl has, in fact, utterly destroyed the scheme of the Government, and he advocates, in the strongest manner, that delay which the noble Earl opposite (the Earl of Ellenborough) says will be a fatal step at the present moment. I shall not, upon this occasion, trespass upon your Lordships' time at any length; and I must, at the outset of the few observations which I have to make, be permitted to express my entire dissent from the statement of the noble Earl opposite, to the effect that Her Majesty's late advisers are responsible for the difficulties in which the Indian question is now involved. The noble Earl has chosen to say that the steps which were taken by the late Government, in reference to this important subject, were of a very hasty nature, and that we did not know our own minds with respect to it, even immediately previous to the Christmas recess. Now, I have not had that experience of office which many of your Lordships possess, but I must say I never knew a measure to be more carefully considered than that which was laid before Parliament by the late Ministry. The deliberations upon it were begun very early in the autumn—indeed, if the noble Earl will refer to the Chairman of the Court of Directors, he will find that it was furnished with a short sketch of our plan before Parliament broke up for the Christmas holidays, and that it entirely agrees with the scheme subsequently embodied in our Bill. I say, therefore, that the charge of having framed an impromptu constitution, which is brought against us, is one which there is no evidence to support. With respect to the manner in which the noble Earl and the Court of Directors work together, I can only say that that is a point upon which, after the statement which he himself has made, I do not entertain the slightest doubt. Everybody who knows the noble Earl must be aware how agreeable a person he is to do business with. But I am not, at the same time, sure that the fact to which I have just alluded proves all that the noble Earl would wish to establish. It is not a fault of the noble Earl if we on this side of the House consider and reflect on what he says—all that falls from him carries with it immense weight, and deserves the greatest consideration. I am, therefore, quite justified in referring to opinions formerly expressed by the noble Earl; and, in doing so, I find that, in the evidence which he gave before the Committee, he stated very fairly that, when President of the Board of Control, it was he who governed India. In his speeches in this House he has invariably maintained, that by the President of the Board of Control India ought to be ruled.

"I will tell you," said the noble Earl, "the mode in which I effected that object. I made it a point to know every subject better than the Court of Directors, and, if the President of the Board of Control does know every subject that comes under their joint consideration better than the Court of Directors, and makes it well understood that he will adhere to his determination upon any particular point, you may depend upon it that body will very soon discontinue its attempts to check him."

Now, I would ask whether the noble Earl's own words do not entirely justify the argument of the noble Duke (the Duke of Argyll) as to the uselessness of establishing an independent Council as a check? I shall not now enter into a discussion of the comparative merits of the two measures which have been introduced to the notice of Parliament upon this subject. I may, however, be allowed to advert to the observations which the noble Earl has made in reference to the constitution of a Council for India. He says my noble Friend, the noble Duke near me, has made a mistake in supposing that he had ever spoken in favour of a nominated Council in this House. The noble Earl will, however, I think, find that in one of his speeches he distinctly declared his preference for a Council selected by the Crown, as opposed to one chosen by election; while in another he expressed it as his opinion, not only that the system of nomination was superior to that of election, but that the mixed system was particularly open to objection. He contended that, if we were to establish a system of that description, the result would be that, when a man of great knowledge and experience offered himself to the notice of the constituent body, the electors would say to him—"You are sure to be appointed by the Government. We will elect somebody else." The noble Earl, therefore, has not been quite so consistent in his views upon this subject as he would lead us to believe. The Council proposed by the Bill of the late Government was intended to assist and advise the Minister for India. Here, again, I must refer to an opinion of the noble Earl, expressed this very year, in which, if I am not mistaken, the noble Earl, referring to the constitution of the Court of Directors, said that he did not approve of one or two of the nominees of the Crown, yet he was bound to say that the five nominees, in reputation, strength, and weight, were worth the whole of the others.

The Earl of ELLENBOROUGH: I said it was a bad constituency that elected them, and that I made a good one.

Earl GRANVILLE: Then I do not know why the Government, if they made a good system, should have immediately abandoned it.

The Earl of ELLENBOROUGH: We have not abandoned the elective principle.

Earl GRANVILLE: Although the noble Earl says that he now thought it necessary to have this element of election. I think there is a great difference between the scheme which the Government has abandoned and that shadowed forth in the Resolutions. According to the noble Earl's original scheme, there were to be three constituencies in operation, while now, I understand, he proposes that there should be only two. That surely is a great departure from a plan which he seems disposed to look upon as having been perfect. I quite agree with the noble Earl that the Crown generally appoints superior men; and we hoped to secure, by means of the nomination of the Crown, subject to the general supervision of Parliament, men of the greatest experience in Indian affairs—men who would feel that their reputation was at stake, and who would be likely to render great service to the country, not only by the advice which they might give, and by the influence which their characters and special knowledge would give, but also by entering their protest against any measure which they might deem to be prejudicial to the interests of our Indian empire. The scheme of the noble Earl would, upon the contrary, I think, prevent the best men from being available for the public service; and I am not quite sure, however respectable may be the names which have been submitted to Parliament upon the part of the Government, as constituting the nominated portion of the Council, that they are, in the opinion of high Indian authorities, the very best that could be selected. With respect to the proposition of the noble Earl, that the Council should be entitled to give their advice to the new Minister for India only when called upon by him, I shall merely say that it appears to me to be one which is very much open to objection. The noble Earl says that he feels very strongly the importance of securing a commercial element in the Council; but, if I mistake not, he has more than once denied the utility of having an English mind in a Council for India, asserting that the mind of England was sufficiently represented by the Minister, who exercised the supreme power, and declaring that, while a man of sense would resort to a Council for India for advice, nobody would think of going for advice to his bankers. On one point I quite agree with the noble Earl. I fully admit that he is not a jobber; on the contrary, I believe him to be a public spirited man, and no one would be more unwilling than he to perpetrate a job.

Still, I think that if a clever and ingenious man had set himself to devise one scheme which would be more certain than another to lead to jobbery, he could not have devised one more fitted for his purpose than that of creating constituencies in five great towns, for the purpose of electing a certain portion of the Council for India. With regard to immediate legislation, I agree with the noble Earl, and not with my noble Friend behind me (Earl Grey); for it is of the greatest importance that, after it has been announced in India that the Queen wishes to assume the government of India in her own name, it should not go forth that her intention had been frustrated by her own subjects. That would be a most fatal—a most damaging step. The Queen's name was never of greater weight in India than at the present moment; and although, undoubtedly, many difficulties will arise in the re-organization of the empire, nothing can be more fatal than delay in legislation, or the permanent continuance of the present Indian Government.

LORD MONTEAGLE observed, that the course adopted by those who had preceded him was more than usually irregular. To raise a discussion with respect to a Bill which had been withdrawn in the House of Commons, and on Resolutions which had not yet been laid before their Lordships, was a mode of discussion which it was extremely inconvenient to pursue. But there were other considerations which ought not to be overlooked. They were approaching the consideration of this great question perfectly unprepared for their high functions, without inquiry, and without authority, save what they could collect from the literature of the day, or from casual conversation among themselves. No official correspondence, no papers were laid before them, and if they determined to deal with the subject thus hastily and crudely brought before them, the result would not be beneficial to the nation or creditable to Parliament. If the House undertook the consideration of this question, still more its solution, in this state of imperfect knowledge, they would find themselves in the position of being consenting parties, more or less willing, to the very course which had been so eloquently deprecated that evening. Upon former occasions — in 1813, 1833, and 1853 — Parliament did not venture to approach this great subject without a deliberate examination of facts, without taking the evidence of witnesses, and collecting the opinions of those who were best qualified by experience to guide the Legislature to a just decision. The noble Earl at the head of the Board of Control (the Earl of Ellenborough) had told them of the impression that would be produced in India by the announcement of the intended change in the form of government of that country. Without any disparagement of the high authority of the noble Earl, he (Lord Monteagle) wished to hear the opinions of others also who were competent to speak upon this important subject. The House did not know what was the opinion of the Governor General, nor had they the aid of the judgments of many eminent men who were conversant with the subject in all its details. It was also much to be lamented that Lord Dalhousie was prevented by ill-health from attending their debates and giving them the assistance of his judgment and experience upon a matter of this vital importance. It should be noted, that not only were they at present in a worse position from want of information than they were upon any former occasion, but that the step which Parliament was now asked to take was infinitely more important and more difficult than any they had ever previously adopted in reference to India; and he must say they were called upon to take it without having had time or opportunity of giving it the consideration to which it was pre-eminently entitled. To what would this lead Parliament? In all probability the question would drag on in the other House to the close of the Session. It would reach their Lordships, when it could not be effectually discussed; and then it would be hastily concluded, without dignity, honour, or credit to the Parliament of England. We had formerly acted with more prudence and discretion. Yet, what was the opening of the trade of India in 1813, or the abolition of the China monopoly in 1833, or even the constitutional change effected in 1853, compared with the mighty revolution which they were now called upon to sanction? Nor were these our sole dangers. He would just remind the House of one or two important facts. The advocates of the East India Company had, with great truth, called our attention to the important fact, that whatever might be the defects of the double Government, as it was called, the interposition of the Company had at least prevented the introduction of party spirit into Indian debates. From

that danger we had been free since the time of Mr. Fox's India Bill. But could we hope for such a spirit of calm impartiality at the present time? He would put it to their Lordships whether there was any chance of India being regarded at present as neutral ground? Was any one sanguine enough to believe that, under the particular circumstances of the present time, and at a moment of party struggle, it would be the India Bill that would really be discussed in Parliament? We might be formally summoned to a second reading of that Bill, but the real subject of the Vote would be who should govern England. They all knew the legislative question would sink into a mere shadow in comparison with the political interest of conflicting parties. This rendered the present the most difficult solution of the Indian question ever yet presented to Parliament. Looking at the question from every point of view, the present moment was the most inopportune for legislating upon so difficult and important a subject. Let not the House be led astray by exaggerated representations of the dangers of postponement. There are greater risks on the other side of the question. The dangers of passing a bad law would be permanent, but the dangers of postponement, if any, would be merely temporary. The noble Earl the President of the Board of Control himself stated, before any Indian Bill was introduced, that he felt the inconvenience of legislating at the present time and under existing circumstances, and that, if undertaken at all, it should embrace but one single enactment. He (Lord Monteagle) entreated the House not to commit itself to a Resolution in favour of immediate legislation. He had little doubt that to postponement they must come at last. Nothing whatever had been said by any Member of the Government which could induce him to think they entertained the opinion that it was expedient or wise to rush into legislation in the present Session. In what state was the question. Had it as yet made any progress? No, because the Government and the Opposition were equally in doubt as to the expediency of legislating at the present. The subject was beset with difficulty, even in its first and simplest principles. Even on the point which seemed to promise the nearest approach to unanimity, the governing India in the name of the Queen, great differences would be found to exist. When Lord Hardinge was examined before a Committee on his return from India, with all his experience fresh upon him, and with the authority he justly possessed both individually and officially, he told the House of Commons that he anticipated very considerable risk and inconvenience from bringing the Government of India and the Crown into closer relationship. But every day proves how much we stand in need of further and more accurate information respecting India. If their Lordships had been discussing the Indian mutiny not now but at the assembling of Parliament, in what a different spirit would they have approached its consideration. How many reports were circulated and believed which influenced their minds and opinions in reference to the question of the Arms Act, and to other measures in which Lord Canning had been concerned! How many there were disposed to censure what we now admire and command! How often were men biassed by what they had heard of the crimes and atrocities of the Bengal army! Were their Lordships' now disposed to believe in the truth of many of those statements as credulously as they were six months ago? They knew well that the conclusion to which their better-informed reason would bring them at the present time would be very different from that to which they were formerly led. Upon all the grounds he had stated then, he submitted to their Lordships that the perils we should incur by inadvertent and inconsiderate legislation must be infinitely greater than any that could spring from postponement, and to that conclusion he trusted their Lordships and the other House would also come. Bills and Resolutions developed themselves in countless varieties of clauses and Amendments, and he earnestly hoped that by the ingenuity, knowledge, and talents of those who proposed them, Parliament might be compelled, from a sense of duty, to give them their deliberate attention; and then, with still greater fervour, he hoped that the result of their deliberations might add to a consciousness of the perils of hasty legislation, a conviction of the impossibility of legislating at all at a moment of political strife and excitement like the present.

The Marquess of Clanricarde thought that no course could be more unwise or unjust, or more injurious to the country, than the postponement of legislation on the subject. His noble Friend (Lord Monteagle) said that they needed further inquiry; but it should be borne in

mind that the regulation of the Home Government was merely a preliminary step, and they could not proceed to consider the reorganization of India until that was removed which stood in the way of all improvement—the Board of Directors. He denied that it was a senseless cry that had been raised to alter the government of India; for it was a cry founded on the fact, that India had hitherto been shamefully neglected, that her resources had been left undeveloped, and that the British public would be unable to realize the advantages they ought to derive from that magnificent possession so long as its government was confided to the East India Company. The matter must be settled without delay, for the commercial public of England would no longer allow the introduction into India of British capital, British manufactures, and British settlers, to be longer impeded by the policy of the East India Company. They were now arriving at what they might fairly hope to be the beginning of the end. The Indian Government would be obliged to consider a new system of laws and a new military organization, and unless some measure was passed settling the Home Government the desired improvements would never be introduced, for they were not to be expected from those who had brought about the present state of things in India. He maintained that the India Bill of the late Government was a rational Bill, for it provided as a Council a body of men able to advise and aid the Minister for India. He had proposed about twelve months ago to alter the present system, and if his suggestion had been then adopted it would not have been a moment too soon, and he trusted that now no further delay would take place in effecting that object.

Motion *agreed to.*

House adjourned at half-past Ten o'clock, till To-morrow, half-past Ten o'clock.

HOUSE OF COMMONS,

Thursday, April 29, 1858.

MINUTE.] PUBLIC BILL.—2° Registration of County Voters (Scotland).

OATHS BILL—EXPLANATION.

MR. NEWDEGATE: Sir, I beg to claim the indulgence of the House. I wish to correct an error in a statement which I made on the 22nd of March, in moving the omission of the fifth clause of the Oaths Bill. I have been a Member of this House for fourteen years, and I trust that I have always shown that I would not willingly make any statement that could mislead the House, and that I am ready to apologize for any misstatement into which I may be betrayed. I stated on that occasion that Jews were not admitted to the provincial and municipal assemblies of Prussia, because those assemblies retained that Christian character which had been their attribute for years. I made that statement in 1851, and on inquiry I find it as true with respect to these provincial assemblies now as it was at that time. But I went on to say, that Jews were not admitted to the Legislative Chamber of Prussia. Mr. Davidsohn, a person of the Jewish persuasion, has, in a letter which he has published, pointed out that I was mistaken in having denied that such was the case; not liking to accept the contradiction on the authority of Mr. Davidsohn, who has lapsed into several gross errors with respect to the authenticity of works which I quoted, and in other respects, I wrote to Berlin, and am informed that Jews are admissible to the Chamber of Deputies of Prussia. I beg to apologize for my error in this respect, and I hope the House will accept the apology as an earnest that I would not willingly persevere in maintaining any error of which I am cognisant. I trust the House will allow me shortly to refute a charge brought against me. ["Order."]

MR. SPEAKER: The hon. Member may make a personal explanation, but this is not the occasion to answer observations made elsewhere or at another time.

MR. NEWDEGATE: A statement has been put into my mouth which I have not uttered. On the occasion referred to I alluded to several matters connected with the Jewish community, particularly with reference to their rabbinical traditions. Statements have been attributed to me which I never made. I will not allude to this further than to show that if there is any privilege of Parliament remaining, the privilege had been but slightly regarded by those who have assailed me. I have seen it stated in the public journals that "at a meeting at Manchester, on the 25th of March, to commemorate the opening of a synagogue, Mr. Theodores, a learned Jew, met the charges brought by Mr. Newdegate against the doctrines of the Jews during the recent debate on the Oaths Bill.

This person said, "that there was not a single assertion accompanied by any historical or geographical datum risked by that hon. Gentleman," that is myself, "the groundlessness of which could not be shown by an appeal to common sense." I do not intend further to notice what was thus said at that public meeting, but cite this passage to show the wholesale nature of the denials and misstatements with which I am assailed. When I spoke on the 22nd of March, I was perfectly aware that whoever dares to lift the dark veil which shrouds the doctrines of rabbinical Judaism will be liable to such attacks. Such wholesale denials of the truth of my statements rendered further comments upon them unnecessary. But another person, while referring to what I said on the occasion in question, has, in another place, made the following statement with respect to myself, which is specific, and which I shall therefore notice; it is couched in the following terms:—

"He has asserted that the Jews were the originators of the Inquisition—that they were the original Jesuits. And what is his authority for these assertions? He does not refer us to Bernard or to Bayle, or to any such high authority, but says, 'I find this in a romance in a popular novel in circulation, the author of which is a member of the present Government. If you ask the name of the novel, you are told it is *Coningsby*.'"

That is the statement which Lord Lyndhurst has made of what he supposed that I said. Had I made such a statement, I feel that my conduct would have been discreditable to myself and disrespectful to the House. In self-vindication, I will read to the House from *Hansard* what I said. It is as follows:—

"We have been told that the first Jesuits were Jews; and we have it so in *Coningsby*. [*A laugh.*] That is indeed a work of fiction. But when I assert that Jews had been officers of the Inquisition in Spain, I assert it on the authority of the rabbi of the synagogue in Birmingham. And I assert, on the authority of the elder Disraeli, that a close affinity exists between the doctrine, the manner of reasoning, the right of absolution, the dictatorial power claimed, and the universal power aimed at, alike by the Rabbin and the Jesuits. He terms such fautors of the Pope as the Jesuits the mere mimics of the Rabbins. He says that the Jesuits derived their system, derived their anti-social doctrines, derived their subversive tendency, from the Rabbins."

I thank the House for allowing me to make this explanation in the presence of those who heard the statement in question. I made these assertions, in the first place, on the authority of Dr. Raphall, Rabbi of the synagogue in Birmingham, a town in which a number of my constituents reside. The statements I have referred to occurred in lectures delivered by Dr. Raphall, and reported in 1847-48. The second authority I cited was that of the elder Disraeli, in his work entitled *The Genius of Judaism*. I have, Sir, referred to the statement which has been attributed to me by a noble Lord in another place, although I am prepared to respect the rule which prohibits Members of the House from referring to what is spoken by Members of the other House, because I think there ought to be a reciprocal observance of that rule, and that it would be more decent if noble and learned Lords choose to quote expressions as having been used in this House, that they should refer to the recognized records of our debates, and not, without having thus referred, impute to myself or any Member statements made on fictitious authority, of which I am guiltless.

PUBLIC BUSINESS.—RESOLUTION.

MR. WALPOLE said, he rose, in the absence of his right hon. Friend the Chancellor of the Exchequer, to move that, on and after the 13th of May, Orders of the Day on Thursdays should have precedence of Notices of Motion. Last year was an exceptional one with regard to this point, because, there having been a dissolution in the middle of the Session, Parliament did not reassemble till the beginning of May, and Orders of the Day were not directed to take precedence of notices of Motion until some time in June. In previous years, however, it had been usual to move, during the month of May, that this precedence should be allowed. At the present time much business remained to be done in Committee of Supply, and there were some notices of Motion on going into Committee of Supply, the discussion of which would occupy a considerable time. The Lord Advocate had to bring forward the Scotch University Bill; there was also the Local Government Bill; and his hon. and learned Friend the Attorney General for Ireland would submit a measure for extending the principles of Parliamentary titles to unincumbered estates in Ireland. The discussion on these Bills would occupy a considerable time; in addition to which he found that the Wednesdays, which were the only occasions on which Orders of the Day of independent Members could be brought forward, were all occupied now till the 23rd of June. It would therefore, pro-

bably, be agreeable to hon. Gentlemen that the Resolution which stood on the paper in the name of his right hon. Friend, and which he now begged to move, should take effect from May the 13th next.

MR. W. WILLIAMS said, he had supposed that the Government had many important measures to introduce as a justification of the Motion, whereas it appeared they had nothing but the most commonplace affairs in hand. The 13th of May was the earliest time which he had ever known for superseding Motions on Thursdays. No time would be gained, as hon. Members would make Motions on going into Committee of Supply.

MR. RIDLEY said, he wished to know whether the Government intended to lay on the table various consolidation statutes prepared by the Solicitor General of the late Government?

MR. BRIGHT said, he also wished to inquire whether it was understood that the House would proceed with the Church Rates Bill on the 13th?

MR. WALPOLE said, it had been indicated by his right hon. Friend the Chancellor of the Exchequer that one of the reasons why he wished Orders of the Day to have precedence over notices of Motions was, that the Church Rates Bill as well as the Joint-Stock Companies Liability Bill, alluded to yesterday, might come on at an earlier period than would otherwise be possible. Thursday at first would not be a Government night.

SIR GEORGE GREY said, the practice had hitherto been that, when precedence was given to Orders of the Day on Thursdays, it was not open to independent Members to fix Orders at their discretion. Some limit was usually introduced, otherwise much of the day would be thrown away.

MR. WALPOLE said, he thought the usual practice was for Government Orders of the Day to have precedence on alternate Thursdays. He would have no objection to add at the end of his Motion, "for one month from that time," which would give hon. Members four Thursdays upon which to bring forward their Bills.

MR. MILNER GIBSON said, he did not agree with the right hon. Gentleman (Sir G. Grey) in what he had said respecting the waste of time occasioned by independent Members. He believed that independent Members as seldom threw away the time of the House as Government did.

Mr. Walpole

Ordered,—

That on and after Thursday, the 13th day of May next, Orders of the Day on Thursdays shall have precedence of Notices of Motions.

FRANCHISE AT BELFAST.—QUESTION.

MR. M'MAHON said, he wished to ask the Chief Secretary for Ireland why the Return relating to the Municipal Franchise at Belfast, ordered on the 28th of August last, and again on Friday the 16th of this month, has not been presented to the House?

LORD NAAS said, the Motion for these Returns had only been renewed during the present Session in the current month. The Returns would be laid on the table in a short time.

ADMISSION TO THE BAR IN IRELAND. QUESTION.

MR. M'MAHON said, he wished to call the attention of the right hon. and learned Gentleman the Attorney General for Ireland to the circumstance that students who are not graduates of a University are admitted to the Bar in England after three years' attendance at the Inns of Court, but are not admitted to the Bar in Ireland till after five years' attendance, and to ask him whether the Government will have any objection, if the Benchers in Ireland refuse to modify their rules so as to remove this anomaly, to introduce a measure on the subject?

MR. WHITESIDE said, he should call the attention of the Lord Chancellor of Ireland at an early period to the subject; and he would express a hope that the hon. and learned Member would excuse him from answering the question which he had put, inasmuch as it was founded upon the supposition that the Benchers would refuse, upon a representation being made to them, to remove the anomaly of which he complained.

THE *CAGLIARI*.—QUESTION.

MR. EVANS said, he wished to ask the Under Secretary for Foreign Affairs by whom the French and Italian Papers in the Correspondence respecting the *Cagliari* were translated, and who is responsible for the accuracy of the translation.

MR. SEYMOUR FITZGERALD stated in reply, that there was attached to the Foreign Department an officer who was called

"the translator," and whose duty it was to render into English such foreign documents as it might be necessary to lay before Parliament. By that means adequate provision was, under ordinary circumstances, made for the discharge of that duty, and it was, he believed, as a general rule, most satisfactorily performed. He might, however, remind the hon. Gentleman who had put the question that within the last few days, before the particular papers to which he referred had been presented to the House, a vast mass of documents had arrived at the Foreign Office, the translation of which required 150 folio pages; and that if any inaccuracy, therefore, had crept into that translation it was to be attributed to the great pressure of business and the necessity which existed of preparing within the very short period of six or seven days—in consequence of the earnestness with which information in reference to the affair of the *Cagliari* was sought for by the House—an English version of documents to whose translation, properly speaking, six or seven weeks ought to have been devoted.

BEER HOUSES.—QUESTION.

VISCOUNT GODERICH said, he would beg to ask the Secretary for the Home Department whether it is his intention to bring in any Bill during the present Session for the Licensing and Regulation of Beer Houses?

MR. WALPOLE said, it was not the intention of the Government to introduce during the present Session such a Bill.

HONORARY DISTINCTIONS FOR SERVICES IN INDIA.

QUESTION.

MR. KINNAIRD said, he wished to ask the Secretary of the Board of Control whether it is the intention of the Government to give honorary distinctions not only to those in India who have distinguished themselves in the field, but to those persons, Natives as well as Europeans, who have through their wisdom and energy prevented mutiny or bloodshed, as, for example, Colonel Herbert Edwardes, at Peshawur; Brigadier Sydney Cotton, in the Punjab; General Bell, in Pegu; Major Davidson, at Hyderabad; Brigadier Coffin, at Secunderabad; Mr. H. C. Tucker, at Benares; Mr. Montgomery and Mr. M'Leod, at Lahore; and General Roberts of Bombay.

MR. BAILLIE said, it was the intention of Her Majesty's Government to recommend that those Civilians who had distinguished themselves in the field in India should receive honorary distinctions. With respect to the honours to be conferred upon Natives who had distinguished themselves, he could only say that was a subject which must be left in the hands of the Governor General of India, in whom was vested the power of conferring honorary distinctions upon Natives. As to the various distinguished Officers, Civil and Military, whom the hon. Gentleman had mentioned, he might observe that some of them held Military command in the field in conjunction with their Civil appointments, and that, of course, any distinction conferred upon them would be in their Military capacity. He might add, in reference to those Officers who held merely Civil appointments, that they came immediately under the eye of the Governor General, who had the power of promoting them or of conferring upon them any other reward which he might deem proper.

SIR HARRY VERNEY said, he wished to know whether Her Majesty's Government had signified its thanks to those Native Princes who had remained faithful to British rule under the recent and very trying circumstances in India.

MR. BAILLIE said, his noble Friend the President of the Board of Control had, about a month ago, written a letter to some of the most distinguished Native Princes who had remained faithful to us, thanking them in the name of Her Majesty for the services which they had rendered this country in a moment of great difficulty.

MAYNOOTH COLLEGE.

COMMITTEE MOVED FOR.

MR. SPOONER rose, to move that this House do resolve itself into a Committee to consider the Acts for the endowment of Maynooth, with a view to the withdrawal of any endowment out of the Consolidated Fund, due regard being had to vested rights and interests. He said, I can assure the House that I am not going to inflict on it a long speech. The subject has been so often debated here that I believe everything has been said that can be said on it. There is only one new point, to which I will shortly allude. It will be in the recollection of the House that in 1856 I had four divisions in favour of my proposal, and that I was defeated only by Members talking up to the hour of adjournment on a Wednesday.

Last year a somewhat curious circumstance occurred when I brought the question forward. The hon. Member for Birmingham gave notice of an Amendment, but some mesmeric influence was used, and the hon. Member suddenly withdrew it. I believe the more the subject is considered, the more intense will be the Protestant feeling, no matter what Government may be in power, to have the question considered with the view of some arrangement being made which will be satisfactory to the Protestants, and which at the same time will do justice to Roman Catholics. I hope I shall always do my duty in this and all other matters. I bring the question forward from a religious motive. I believe the doctrines taught at Maynooth to be fraught with serious social evils, and to be contrary to the Word of God. I believe the teaching of such doctrines to be a national sin, and so long as I have a seat here I shall protest against the continuance of this grant, no matter who may be Minister or who may lead the Opposition. Will those who persist in paying for the teaching of such doctrines be consistent, and come forward and release the Sovereign from her coronation oath? The Sovereign swears to maintain inviolate the Protestant religion as by law established, and the Articles of the Church declare the doctrines of Popery to be blasphemous fables and dangerous deceits. Will you require the Sovereign to take such an oath, and yet consent to pay for the teaching of blasphemous doctrines and dangerous deceits? Reconcile that if you can. If you wish to be consistent, and at the same time to contribute to the support of the College of Maynooth, you must decide that there is no obligation imposed on the Sovereign of this country to maintain any religion whatever. We could all understand that. But you have no right to set aside the terms of that oath by voting money for the use of such an establishment as the College of Maynooth. There is another point to which I must beg leave for a moment to direct the attention of the House. There is a rubric of our Church which declares that the mass is idolatrous; and yet we give public money for the purpose of educating a clergy whose business it is to celebrate the mass. Then, again, I maintain that the doctrines taught at Maynooth are opposed to the best interests of society. I will not now weary the House with quotations upon this subject. I have, on former occasions, adduced ample documentary evidence in support of the views which I maintain upon this question; that evidence may be found in the recognised history of our proceedings; and I do not think it necessary that I should repeat it at this moment. But I wish to cite written evidence in reference to one new point, and one point only. I hold in my hand a document which, perhaps, has reached no other Member of the House, and which, as I believe, deserves general attention. It is entitled, "Acts and Decrees of the Provincial Council passed in Dublin, in June, 1853," and in that document I find the following passage, which is expressly stated to be itself a copy of an order sent from Rome :—

"But while we ordain these things, we think that the good of religion and the liberty of the Church demand that in every case of the election (*quoties cunque agatur de eligendis*) of Poor Law Guardians and Members of Parliament, by whose actions (*a quorum agendi ratione*), or by whose instrumentality (which is a better translation), the faith and safety of the Catholic poor and the rights and liberty of the Church might suffer loss, they (the priests) ought to be anxious that these offices should be conferred on honest men, and by no means on enemies of the Catholic religion. But we think that all these things should be carried on outside of the churches, without tumult, without a violation of charity, and with due subjection to their own Bishop, lest dissensions might arise among the Clergy, leaving to every one, in doubtful matters, liberty of judging freely for himself."

That decree is signed by Paul Cullen, the titular Archbishop of Dublin, and three other Roman Catholic Bishops, and it was afterwards adopted by the "Provincial Council of Armagh," and signed by Dr. Dixon, the Roman Catholic Primate of Ireland, so that it was imposed on the Irish Roman Catholics, with the whole authority of their Church. Mr. Spooner then referred to the Secret Statutes of Armagh as laying down the same grounds of interference with the elections, and traced the origin of the instructions for this purpose to the Pope himself, although they purported to proceed from the whole body of the Roman Catholic Prelates. Decree XIX of Armagh was identical with that just quoted from Dublin. Thus was the will of the Pope used to tell, through the Prelates and priests, on the election of Members of Parliament; and this document was clearly traceable to Rome under the certificate of Archbishop Cullen, and thus was unconstitutional interference of a foreign Potentate in the affairs of this country established. A further illustration of the doctrine which it sets forth may be found in the evidence given before the Maynooth Commissioners by Professor O'Hanlon, who said that a

priest had no right to refuse the sacraments to a man for a vote given at an election, but who made this important qualification of that statement—that a man might commit a mortal sin by voting for a candidate whose return would be injurious to the Church, and that while he was in that state of mortal sin he ought not to be allowed to receive the sacraments. Now, the people of this country were remarkable for their jealousy of the interference of a foreign Power in their domestic policy; and why should they not be jealous of a Pope who gave directions to his clergy how they should interfere in Parliamentary and other elections? Two priests were prosecuted at Mayo for such interference, but priests are obliged to obey the orders of the heads of their Church. I need hardly quote any evidence in proof of that point. It would be easy to show, that for the interest of their Church there is nothing which they would not be held justified in doing. Some of their books go so far as to say, that a man might distinctly deny that which was true, if he only said, "I say no," because he really did only use the word "no." There are in the Roman Catholic books a hundred quibbles of that kind. The whole system of teaching at Maynooth is designed to show the students how they may evade the truth, while they are to give the most implicit obedience to all orders from Rome. That is to be their first duty, and if their allegiance to the people aud their allegiance to the Sovereign of this country should ever come into collision, they are distinctly told that it is to the supreme authority of the Pope they are to defer. Will you allow the education of priests so instructed to go on at your expense? Will you continue to pay for an education so fertile in mischief, so completely subversive of allegiance to the Crown, and destructive of social peace, comfort and happines? We are told, however, that the public faith is pledged to the continuance of this grant. But I have, on former occasions shown, upon the highest authority, that no such pledge was ever given. The noble Lord the Member for London stated in this House that there was nothing to prevent us from reconsidering the grant; and Sir Robert Peel, when he was bringing forward this measure, expressly declared that there was no contract in the matter, and that he made his proposal with a hope that it would ensure a better education for the Roman Catholic priests in Ireland, and would contribute to allay angry sectarian feelings in that country. Now, I ask whether the grant has been productive of these results? Has it given us a better class of priests? In order that you may arrive at an accurate conclusion upon that point, I will refer you to what took place in one of your own committee rooms in reference to the Mayo election, and to the proceedings at the trial of one of those priests. I will put it to the late Attorney General for Ireland, whether he can give any satisfactory account of the refusal of some of the jurymen at that trial to enter into any discussion of the merits of the case, while they would not agree in the verdict of Guilty which their colleagues were prepared to pronounce. But we are maintaining an establishment in which young men are taught that where the interests of their Church are at stake, they can refrain from making any statement, or they can make a false statement. Allegiance to the Crown is with these people a secondary consideration, and they must never do anything that can injure their Church. There are two celebrated Roman Catholic authors called Bailly and Scavini. Bailly maintained that a civil marriage might be valid, and that the children of that marriage might be legitimate, although it was unaccompanied by the performance of the religious ceremony; but that doctrine did not suit the views of the ultramontane party, and Bailly's book was therefore set aside as an educational work; and Scavini's book, in which the opposite position was set forth, was substituted in its place. According to the doctrine of Scavini our Most Gracious Sovereign on the Throne is illegitimate, and her children are in the same position, so that they have no right to rule over these realms. I know that no danger can now follow from the inculcation of that doctrine, but a case of disputed succession might arise in which it might be productive of great mischief. I ask you whether you are satisfied with the priests educated at Maynooth? It used formerly to be said that priests educated on the Continent naturally returned home tinged with foreign prejudices, and that it was advisable to remedy that evil by providing a place of education for them in their native country. But has the new system succeeded? Have we got a better class of priests? I do not hesitate to say, in the presence of the Irish Members, who may contradict me, but who, I am sure cannot disprove my statement, that the Maynooth

priests in general are, to say the least of it, only half educated, and that they are sent into the world mere tools of the Pope and of the superior clergy. They are not educated as liberal-minded men, such as it was hoped they would be when Maynooth was established. I will not weary the House by any further arguments. But I now abjure them not to refuse to discuss this question. I ask them to give me leave to introduce this Bill. I ask them to extend to me in that respect the favour which is shown to every Member who proposes a measure upon a great and a deeply interesting subject. The question will, I hope, at all events, undergo a full and fair discussion, and if it should be shown that I and those who agree with me entertain an erroneous view of the matter, the most effectual step it would be possible to adopt will be taken for putting an end to that agitation which the continuance of this grant has excited. But let not the House imagine that any mere evasion of this difficulty will lead to its removal. If they were aware of the number and the spirit of the communications which reach me from all parts of the country, or if they had seen the deputation that waited on Lord Derby the other day for the purpose of inducing him to take this subject at least into his consideration, they would, I am convinced, be struck with the deep and earnest opposition to this grant which pervades that great middle class which forms the strength of this nation. I implore of the House not to compel those men to contribute to the maintenance of a religion which they believe to be completely antagonistic to the word of God, and to be the most dangerous form of belief that could be professed in this or in any other country. One word as to the provisions of the Bill. I propose that it should respect vested interests. I propose that the young men who have entered Maynooth under a promise that they would be enabled to complete their education should have the full benefit of that engagement. All those young men will have finished their studies within a period of a few years, so that their number would be annually decreasing; but I say that we should make complete provision for fulfilling our engagement with them, although I do not pretend to decide how that should be done—whether by continuing the present establishment, or providing some equivalent in its stead. We should, however, let it be known that we pursued this course solely from a desire to maintain the public faith, and that we were at the same time determined on maintaining the Protestant religion as by law established in this country. Let me remind the House that among those who dissent from us on mere matters of Church discipline as intense a feeling of opposition exists to the continuance of this grant as among churchmen themselves; and Protestant Dissenters, like the members of the Established Church, will never voluntarily consent to contribute to the maintenance of a religion which they feel and know to be idolatrous. I trust that I have said enough to induce the House to assent to this proposition.

MR. BENTINCK seconded the Motion.

Motion made and Question proposed,—

"That this House will immediately resolve itself into a Committee to consider the Acts for the Endowment of the College of Maynooth, with a view to the withdrawal of any Endowment out of the Consolidated Fund, due regard being had to vested rights and interests."

MR. WALPOLE, after a short pause said: Sir, I was anxious to know whether either of the two Members who have given notice of Amendments to this Motion was disposed to address the House; but as neither of them has risen, and as I recorded my vote last year against a similar Motion to that now before the House, without stating my reasons for so doing, I hope I may be allowed briefly to state why I cannot support the proposal of my hon. Friend the Member for North Warwickshire. My hon. Friend has told us that Members are usually allowed to introduce their Bills; and I should be ready to adopt that course upon the present occasion if the proposal of my hon. Friend related to a new question, and if its continued discussion were not likely to keep the public mind in a state of unnecessary and undesirable ferment. But in the opinion of Her Majesty's Government, and in the opinion, I believe, of many Members of this House, the introduction of the Bill would only afford an opportunity for continued agitation and subsequent disappointment; and we therefore think it would be better that the sense of the House should be taken at once upon the subject. There are two principal grounds on which I am opposed to the proposal of my hon. Friend. I give no opinion now as to the propriety or the policy of originating this grant; I give no opinion as to whether it has answered the

purpose for which it was made. But I oppose the Motion for its withdrawal—in the first place, because when a great question of this kind has once been settled by Parliament it is not wise to disturb that settlement, unless it be clearly proved that there are great objections to its continuance. I say that the consequence of now withdrawing this grant would be that the advantages you might flatter yourselves you would gain from standing on what is called "high principle" would be more than counterbalanced by the great evils which must necessarily arise from a renewed agitation of the subject. It is one thing to refuse such a grant when proposed for the first time, and it is another and a very different thing to withdraw it after it has been given. And, I must add, in reply to an observation of my hon. Friend, that if it be our duty, on the ground of high principle, to take away this grant, I think it is the duty of my hon. Friend to point out the limits which should be put to a proposition of this character. When you say you are at liberty to put an end to this Parliamentary settlement, I wish to know whether there are not persons who, on similar principles and for equally high considerations, would have a right to seek the repeal of the Act of Roman Catholic emancipation. I would ask whether you can draw a distinction between the withdrawal of this grant to Maynooth and the withdrawal of the grant you make annually to Roman Catholics as well as to the Members of other religious denominations for purposes of education. I can see no distinction in point of principles between these two cases, and I am not prepared to raise an agitation to that extent. That is my first objection to the Motion of my hon. Friend. My second objection to it is this, when the late Sir Robert Peel proposed the perpetuation of the grant, he called it, in emphatic language, "a message of peace to Ireland." Whether it has been a message of peace to Ireland to the full extent Sir Robert Peel desired and anticipated is a point into which I shall not now enter. But of this I am sure, that if my hon. Friend succeeded in repealing the grant, that repeal would be regarded by the people of Ireland as a reversal of the policy of Sir Robert Peel, and as tantamount to a declaration of war. For the sake of the peace of Ireland, for the sake of preserving the religious harmony, which I am happy to say, is gradually gaining ground in that country, and that nothing may be done to impede its social progress, I, for one, cannot assent to this proposal. I can take no part in doing anything, in suggesting anything, in supporting anything that could in the least degree disturb the brighter prospects which are now dawning upon Ireland, or renew the sectarian differences by which she has hitherto been so unfortunately distracted.

Mr. NEWDEGATE: I confess I was somewhat disappointed at the speech of my right hon. Friend the Secretary of State for the Home Department; because, as my right hon. Friend, as I understood him, holds out no hope that any arrangement than that which now exists with regard to Maynooth shall hereafter be effected. I fully agree with my right hon. Friend with respect to the evils that must follow from a continued agitation of the subject; but I wish to remind the House of what took place on the occasion of a former discussion of the grant in this House. Mr. Serjeant O'Brien, then a Member of the House, stated that he viewed, and that all Roman Catholics viewed, the continuance of the grant as a tardy restitution of a portion of the property which had been taken from the Roman Catholic Church at the time of the Reformation. Mr. Moore held similar language; and Mr. Serjeant Shee stated that he regarded the maintenance of the grant as a first step towards, and a guarantee for, establishing the Church of Rome in its full ecclesiastical polity and authority in Ireland. Now, I believe that while you are seeking to prevent agitation by continuing the grant, you ought to consider whether you are not raising up among the Roman Catholic clergy and part of the laity of Ireland hopes which will be defeated, but which will lead to a still more bitter agitation than that which you are endeavouring to avert. Having been a member of the recent deputation to Lord Derby, I was led to entertain a hope that Her Majesty's Government would be prepared to take into their consideration some just and equitable scheme for discontinuing this grant to Maynooth. I, for one, beg to state, that I would never consent to any proposal for the withdrawal of that grant that was not accompanied with a provision for the protection of vested interests. I think you would be bound to provide for the completion of the education of the students at present at Maynooth; and I think you would also be bound to compensate the present professors for

the loss of the offices which they hold. I will go further, and say, that it would be wise, and politic, and just to give a liberal compensation for the withdrawal of the grant itself, so as to remove from the minds of the Roman Catholics any suspicion that they were treated harshly and unfairly, while you relieve the consciences of Protestants of the objection which they entertain to contribute towards an education in, and the dissemination of doctrines, and to the maintenance of a hierarchy of which they honestly disapprove. I must protest against the supposition that by rejecting the Motion you will be settling this question; and I warn this House and the Government that they will, by seeming to sanction the permanence of this grant, be laying the foundation for future demands on the part of the Roman Catholic clergy which they will find it most troublesome to resist.

MR. SPOONER said, he would only say one word in reply. The right hon. Gentleman asked him if his Motion would have the effect of allaying agitation in Ireland; but why, he asked, should it have the effect of increasing it? No other body of Dissenters were paid by the State in this way, and why should the Roman Catholics? He was perfectly convinced that the course now adopted by Her Majesty's Government would not put a stop to agitation, for as long as this great Protestant grievance continued, so long would agitation go on throughout the country.

On Question,

The House *divided:*—Ayes 155; Noes 210: Majority 55.

THE ATTORNEY GENERAL *v.* THE PRINCE OF WALES.

MR. A. SMITH said, he had a Motion on the paper for Copies of the Correspondence, Papers, and Legal Proceedings in a certain cause wherein Her Majesty's Attorney General was the plaintiff, and the right hon. the Lord Vivian and His Royal Highness the Prince of Wales were defendants; as also of all the documents relating to a certain Arbitration of the right hon. Sir John Patteson, wherein the Attorney General was the plaintiff, and His Royal Highness the Prince of Wales, as Duke of Cornwall, a defendant; together with copy of such arbitration award. As, however, he understood that the correspondence had already been printed by order of the Woods and Forests Departments, he did not wish to put the country to the expense of printing it over again, it was only his intention to move for the papers relating to the arbitration. This suit affected the great "fore-shore question," in which the whole kingdom was more or less interested. A dispute had arisen between the Duchy of Cornwall and the Crown as to whom the rights respecting the fore-shore in the western part of England belonged, and it was agreed that instead of taking the case through the courts of law it should be referred to arbitration. He thought that when the Duchy of Cornwall and the Crown had decided to refer their disputes to arbitration, they were entitled to have all the advantages they would have had had the case gone into the ordinary courts of law, and all the benefits of Sir John Patteson's decision fully published, as well as all the papers and documents referred to him. The result of his decision was to give all the rights of the Crown to the Duchy of Cornwall, and it was proposed to bring in an Act of Parliament to affirm that decision. It would be monstrous to call upon Parliament to do so without bringing all the evidence before it. The decision was given in June last. Those Crown rights belonged to the public, to the public they had been made over, and the Heads of that Department ought to consider themselves the guardians of the public rights. It was a great misfortune that the division took place between the Office of Works and the Office of Woods and Forests. It was unnecessary he should go into the case of Lord Vivian; but Gentlemen who felt interested in the question of fore-shore would do well to consider this subject.

MR. G. A. HAMILTON said, there was not the slightest disposition to withhold information when the proper time arrived for giving it. The Chancellor of the Duchy of Cornwall and the then Lord Chancellor (Lord Cranworth) agreed to refer three matters in dispute to Sir John Patteson, who had given his award upon two heads, and the award upon the third head would be given in the course of a week. When that award was given the papers would be laid before Parliament; but he thought it would be a bad precedent to produce the papers before a complete award had been given. [MR. A. SMITH: What is the third head put before Sir John Patteson?] All the information which the hon. Gentleman could have, if the case had been tried in open Court, would be accessible in a few days.

Motion *agreed to.*

Address for,—

"Copy of all the Documents relating to a certain arbitration of the Right honourable Sir John Patteson, wherein the Attorney General is the Plaintiff, and His Royal Highness the Prince of Wales, as Duke of Cornwall, a Defendant; and of such Arbitration Award,"

agreed to.

MEMBERS' SEATS.—RESOLUTION.

MR. FITZROY moved, that the Resolution of March 29, 1855, "That any Member having secured a Seat at Prayers shall be entitled to retain the same until the rising of the House," be made a Standing Order.

SIR DENHAM NORREYS objected, that this would be a very unfair arrangement, because it would enable Members to come in at prayers, secure their seat, then go away until late in the evening, or until some important speaker rose, and then come back and insist upon their right. It was better to resort to the old practice, that a Member who was present at prayers should retain the right to the seat until a division took place, and if present at the division, then afterwards until the next division; but that if he was not present at the division that he should lose his right.

SIR EDWARD COLEBROOKE thought the matter was one which had better be left to be settled by the ordinary courtesy of Gentlemen.

MR. BENTINCK reminded the House that a similar Resolution, moved by the late lamented Mr. Muntz, had been unanimously agreed to.

SIR JOHN SHELLEY thought the present system had worked well. The hon. Baronet (Sir D. Norreys) apparently wished to apply to hon. Members the French proverb, "Qui va la chasse perd sa place."

Ordered, That the said Resolution be made a Standing Order of this House.

POOR LAW AMENDMENT BILL.

COMMITTEE.

Order for Committee read.

House in Committe.

Clause 1.

MR. BIGGS moved the insertion of the words "by which places under local Acts were included in the operation of the Bill."

Amendment *agreed to;* Clauses, as amended, *agreed to.*

Clause 2.

MR. SOTHERON ESTCOURT suggested that the title of the Bill should be altered to one more in accordance with the real objects which the measure sought to effect. The Bill was called a Poor Law Amendment Bill, a title which was calculated to cause some alarm; but persons interested would be surprised to learn that its only object was to preserve certain municipal rights to persons rated at sums between £6 and £20. He should hereafter object to the title of the Bill, and endeavour to give it one which would more truly describe its objects. It ought to be called a Bill to prevent certain parties from being disfranchised, &c.

MR. CROSS said, he should be happy to meet the wishes of the right hon. Gentleman with regard to the title of the Bill. He would state the reason for its being required. By an old Act of George III. parish vestries had power to rate the owners of all houses of the value between £6 and £20, instead of the occupiers. Then, by the Municipal Corporation Act, it was enacted that no one should have a vote whose name was not on the rate-book, and who had paid his rates; so that persons who were the occupiers of houses rated between £6 and £20 under Sturges Bourne's Act had no vote. Then came the Small Tenements Act of 13 & 14 *Vic.*, by which the same power was given to parish vestries to rate the owners instead of the occupiers of all houses below the value of £6; but on the last stage of that Bill a clause was brought up by the present Chief Justice of the Common Pleas, by which it was enacted that the occupiers of houses rated under £6 should be entitled to votes, notwithstanding that the owners were rated and not the occupiers. The consequence was, that when both these Acts were in operation, occupiers of houses under £6 value had votes in municipal elections, but occupiers of houses of a value between £6 and £20 had none. It was to remedy this anomaly that the Bill was introduced.

MR. SPOONER said, he should wish to have an explanation as to the effect of the Amendment proposed. They were taken by surprise by the measure itself. Was he to understand the local Acts were to be overridden by the present measure?

MR. SOTHERON ESTCOURT said, he approved of the object sought to be attained; but he thought that they ought to have had some notice of the objects of the Bill as well as the Amendment of the hon. Gentleman. He could assure his hon. Friend (Mr. Spooner) that the question

raised by the Amendment was not one whether the present Bill, if passed, was to override the local Acts, but it was to remedy an anomaly in the existing law which they would all admit should not exist, and by which persons in a superior station were deprived of privileges enjoyed by those of an inferior station. It was his (Mr. S. Estcourt's) opinion that occupiers of property who did not pay rates should not be entitled to vote at all; but that was not the question before them.

Clause, as amended, *agreed to.*

Remaining clauses *agreed to.*

MR. SOTHERON ESTCOURT hoped that some little interval of time would be allowed to elapse before the next stage was taken.

MR. CROSS proposed to take the next stage that day fortnight. He begged to state, that in the Bill as he introduced it, there was no mention of local Acts.

MR. SPOONER asked for further explanation as to the Amendment. It appeared to him somewhat extraordinary how the local Acts got into the clause. The author of the Bill had not introduced them, nor the right hon. Gentleman the President of the Poor Law Board.

MR. BIGGS said, he had suggested the addition, and his object was simply to make the Bill as general as possible. There were thousands of people in different parts of the country who were governed by local Acts, and who would, therefore, be excluded from the operation of this Bill if the words he moved were not inserted in the clause.

House resumed.

Bill *reported;* as amended, to be considered on *Thursday,* 13th May, and to be printed.

REGISTRATION OF COUNTY VOTERS (SCOTLAND) BILL.

SECOND READING.

Order for Second Reading read.

SIR EDWARD COLEBROOKE, in rising to move the second reading of this Bill said, that it had been suggested to him to postpone it until after the county meetings on the 30th April; and he certainly had the greatest desire that it should be submitted to the consideration of the county meetings. But the question was not a new one, for it had been before Parliament two years ago, and it was identical with the provisions struck out from a Bill which passed two years ago. But, further, he thought that the House might naturally feel a jealousy in submitting a question affecting the constitutional rights of voters in Scotland to the deliberation of those bodies. He had himself taken part in these deliberations, and he had submitted the matter to a meeting of the county which he had the honour to represent, and the meeting had by a considerable majority decided against the measure. He had, therefore, brought it forward in the teeth of their opinion; but he did it in the full belief that he was supported by the great majority of the electors whom he had the honour to represent. Two years ago the law on this subject, both in boroughs and counties, had been put on the same footing as in England; but by the passing of an Act relating to the valuation of land in Scotland an improved system had been introduced, which rendered an easier system of registration possible. By that Valuation Act lands were valued according to the full value of the subject, and it was only necessary for a clerk to transfer the names of all persons who had a sufficient qualification to the electoral registrar. The measure, as introduced by the late Lord Advocate, had passed a second reading, and, after being referred to a Select Committee, the decision of that Committee was unanimous in its favour; and on a division on going into Committee the principle of the Bill was affirmed by a large majority. It was not for him to suggest what had been the reason for withdrawing the clauses relating to the counties; but it was supposed that their withdrawal had facilitated the passing of the measure as to boroughs. He wished to know why the principle should not apply to counties also? It was not for him to anticipate objections to the measure; but if there were objections they could not be founded on principle, because the principle had been applied to part of Scotland; and the law was in full operation throughout the whole of Ireland, where, he believed, it worked satisfactorily, and at very little expense. Fortified by these authorities he had little doubt that a similar measure would be adopted throughout England, if the system of property admitted of such a convenient system of registration. The valuation roll would in Scotland operate, nearly without exception, as a perfect electoral roll. There was certainly a limited class of voters who received a small quit rent for their property, but who, as not being liable to taxation, did not appear on the valuation roll. But, even supposing that the system he

proposed could not be made to apply to them, that was no reason for debarring others of the benefit of the improved system. If the House would allow this important measure to be introduced, he would name a distant day for the Committee to consider its provisions.

Motion made, and Question proposed, "That the Bill be now read a second time."

Mr. G. DUNDAS said, this Bill was only printed on Saturday; it contained thirty-nine clauses, many of them requiring consideration, and hon. Members could not have had time to make themselves acquainted with its provisions, before the House was asked to read it a second time. On the 30th of April in every year a county meeting was held in every county in Scotland, and those meetings were attended by the gentry, who had then an opportunity of discussing all matters concerning the public interest. He thought it hardly fair in his hon. Friend to press the second reading of this Bill on the very day preceding all those county meetings. He knew that the gentry of every county in Scotland would feel disgusted that they had not been at all consulted in this matter. The Bill, among other of its provisions, involved a total change in the valuation schedules, which it would be unfortunate to make rashly. It would also entail considerable expense on the counties, which, what with prison boards, police boards, and the rest, were already taxed heavily enough. He moved as an Amendment, that the Bill be read a second time that day six months.

Mr. CUMMING BRUCE seconded the Amendment. He was not aware that a single petition had been presented in favour of this measure, and when sometime ago a Bill similar in substance was introduced, it was withdrawn at the almost unanimous request of the counties of Scotland. He objected to the Bill, because the assessors of the counties in Scotland, who had up till this time never mixed themselves up with politics, would be turned into political officers. Of all persons the assessors of the property of a county should be kept clear of every possible suspicion of being actuated by any political motive whatever. Again, there was a just complaint that the property of Scotland was ground down by assessments charged upon it year after year. Of all the assessments, that which this Bill sought to impose was the most useless, uncalled for, and objectionable. He, therefore, entirely opposed the Bill.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

Question proposed, "That the word 'now' stand part of the Question."

Mr COWAN said, he was surprised to hear the hon. Member for Linlithgow (Mr. Dundas) state, that it was unfair to propose to read this Bill a second time until the gentry assembled in their county meetings in Scotland gave their opinion upon it. He (Mr. Cowan) would ask on what ground they were to suspend legislation, in order to have the opinion of but a fraction of the electors of Scotland? If the hon. Member was sincere, let him move for leave to bring in a Bill to suspend all legislation relating to Scotland until after the 30th of April in each year. He was surprised to hear his hon. Friend the Member for Elgin (Mr. C. Bruce) ground his objections to the Bill on the trifling expense which it would entail on the counties. If the property in Scotland had been charged of late years with additional assessments, it was right to bear in mind, what he had been told was the fact, that the value of land in Scotland had increased 20 or 30 per cent. Again, the state of the rolls in the counties was positively disgraceful; a great number of the persons whose names were upon them, had either no longer any existence or no connection with the property in respect of which they were enrolled. He hoped the House would pass the Bill now under consideration. So far as the experience of a kindred measure passed for the cities and boroughs of Scotland had gone, it was altogether satisfactory.

Lord ELCHO said, it appeared to him that the Bill under consideration was somewhat uncalled for. His hon. Friend (Mr. Cowan) sat for a city in Scotland, and, when he grounded his support of the Bill on what he called the satisfactory operation of a similar measure for cities and boroughs, he (Lord Elcho) was reminded of the fable of the fox that had lost his tail. He should like to know what the expense entailed by the Act relating to cities and boroughs really was, and what its effect had been on the borough rolls. If he was correctly informed that expense had been very considerable, and he did not see any reason for throwing on the counties an unnecessary outlay. They heard a

great deal of the value that was attached to the franchise in the present day, but he could not think a man attached very great value to it if he was not inclined to pay the small sum of 2*s*. 6*d*. for its exercise. This Bill, indeed, was properly an instalment of Parliamentary Reform; and he therefore thought it would be better to postpone it to next Session when they were sure to have a Reform Bill. All he would say on that point was, that he feared they would obtain from the Gentlemen now sitting on the Treasury bench, one of the most radical Reform Bills ever proposed.

MR. CRAUFURD protested against the principle, that a man was not to be allowed to exercise the franchise without being called on to pay for it. He thought the payment, small as it was, ought to be abolished. The principle embodied in this Bill had worked well in boroughs, and he did not see why it should not be applied to counties. They ought, at any rate, to give it a second reading, which merely affirmed its principle.

THE LORD ADVOCATE said, it was not without some difficulty he had arrived at the conclusion that it was not necessary, in order to give effect to the objections he had to certain parts of the Bill, to vote against the second reading. There was one objection to the Bill started by the noble Lord the Member for East Lothian (Lord Elcho), which they were not at present in a condition to deal with, because the settlement of that question would depend very much on the experience of the Scotch boroughs—he meant the question of expense. He believed that before they arrived at the other stages of the Bill there would be before the House returns of all the expenses in the different boroughs of Scotland during the two years the present system had been in operation. If those returns showed the expense to be trifling, then the objection to that part of the Bill would be obviated; but he could not help believing that a somewhat different state of things would be the result. Another objection to the Bill was, the manner in which it was proposed to make up the valuation roll. He did not think that would turn out to be a necessary part of the measure, as the object in view could be equally well obtained in making up the registration roll. What he (the Lord Advocate) said on a former occasion had been much misunderstood. He had then stated that the claims of the Bill of 1856 relative to counties had been given up in deference to the opinion of that House. And he must take that to be the case, because while the portions of the Bill relating to counties were abandoned, those relative to boroughs were agreed to. He must say he did not see any objection to the second reading of the Bill, and therefore would not oppose it; but there were objections which would deserve the consideration of the House in Committee.

MR. MONCREIFF wished to say, with reference to the last Bill, it passed through both a committee of Scotch Members and a Select Committee of that House in 1856; but when it came to the House, its supporters found that in consequence of the opposition of a few Scotch county Members they were likely to lose the Bill in consequence of the running out of time. No borough opposed the Bill, and it was therefore thought better to try the experiment with respect to boroughs, reserving its application to counties to a future period. They now proposed to do so, and he believed that when the returns that had been moved with respect to boroughs were before the House it would be seen that the success of the measure in regard to boroughs warranted its extension to counties. Before the Bill passed the borough registers were in a most unsatisfactory state, and he must say the county registers were still more so. He had been called on to examine a considerable number of county registers, and he found that hundreds, aye thousands of voters were not on the roll who ought to have been so, and that in one case there were on the roll the names of more persons disqualified than of persons who were qualified.

MR. G. DUNDAS said, that after what had fallen from the Lord Advocate, he would not press his Amendment.

Amendment, by leave, *withdrawn*.

Main question put, and *agreed to*.

Bill read 2°, and committed for *Thursday*, 3rd June.

JURIES (IRELAND) BILL.

SECOND READING.

Order for Second Reading read.

MR. J. D. FITZGERALD, in moving the second reading, said, that the object of the measure was to consolidate and amend the laws relating to juries in Ireland, in pursuance of the Resolutions of a Select Committee of that House, which sat in 1852. The hon. and learned Gentleman was proceeding to explain the foundation and details of the measure, when

Notice taken, that Forty Members were not present; House counted; and Forty Members not being present,

House adjourned at a Quarter before Eight o'clock.

HOUSE OF LORDS,

Friday, April 30, 1858.

Minute.] Public Bill.—3ª Oaths.

PUBLIC ACCOUNTS IN INDIA.

QUESTION.

Earl GRANVILLE was understood to address some inquiries to the noble Earl the President of the Board of Control, relative to the public accounts in India. In 1856 a despatch was sent out to India favourable to the establishment of a Department of Audit, aud he wished to know whether such a department had been created, and if so, whether there would be any objection to produce the papers relating to it? His second question had reference to the appointment of a Commission to inquire into the mode of keeping the public accounts in India. Such a Commission, he believed, was embraced in the India Bill of the present Government. A Commission of the same nature was contemplated some years ago, but afterwards abandoned upon the recommendation of the late Duke of Wellington, who thought that such a step might weaken the authority of the Governor General. He (Earl Granville) did not see how the measure would have a less injurious effect now. The establishment of a Board of Audit had, he thought, rendered the issue of a Commission unnecessary.

The Earl of ELLENBOROUGH replied that a Department of Audit in India was established on the 14th of December, 1857. It originated in a letter from the Court of Directors in June, 1856. There were, in all, six papers connected with the subject, and if the noble Earl desired to have them they were at his service. With regard to the second question, the noble Earl appeared to be under some misapprehension as to the character of the Commission to be sent to India. It was not to be what was called "a Commission," or what was understood by that term; but one from the Treasury, one from the Board of Trade, and the third from the Board of Customs, each being accompanied by a secretary, who would most probably be a clerk of the Revenue Department, were to be sent to each of the three Presidencies. After making their inquiries they were to meet and confer together upon the result of their investigation, and then communicate their report to the Government at home. It was not intended to supersede the authority of the Governor General by the appointment of the Commissioners, the sole object being to collect facts and obtain information with respect to the whole system of public accounts in India, which could be got at by no other means. When their Report was made, the Government here would take such measures as they might see fit. He could not agree with the noble Earl that the establishment of the Board of Audit would render this Commission unnecessary, because the persons employed on that Board would, in the first instance, be very inexperienced. He certainly had no idea of weakening or superseding the authority of the Governor General; he only wished to obtain information that was very important, and that could be obtained in no other way. Their Lordships had no conception of the infantile state in which the Indian official mind was with respect to keeping the public accounts.

House adjourned at Half-past Five o'clock, to Monday next, at Half-past Ten o'clock.

HOUSE OF COMMONS,

Friday, April 30, 1858.

Minutes.] Public Bills.—2° Local Government. 3° Excise Duties.

COMPETITIVE EXAMINATIONS FOR WOOLWICH CADETSHIPS (ROYAL ARTILLERY AND ROYAL ENGINEERS).

ANSWER TO ADDRESS.

Colonel FORESTER appeared at the Bar with a Message from the Crown, in reply to the Address upon this subject.

Answer to Address [26th April] *reported*, as follows:—

"I have received your Address, praying that no alteration may be made in the principle of the existing arrangements which regulate the admission to Cadetships in the Royal Artillery and Royal Engineers:

"And I shall give directions that the subject may be carefully considered."

THE MILITIA.—QUESTION.

MR. LABOUCHERE said he wished to ask the Home Secretary, in the absence of the Secretary for War, whether it is the intention of the Government not to call out any of the Militia for training before the 30th of June? A statement to that effect had been attributed to the Secretary for War, which had excited a good deal of surprise, and had probably resulted from a misapprehension.

MR. WALPOLE said, the Militia would not be called out before the 30th of June. That was the answer given by the Secretary for War; to which he might add that it was not the intention of the Government to call them out before the usual time.

MR. LABOUCHERE: What is the usual time?

MR. WALPOLE: The autumn, after the harvest.

MR. EDWIN JAMES, Q.C.—QUESTION.

MR. HUNT said, he would beg to ask the Secretary for the Home Department whether his attention has been called to the Report in the Papers of yesterday, of a Meeting held on the 28th instant, at St. Martin's Hall, in aid of the "Press Prosecution Defence Fund," in which one of Her Majesty's Counsel is stated to have been present, and to have taken part in the proceedings? And also whether it is true that Mr. Edwin James had been offered a Brief from the Crown, and had declined it? And whether it is competent for one of Her Majesty's Counsel to refuse to hold a Brief for the Crown in a State Prosecution?

MR. WALPOLE: Sir, Until my hon. Friend had put this Notice on the Paper, my attention had not been called to the report of the proceedings at St. Martin's Hall. I sent for the papers immediately, in order that I might see what was reported to have taken place on that occasion, and I need not say that I read it with the utmost astonishment. Since that time I have been informed by a Gentleman, a Member of this House, and who is a friend of Mr. James, that Mr. James attended the meeting, not in company with Dr. Bernard; that he attended it only as an auditor; that he was called upon to ascend the platform, without having received any notice that he would be asked to do so; and I am glad, from the information I thus received, to add that Mr. James states the report to be inaccurate. With reference to the other part of the question—namely, whether Mr. James was offered a Brief from the Crown, and whether it is competent for one of Her Majesty's Counsel to refuse to hold a Brief for the Crown in a State Prosecution, I have this plain statement of facts to make. First of all, a Queen's Council cannot act for the defence in a Crown Prosecution without a license from the Crown, given for that purpose. Secondly, I have to state that my hon. and learned Friend the Attorney General, wishing to have the assistance of such criminal lawyers as he thought it would be advisable to have in conducting the prosecution, applied to Mr. James, through the Solicitor of the Treasury, to have his assistance in the case. Mr. James has stated the effect of his answer to that application in a letter which I now hold in my hand:—"I replied," he says,

> "To that letter, stating that I had been retained by the defendant, and had had a consultation on his case with his counsel and attorneys, and that I presumed that, under these circumstances, the Attorney General would not insist upon my services."

Now, I think it right to bring clearly under the notice of the House the statement which has gone forth, totally contrary to the impression which ought to be left on the mind of the public, with reference to this particular prosecution. The statement as reported—I hope I may say as inaccurately reported—is, that Mr. James said at the meeting to which I have referred—

> "He had rejected a retainer from the Crown, in the late prosecution, because he believed that an obsolete Act of Parliament was sought to be put in force, to please a foreign despot."

That is the statement which Mr. James is reported to have made. I have already read you, Sir, his answer when applied to by the Solicitor of the Treasury. I will now read the answer of my hon. and learned Friend the Attorney General, given with my complete sanction, knowledge, and concurrence, which I think will show the House that every possible opportunity was offered by the Crown to the prisoner to have such counsel as he might choose to select to assist him on his trial. The answer was this:—

> "I have shown your letter to the Attorney General, and he desires me to say that he was not aware that you had been retained for Bernard, still less that you had conferred with his counsel and solicitor. He thinks that it might now be a great disadvantage to the prisoner to be deprived of your assistance, and would give him a just cause of complaint, and therefore that you ought to be at liberty to go on on his behalf."
>
> "JOHN GREENWOOD."

So little did Mr. James complain of the course which the advisers of the Crown had taken, that he replied in these terms, which I think must satisfy the House that there is some strange error or inaccuracy in the report of the proceedings at St. Martin's Hall :—

"My dear Greenwood,—I thank you for your note, and feel the compliment paid me by the Attorney General."

I will only add, that the moment the license to defend the prisoner was applied for at the Home Office, that license was given ; and I hope that this plain statement will now go forth to the public as showing that in no case does the Crown in this country deprive prisoners of any legal assistance which they may desire to have.

BAYSWATER AND SOUTH KENSINGTON.

QUESTION.

MR. MACKINNON said, he would beg to ask the First Commissioner of Works whether there is any intention to accommodate the public by opening a communication between Bayswater and South Kensington ; and if so, in what manner?

LORD JOHN MANNERS said, he believed that in 1855 plans were prepared for such a communication, the estimate for which was £60,000. The subject had not come under his consideration since the change of Government, and he was not prepared to ask Parliament for so large a sum during the present Session.

EXECUTIONS AT CANTON.

QUESTION.

MR. ROBERTSON said, that in the *Overland Friend of China*, of March 15, 1858, there is an account of the execution of a woman at Canton, with many horrid details ; he would beg to ask the Under Secretary for Foreign Affairs whether such executions are by sentence of any tribunal under our official superintendence, and whether these executions are carried into effect with or without foreign official sanction ?

MR. SEYMOUR FITZGERALD said, that his attention had been called to the Act alluded to by the hon. Member—an act which he was sure every one would characterize by the same term which the hon. Member had applied to it. In reply, however, he had to state that he had received no information from Lord Elgin, or any other authority, as to the occurrence in question. With regard to the latter part of the question he thought the very details referred to by the hon. Member would be sufficient to satisfy the House, that the execution could not have taken place under the sanction or superintendence of any tribunal authorised by this country.

THE PRESS OF INDIA.

QUESTION.

MR. MILNER GIBSON said, he wished to ask the Secretary of the Board of Control whether the Government have taken, or propose to take, any steps in reference to the Act 15 of 1857, of the Legislative Council of India, for restraining the liberty of the Press ?

MR. BAILLIE said, that no communication had passed between the Government at home and the Governor General on the subject. No doubt the Governor General, if he should be of opinion that the law ought to be repealed, would communicate with the Government on the subject, in which case the Government would have to take the subject into their consideration.

MR. MILNER GIBSON said, he wished to know when the Return he had moved for on the subject of the Indian press would be laid on the Table.

MR. BAILLIE said, he would answer the question on Monday.

POOR LAW IN THE ISLE OF WIGHT.

On the Motion that the House at rising adjourn to Monday.

MR. ROEBUCK said, he would take that opportunity of putting a question to the President of the Poor Law Board upon a subject which required a few words of explanation. In the last century the inhabitants of the Isle of Wight, conceiving the law of settlement to operate injuriously, had come to an agreement to abolish it. The different parishes entered into an agreement having that object. They obtained an Act of Parliament which rendered their agreement binding and legal, and imposed a pro-rata assessment on each parish in the island. That Act was subsequently, in some respects, altered by another. A Bill was now before the House, as a Private Bill, for making certain alterations in this, the Poor Law of the Isle of Wight. He begged therefore, to ask the right hon. Gentleman the President of the Poor Law Board, whether, in his opinion, the Bill was one which ought to be brought in as a private and not as a public measure ?

MR. SOTHERON ESTCOURT said, that the Bill alluded to by the hon. and learned Member was on the face of it a Private Bill. It was a Bill for altering an Act which had passed as a Private Act, and

which related to a portion of the country only. He did not state this as his own opinion alone; he had, since the hon. and learned Gentleman had given notice of his question, taken the advice of the highest authority in the House, and the result of that advice was embodied in the statement which he had just made. The hon. and learned Gentleman seemed by his question to appeal to his (Mr. Estcourt's) own views on the general question. He must, certainly say, in reply, that, speaking as a private Member of Parliament, as well as looking upon the question in an official point of view, he thought these exceptional and local regulations were bad. It must, however, not be forgotten, that they existed in many places, and had not been disturbed by the House of Commons.

LOCAL GOVERNMENT BILL.

QUESTION.

MR. PALK said, he wished to ask the President of the Board of Health, if it is his intention to proceed with the Local Government Bill?

MR. ADDERLEY said, that seeing there was no opposition to the principle of the Bill, he hoped that the House would not object to read it a second time. In order to give an opportunity for considering details—concerning which only opposition, and that but slight, existed—he would fix the going into Committee at no distant date.

HIGHWAYS.—QUESTION.

MR. KNATCHBULL-HUGESSEN said he wished to ask the Secretary for the Home Department whether it is the intention of the Government to introduce, during the present Session, any Bill upon the subject of the management of Highways?

MR. WALPOLE said, that the preparation of a Bill upon the subject had been intrusted to the hands of a member of the legal profession. That Bill had been applied for more than once, but he had not as yet received it. He should, however, make further inquiry with respect to it, and when he had seen it, would inform the hon. Gentleman what course he was prepared to take with respect to it.

TRANSFER OF LAND IN IRELAND.

QUESTION.

MR. S. B. MILLER said, he wished to ask the Attorney General for Ireland whether it is his intention to proceed with his Notice to introduce his Bill to facilitate the Sale and Transfer of Land in Ireland on Tuesday next?

MR. WHITESIDE said, he hoped to be able to bring on the measure on that day.

Motion *agreed to.*

House at rising to adjourn till *Monday* next.

GOVERNMENT OF INDIA.—COMMITTEE.

Order for Committee read.

Motion made and Question proposed, "That Mr. Speaker do now leave the Chair."

THE CHANCELLOR OF THE EXCHEQUER having moved that the House should go into Committee on the Resolutions on this subject,

LORD HARRY VANE said, he rose, pursuant to notice, to move

"That the change of circumstances since the first proposal of Her Majesty's late advisers to transfer the Government of India from the East India Company to the Crown renders it inexpedient to proceed further with Legislation on the subject during the present Session."

He must, in the first place, mention that he would not have taken the subject out of the hands of his hon. Friend (Mr. Gregory), who had given notice of an Amendment similar to his own, had not that hon. Gentleman himself expressed a wish that he should do so. He also felt that he owed an apology to the House for presuming to move the postponement of legislation for India for another year, more especially after the lengthened debates and proceedings which had taken place on the subject. The main arguments, however, which he had to urge in support of his Motion was the state of chaos in which the whole question of the future government of India was now involved. With the permission of the House he would very briefly mention a few facts which appeared to him a justification for the course which he proposed to take. Very shortly before the opening of Parliament it was rumoured that her Majesty's then Government intended to introduce a measure having for its object the transfer of the government of India from the present East India Company to the direct Government of the Crown. He was not wrong, he believed, in stating that some surprise was created in the public mind by that rumour, as it was not expected that such a measure would have been brought forward so early, considering the events that had recently occurred and were still occurring in India. However, we had

passed through a crisis of an extraordinary nature. The Government at that time in power was in the full plenitude of its strength; that Government having been in office during the whole period of the mutinies in India, had the means of knowing whether any circumstances existed which rendered it expedient to introduce any change in respect to India. They obtained leave, by a great majority, to introduce a Bill. The hon. Member for Huntingdon moved, as an Amendment, that it was inexpedient to legislate at present—a proposition which received considerable support from hon. Members on the other side of the House. He (Lord H. Vane) had voted with the late Government, as he thought, if there was to be any legislation, it should take place at once; and the Government then in office being apparently firmly fixed, there was a prospect that immediate legislation would take place. At that time, however, there were differences of opinion as to the measure indicated by the Government, even amongst those who had voted for its introduction. He had heard liberal Members express their disapproval of some portions of that plan, especially at the exclusion of the elective principle in the mode of constituting the Council. He was inclined to think that such exclusion was wise. There were also some doubts entertained as to whether the number of the Council was sufficiently large, and whether the salaries proposed for the Councillors were adequate to procure the services of the most able men, the more especially as the Members of the Council were to be excluded from seats in Parliament. Shortly afterwards, however, circumstances arose wholly irrespective of India, which brought about a dissolution of the late apparently strong and well-seated Government. He was no party to the Resolution which led to the resignation of the noble Lord the Member for Tiverton, and his colleagues; but that event occurred, and the right hon. Gentleman the Member for Bucks, with his friends, entered into office. The new Government, wisely perhaps, thought it was expedient to proceed to legislate for India, and accordingly brought in their Bill. That measure, when examined, did not appear to have emanated from the powerful, vigorous, and practical understanding of the noble Earl at the head of the Board of Control. It was a scheme which would rather have been expected from the fertile and ingenious brain of an Abbé Sièyes than from a practical statesman. He was not mistaking facts when he said that the defence of its main provisions, which they had heard from the right hon. Gentleman the Chancellor of the Exchequer, did not procure for the Bill the approval of the House; and, indeed, in no quarter had it met with favour. Even the great towns, whose support one would have supposed it specially calculated to conciliate, were as loud in their disapprobations as the other parts of the community. He had that day read the speech delivered elsewhere on the preceding evening by the noble Earl at the head of the Board of Control; but he should say that that speech, able as it was, like every address that came from the noble Earl, did not, in his (Lord H. Vane's) opinion, establish a satisfactory defence of the measure. Be that as it might, the noble Lord, the Member for London, thought it proper to interpose with his high authority, which all acknowledged, and, quoting precedents of former Indian measures, recommended the House to proceed by Resolutions. He (Lord H. Vane) thought the cases not parallel, because the Company, when formerly legislated for, was a commercial Company; still his noble Friend's authority was such, that the recommendation was adopted, and the Chancellor of the Exchequer now invited the House to adopt a series of Resolutions which had been published on the notice paper. Those Resolutions must occupy much time, and months might elapse before a decision could be arrived at. The questions involved were numerous, and would inevitably give rise to repeated and lengthened discussions, so that he saw but little hope of a practical result to their deliberations. In bringing forward the proposition of which he had given notice, he was not influenced by any motive of a party character. He need hardly add that he had not been cognizant of the intention of the hon. Member for Exeter (Mr. Divett) to bring forward the proposition of which he had given notice; he regretted that notice, but he could assure the House that he had not been in communication with that hon. Member either before or after the appearance of his notice. He (Lord H. Vane) brought forward his Motion perfectly irrespective of all party considerations and in singleness of purpose, upon public grounds. He found that many hon. Members, like himself, believed that the House was entangled in inextricable difficulties, and that there was a perfect

chaos of opinion on the subject, and that it was most desirable, if possible, to withdraw the question of India from the vortex in which it was plunged. He believed that in the present undecided state of the House it was not expedient to proceed with legislation upon the principles of which no considerable number of hon. Members could be found to agree. They had the Resolutions of the right hon. Gentleman, and then came the Amendments to be proposed by the noble Lord the Member for London, which involved a very essential variation not only from the plan propounded in the Resolutions, but also from the scheme of the late Government; for the noble Lord proposed that the Council should be independent, inasmuch as the Members were to be irremovable during good behaviour. In inviting the House to defer legislation, he did not intend that the House should pledge itself against any legislation for India; but considering that, although the chief seats of the mutiny were now in our own possession, India was still overrun by hordes of a licentious soldiery, and complete tranquillity could not be expected for many months, it was absolutely necessary there should be a vigorous Government to administer affairs in that country. There was no hope that immediate legislation could take place, and the only effect of the discussions in the House would be the continuance of an agitated state of feeling in India. He thought they should look solely to the public interest irrespective of all subordinate considerations, and not continue discussions which would be interminable, without leading to any practical result. It was upon those grounds that he proposed the Motion of which he had given notice. If he could believe that the East India Company thwarted the Government of India, he should not interfere for a moment to prevent its destruction; but he had perfect confidence in the discretion, the calm judgment, and the cool determination of Viscount Canning, and he had no reason to suppose that the East India Company were not acting in concert with the Government. On the contrary, he found from a declaration made in another place by a noble Earl, that at the present moment the action between the Court of Directors and the Board of Control was most harmonious. It was true that his right hon. Friend the late President of the Board of Control appeared, in a few words that fell from him a few nights ago, to indicate that there was a lukewarmness, if not inattention to their duties, on the part of the Court of Directors now that they were cognizant of the intention to destroy them. Now, that might have been the case; but if the House prolonged their existence for a year they would do away with that motive, and the Directors would exert themselves; if they did not exert themselves now, as his right hon. Friend (Mr. Vernon Smith) seemed to imagine. But he (Lord Harry Vane) should say, that the House ought to legislate immediately, if public opinion out of doors had pronounced itself determinately upon that point. But was that the case? There were three petitions in favour of immediate legislation, and three against it; and he thought he might say, without fear of contradiction, that the House very fairly reflected the doubts which were entertained by the public out of doors. So far as he could judge, the public at large were by no means decided with respect to what ought to be done in India. In the petition from Manchester, the plan indicated was a direct government by the Crown, without Councillors. He believed there were few who would support that opinion. A petition from Liverpool suggested a more complicated scheme, to be brought about by alterations in the present system; but both it and the petition from Manchester prayed for inquiry. These facts showed that in those great emporiums of manufactures and commerce, where this subject was more considered than perhaps in any other part of the kingdom, the community entertained grave doubts on the question. He believed he should not be contradicted, when he said that those doubts still more extensively prevailed in the City of London. If, then, the facts were as he had stated them, he thought it would be unwise for the House, because they had entered on legislation, not to postpone that legislation, when, as he believed, no injury could result from that postponement. It did seem to him, when there were so many opinions offered—when there was so little agreement that no dozen men entertained precisely the same views on the subject, that they had no reason or pretext for proceeding with their legislation. There were two most important points, with respect to one of which the public mind was not quite settled—namely, as to whether the Councillors should be wholly independent or merely nominees of the Crown. Suppose the House repudiated the elective principle—and on that subject he confess-

ed he shared the views of his noble Friend (Lord J. Russell), as, however attached to that principle, he found himself obliged to reject it in this instance from the difficulty of finding a constituency — suppose that principle repudiated, a great and essential difference would exist between those who thought that the Council should be independent, and those who would make them the immediate nominees of the Crown. But there was another subject on which he might be permitted to say a few words. Responsibility had been long a popular topic; and he believed the main ground of the advocacy of a change with respect to the East India Company was, that they would establish by that change greater responsibility in the Minister of the Crown. Now, in theory, the President of the Board of Control could overrule all others, so that that authority was actually possessed by him at this moment. But responsibility was an elastic word, to which people attached different meanings. He recollected having heard some years ago a discussion in the French Chamber of Deputies, in the course of which it was contended by M. Odillon Barrot, that, strictly speaking, no minister was at the present time responsible, because the responsibility of every Member of a Government was shared by his colleagues; those colleagues were themselves supported by a majority of the Legislature, and public opinion was not brought to bear on any administrator until it came too late for punishment. There was no doubt such a thing as moral responsibility, but that responsibility depended on each man's sense of duty and of honour, and must necessarily vary in different individuals. He therefore thought that responsibility was a word without much meaning, a word of an elastic character, and of vague and indefinite meaning. With regard to the double Government, he admitted there were evils in the system of the East India Government, and that for the sake of despatch it might be desirable hereafter to introduce a change; but he was only now urging that the change was not pressing, that there was no absolute necessity for it, and that at this moment no actual impediment arose from the action of the East India Company. Even under the present system a very able despatch emanated from the Secret Committee only a day or two ago, and from that it was evident that the means existed at this moment of giving the necessary orders that might be required. When he heard people talk of the double Government, it seemed to him that there must always of necessity be a double Government, unless Parliament placed the whole authority in India. He was of opinion that the more despotic they made their Government in India, provided they associated with it a competent Council, the better it would be; because, after all, their Government must be in India. It was much better that it should be so. He would have the Government as much as possible carried on in India; but, as long as they had any Government in this country, it would be really a double Government, even if the traffic between Cannon Row and Leadenhall Street were abolished. He was not opposed to an alteration of the system, but it seemed to him that this was not the proper time to make it. Considering they had little chance for some time to come of passing any measure, that it was not known who the Councillors might be, that at this moment they had competent councillors and well-informed on the subjects that came under their consideration, and that they had no confidence that the best men could be procured for the Indian service, he would ask, was it wise at such a time to part with the present Councillors, who were at any rate well acquainted with their business, and perfectly competent for the situations they filled? No misconduct was attributed to them. He believed the system itself was cumbrous, and therefore he quite agreed that at the fitting time Parliament should alter it; but it seemed to him that there was no urgency in the case which at all rendered it necessary that they should now, when they were not agreed as to what would be the best form of Government, blindly legislate, because they thought they should legislate, whether that legislation was good or bad. He thought, on the contrary, they should take sufficient time to consider this matter. He thought it better to wait than to adopt a system which, after all, might be the fruit of a mere chance division, for no one could say what conclusion would be arrived at in these proceedings, and he must say he very much doubted whether a good measure could be made out of such a medley of opinions as existed on the subject. He thought, therefore, it would be more statesmanlike not to press legislation upon this matter at the present moment, and not by precipitation to commit mistakes which it might be difficult hereafter to remedy. He had brought forward this Motion in

accordance with the opinions of some of his friends, and he counted, of course, on their support. He was aware that it would not receive favour either from the Members of the late or the present Government, or from his noble Friend below the gangway (Lord J. Russell); but still, as he believed that it gave expression to the wishes of a great many hon. Gentlemen of independent opinions, who took the same view as he did, and as he acted solely on public grounds and irrespective of every consideration of party, he had thought it his duty to persevere in bringing that Motion before the House.

Amendment proposed,—

To leave out from the word "That" to the end of the Question, in order to add the words, "the change of circumstances, since the first proposal by Her Majesty's late Advisers to transfer the Government of India from the East India Company to the Crown, renders it inexpedient to proceed further with legislation on the subject during the present Session," instead thereof.

MR. GREGORY said, he owed an apology to the House for the course which he pursued the other night, in moving without notice that they should not go into Committee to consider the Resolutions of the Government this day. Perhaps it would have been his duty to give the House notice of his intention on that occasion, but he was not aware of the full extent—though he was partially—of the modifications of opinion that had taken place on this question. Though he knew that a great number of hon. Members had changed their opinions on the subject, still, till he heard the speech of the right hon. Gentleman the Member for the University of Oxford (Mr. Gladstone), he did not think that a movement on his part, such as had been made that night by the noble Lord, would have met with the support which he thought it deserved. He certainly did not expect that the Chancellor of the Exchequer would have done more than formally move that the House should go into Committee on the Resolutions this evening. The right hon. Gentleman, however, made an elaborate speech. That speech produced a debate, and the debate produced the speech of the right hon. Gentleman the Member for the University of Oxford, and, seeing the favour with which the speech of the right hon. Gentleman was received, he thought he might raise the question as to whether there should not be some delay in legislating upon so important a subject. The noble Lord the Member for London admonished him on that occasion that he was taking a great responsibility on himself in moving an Amendment of such importance without giving previous notice. He received that admonition with the spirit of deference that it became so humble a Member as himself to feel, coming as it did from so eminent a man. He also listened to the advice of the right hon. Baronet the Member for Portsmouth (Sir F. Baring), who recommended him to withdraw his Resolution; and, finding this to be the general wish of the House, he asked leave to withdraw it, hoping that on the present occasion the question might be advocated by some hon. Member of more standing than himself, which hope had been gratified by its being undertaken by the noble Lord. He stated the other night that he did not bring forward his Amendment from any feeling of party spirit, and that it was not conceived in hostility to the Government; still they might have considered that as it was directed against the Resolutions, and if those Resolutions were removed, it would have paved the way for the Bill of the noble Lord the Member for Tiverton. He could say with perfect sincerity that that was not his intention, and he trusted the wording of the Resolution of the noble Lord would convince the House that there was no wish to make this a party question. It had been said the House would stultify itself if it reversed the decision of the 19th of February, when it read the Bill of the noble Lord the Member for Tiverton for a first time by a great majority; but he did not think that would be the case, and the best way to ascertain whether it would be so or not was to ascertain the considerations which prompted the majority on that occasion. When a Bill was read a first time—an usual concession if it did not embody any particularly objectionable principle—the House reserved to itself the opportunity of discussing the main principle of the measure on the second reading, and its details in Committee. There was one opinion on which most of them were agreed when the India Bill was introduced, namely, that it was expedient to transfer the Government of India to the Crown. There was another ingredient which went to make up that majority, and it was—poor, misguided mortals as they were!—that they thought they were placing the Bill in the hands of a strong, compact, and permanent Government—a most essential consideration in carrying a Bill of such magnitude through the House. In addition to this, they had to look to the position of

affairs in India at that time. We were then in the height of the war, and it was thought that the hands of the Government ought to be strengthened in every possible method. On the 19th of February we had had hardly one rood of ground in the great kingdom of Oude that we could call our own. Lucknow remained untaken, and was defended by 50,000 men; and who could tell what would have been the effect of a single check in such critical circumstances? Without entering into any nice distinctions, as to the meaning of the word "responsibility," the House thought they ought to have some person responsible for what was going on in India, and they believed that the management of the war would be in the hands of a powerful and energetic Minister. They went on the maxim, *Ne quid detrimenti respublica capiat.* They thought it right to declare that the anomalies of the existing system should come to an end, and were anxious that the great empire of India should not be frittered away in arguments and counter arguments and rejoinders, passing to and fro between Leadenhall Street and Cannon Row. But it could not be said at this moment that we had got a strong Government. He did not mean any offence to hon. Gentlemen opposite when he said so, for the Earl of Derby himself had confessed to a deputation the other day that his was not a strong Government. But if they had not a strong Government, did any one think it possible for the Opposition to carry out the details of a measure of such magnitude as this? If it was thought by anybody that the Government could on any fixed principle of its own carry out this measure, let them reflect on the way in which the question had been treated by them. Originally the adherents of the Government were almost all of them opposed to the Bill of the noble Lord the Member for Tiverton; but then came the defeat of the late Government, and the substitution of the present Government in their place. The noble Lord at the head of the Government then, in deference to public opinion and the expressed wish of the House, consented that a Bill should be brought in—a Bill of which he would say nothing except this, that if some future chronicler of the curiosities of legislation should arise, he would find this Bill not undeserving of being placed alongside the Bill for the Prevention of Cruelty to Animals of the noble Lord the Member for Tamworth and the famous Militia Bill suggestion of the Home Secretary, and of forming a triad with them as Parliamentary curiosities of no ordinary kind. Then came the celebrated scene of the Resolutions. After two Bills on India had been brought forward, the noble Lord (Lord J. Russell) laid upon the table a series of Amendments to the Resolutions, which struck out the distinctive principle of the Bill of the noble Lord (Viscount Palmerston). He could not regard it as reflecting on the dignity of the House, or as evincing any inconsistency, if they altered their decision, when the state of affairs differed from that on which they had based their previous line of conduct. He thought that if those who were opposed to immediate legislation were able to obtain the withdrawal of the Resolutions, there would be ample time for the consideration of many useful and practical measures during the present Session.

Mr. A. MILLS said, that as one of those who had voted for the introduction of the Bill of the noble Lord the Member for Tiverton, he was anxious, with the permission of the House, to state the grounds upon which he considered it his duty to oppose the present Motion. He had listened to the arguments of the mover and seconder of this Motion, but he was utterly at a loss to understand what the circumstances were that, according to the noble Lord the Member for Durham (Lord H. Vane), precluded them from proceeding with the consideration of the question of the future government of India during the present Session. The speech of the noble Lord might well have been made in support of the Motion of the hon. Member for Huntingdon (Mr. T. Baring), and entertaining the opinion that the noble Lord did, he was surprised that he had not voted in favour of that Amendment. Looking at this subject in the interest of England as well as the interest of India, he believed they should proceed to legislate. He believed that delay in this matter would imperil our Indian empire, and that so far from circumstances having arisen rendering it advisable to postpone legislation, such change as had occurred had tended to beat down whatever arguments might have been advanced in favour of delay when the Bill of the noble Lord was introduced. It was possible that those who supported the Amendment of the hon. Member for Huntingdon might have had some reason for their fears, nor was he disposed to question the justice of some

of the arguments they advanced; but seeing that the noble Lord abstained from touching in his Bill the question of the local government of India, he (Mr. Mills) could not consider that there was any sufficient ground for opposing the introduction of that Bill. If the noble Lord had attempted to dabble with the land tax, the salt tax, and the opium duty, or any of the various questions connected with the local government of India—if he had proposed to interfere with the authority of the Governor General, or the government of the subordinate presidencies—he could not have supported him; but it was because the noble Lord's measure was confined to the home government of India, and did not affect any of those questions, that he had felt it his duty to vote in its favour, not as a measure which he considered afforded a perfect solution of the problem which it was their duty to solve sooner or later, but as a step in the right direction—a step which it was their duty to take—and he confessed that he felt much disappointed when circumstances arose to prevent the prosecution of that measure. But it was said that they had now arrived at a period when it was not desirable to legislate for India, and that circumstances had arisen that should induce them to delay proceeding until a more favourable moment arrived. He had listened to hear what those circumstances were, but in vain. When the noble Lord brought his Bill forward, it was urged as a reason for not proceeding with it that there was a mutiny in India unquelled. But if they now stopped short, and showed that for some reason they were afraid to legislate, the people would say it was not because there was a mutiny unquelled in India, but because there was some mutiny unquelled in the House of Commons. It was not for him to say who was the "Nana Sahib" at the bottom of that mutiny, or how it arose—but this he said, that in the interest of Parliament and of the people of the country, and for the honour and dignity of the House of Commons, it was of immense and paramount importance that they should not stop short in their course of legislation for any consideration such as had been urged. The late President of the Board of Control, on the last occasion that the subject was under discussion, used an argument which had struck him very forcibly. He said, that at that time there existed a circumstance which in his mind would make delay more prejudicial than it would have been when the hon. Member for Huntingdon brought forward his Amendment. That circumstance was, not only that the minds of the 180,000,000 of people in India would be unsettled, but that we had but a limited body of men possessing Indian experience, to form the practical body by whom the Anglo-Indian government was carried on, and that we could not afford to disgust or put them out of humour with their work, or keep them in suspense for twelve months while we were arranging the government at home as to what would be their position. We could not afford to tell them that the House of Commons had voted no confidence in them while we still entrusted to them the duty of carrying on the Government. As he had said, it was dangerous to the interests of the House of Commons, and inconsistent with its dignity, that it should be deterred from legislating by any such arguments as had been adduced by the mover and seconder of the present Motion. It was sometimes said that the less the House of Commons interfered in the affairs of India the better. In one sense this was true. He admitted that it would be undesirable to make Parliament the arena for hearing the complaints of Indian Rajahs and questions between the Indian Government and those who were subject to them; but, on the other hand, it would be most unfortunate if, from any feeling of indolence or party spirit, the House of Commons should say, "We will not legislate for the country that has been committed to our care—a country to which we cannot grant a representative government—and for a community that has not the power to legislate for itself." He held it to be the duty of the Imperial Parliament to legislate for the home government of India; and he would support any proposition, come from whatever side of the House it might, that was calculated to ensure an efficient home government for our Indian empire in the course of the present year.

SIR FRANCIS BARING said, he feared he was one of those whom the hon. Gentleman who had just sat down had been pleased to characterise as mutineers. Upon a question of such importance he held it to be a misfortune that he was compelled to differ with some of those who held a high position in the House; but he did not understand why, therefore, he and others who took the same view as he did upon a question which they were told and believed was not one of party, but which they knew to be one of the most important

that had ever been brought under the consideration of Parliament, should not advocate the opinion they entertained. Any hon. Gentleman who had listened to the speech of his noble Friend (Lord H. Vane) must feel that this Motion was not brought forward in any spirit of party or with any factious object. It expressed the conviction of many hon. Members that it was at least open to considerable doubt whether it was not advisable to postpone proceeding with this great question of the future government of India, at least for the present. The House must bear in mind that this was after all no easy question. Nor had they been so lucky in their legislation upon colonial matters generally as to justify them in taking up such a subject as that of Indian legislation in a rash and hurried manner. He should be warned, probably, by his right hon. Friend the late Chancellor of the Exchequer not to speak disrespectfully of the wisdom of Parliament; but a great historian, Mr. Hume, in one of his most remarkable essays, in which he dealt with the question of politics as a science, stated that a free Government always managed its dependencies worse than an arbitrary Government, and as proving that it was so, he compared the conduct of France towards its distant provinces with the conduct of England towards Ireland. Mr. Hume wrote before we had lost our possessions in America, and before we had found out by long experience that the best mode of governing a colony was to leave it to govern itself. But we could not leave India to govern itself. We must have an arbitrary government there; and was it a trifling matter—was it so easy a thing to frame a government for India of itself? But much more, was it an easy matter to dovetail an arbitrary government into a free constitution? He spoke of the House of Commons with respect, for our home government and for our home purposes there was no more admirable instrument of government than the House of Commons. But why? Because it represented the country, and governed the country it represented. But the moment they began to legislate for distant colonies and for a country of which they could know comparatively nothing, the charm of that government was lost. Then as to "the wisdom of the House of Commons," he was far from saying that it did not contain within it many Gentlemen of high character and of great ability; but why was it that it could not legislate for Canada or any other colony, as well as the Colinists themselves? Was it because the Canadian Assembly contained men of greater ability and higher talent than the British House of Commons? No one, he imagined, would contend that; but the reason was that the Canadian Assembly, by their very position, felt and knew all the wants and opinions of their fellow-countrymen, of which the British House of Commons were perfectly ignorant. If then this was the case with regard to a colony inhabited by a people of our own blood—a people of our own religion and language—if we found that even there we failed, were we to treat it as a light and easy matter when we were called upon to legislate for the government of a people with whom we had no community of feeling—no interests in common—a people of a different language and a different religion? The hon. Gentleman said there was no reason why they should not proceed to legislate at once, and had talked of the inconsistency of those who, having voted against the Motion of the hon. Member for Huntingdon, now proposed that they should stop short for the present. He (Sir F. Baring) could feel no difficulty upon that point, for he happened to be one of those who voted against proceeding to legislate when that Motion was before the House. He had voted in favour of delay when those whom he usually followed were in power, and he had seen no reason since that had led him to change his opinion, although it would appear that many hon. Gentlemen opposite had done so. But he thought that circumstances which had occurred fairly justified an alteration of opinion in those who had originally voted against delay, and who now voted to postpone legislation. He wished to avoid any allusion of a party character, but he must deal with the facts as they were, and it was impossible to escape the consideration of the position in which the House came to the discussion of the question. He would not stop to inquire whether it was a right or a wrong proceeding that a Government which did not possess the confidence of a majority in that House should hold office; but this he might be permitted to say, that the Government in its present condition was not able to perform the functions usually falling to the duty of Ministers, and essential to enable the House satisfactorily to consider so great and important a subject. Now, what were the duties and the func-

tions of the Government—he meant a Government that had a majority in the House? A number of Gentlemen enjoying the confidence of the majority necessarily had great control over the proceedings of the House, and, whether in or out of office, exercised great influence over their decisions. When these Gentlemen were, in consequence of their possessing the confidence of the majority placed in executive office, and charged with the heavy responsibilities of Government, and being a Government possessing in addition the confidence of the Crown, they formed a most important part in the deliberations of the House, especially on subjects of a great and important character upon which the hon. Members of the House were not individually or personally interested—such as foreign and colonial questions. Well, could it be said that that was the position of the Government at present? Could it be said that the Government were in a position to advise the House with weight upon this question of the Indian government, and guide them to a wise and a safe conclusion? He would not go through all that had taken place, but it would be recollected that right hon. Gentlemen on the other side, now the Government, first objected to legislating; that they next brought in a Bill themselves, and then again they abandoned it and proceeded by Resolutions. He did not charge them with anything like vacillation on that account, even "hypothetically;" but this might be fairly said, that—not because of any change of mind on their part, but because of the difficulties of their position—they had been driven to take the course they had adopted. No one who had heard the speech of the Chancellor of the Exchequer the other night could doubt what his opinions were. So far as he (Sir F. Baring) understood him, he maintained that it would be better not to legislate at all; but that if they did legislate, the best Bill they could have was, that which he had brought forward, and after defending that Bill at great length he concluded not by a Motion for its adoption but that the House should on a certain day go into Committee with a view of proceeding by Resolution. Now he could not suppose there was any Member in the House so young and so "green" as to suppose that the right hon. Gentleman in recommending that course gave that opinion he would have given, if he thought he had any chance of carrying the measure he had himself introduced. He did not, however, complain of the right hon. Gentleman. His position when he took office was one that compelled him to meet many difficulties and to undergo many mortifications which had he been brought into office by a large majority he would not have had to encounter. But the result was they had not that assistance from the Government in this case which was essential in order to guide the House of Commons to a right conclusion. A great deal had been said about the wisdom of Parliament, but he did not know what other hon. Gentlemen were in the habit of hearing out of doors about the position in which the House of Commons was placed in relation to this question—and few of us had "the gift of seeing ourselves as others see us;" but he (Sir F. Baring) heard, however, in every quarter the exclamation, "What a precious mess the House of Commons has got itself into on this India question." And was not that the opinion, too, of many Members themselves, when they were out of the House, and came to talk the matter over after having put off, for a time, "the humbug of the wisdom of Parliament"? He was sorry to say that the public out of doors did not attribute it entirely to their wisdom that the House had got into this difficulty. These were some of the reasons that induced him to vote for this Motion. But the hon. Gentleman urged that it was beneath the dignity and the honour of the House, having decided to legislate, to agree to this Motion. Now he (Sir F. Baring) thought their honour and dignity would be best consulted by getting out of this difficulty as well and as soon as they could. It was not a wise course to persist obstinately in a blunder from a notion that it would be undignified to retreat. Besides he was afraid the argument came somewhat too late, for if the hon. Member looked at the course of business during the present Session, he thought he would find the dignity of the House already gone. The Assassination Bill had been brought in by a larger majority than even the India Bill, but what had become of it? It was buried with their dignity. That was not all. An hon. Member moved an Amendment upon that Bill, which was not even pressed to a division. A subsequent Amendment was moved by a right hon. Gentleman, the author of all mischief. He wished not to dwell upon these events, and would touch upon them as lightly as possible; but if any hon. Gentleman would

refer to the two Motions he would find the difference between that Amendment and the other was of the slightest, and that there was (as was sometimes the case in that House) the greatest ingenuity exercised in the endeavour to say the same thing in different words, so that the two things which were alike might not appear to be alike—and "the dignity" of the House rejected the one, and "the dignity" of the House adopted the other, and by so doing turned out the Government. Then as to the India Bill—they voted in the first instance that a Bill should be brought in, and that they did by a large majority. Then they voted that another India Bill should be brought in—and then again, at the instance of his noble Friend the Member for London, they voted that to proceed by Bill was not the proper course—and thus, after voting twice that they ought to legislate by Bill, they put their dignity into their pockets and determined to proceed by Resolutions. But he was told, that having gone so far, if they did not proceed to legislate they would leave India without a government, and that the greatest confusion and danger would arise, and he had heard, as everybody else had heard, that upon the receipt in India of the intelligence of the vote on the Motion of the hon. Member for Huntingdon, and the change of Government confusion would reign from one end of that country to the other. ["Oh!"] He was only speaking the language which every one who had access to the usual channels of information had read, but as to which his mouth was shut. Now this was a serious and important question. He quite concurred with those who regretted that any Bill on the subject had been introduced in the present Session—for he feared that the effect would be to unsettle men's minds in India. But when he was told of the fear of the consequences of not legislating, he wanted to know what were the consequences they had to expect from legislating? How would legislation such as shadowed out by the Bills before them tend to settle men's minds? He supposed there was no danger of revolution on the part of the East India Company. Cannon Row and Leadenhall Street, he presumed, would go on without a pitched battle, notwithstanding there should be no legislation. But what were they going to do? And this was one of their great difficulties in so far as India was concerned, that they raised questions, but settled nothing. Who were the parties in India they had to consider, in making any change in the Government of India? First, there was the civil service. What did they propose to do with the civil servants? They made great alterations at home; but with regard to the civil servants in India they settled nothing. Did the House suppose that the minds of these civil servants were not unsettled by what had taken place? When a Bill was introduced which would greatly affect them, by which the whole Government was to be changed, were they not to know what their position was to be under the new order of things? Would the Bill settle this danger? Everybody knew that the noble Earl at the head of the Board of Control was supposed to look with no very great favour upon the civil service of India; and what would be the position of that service, under the new form of Government, must naturally be a subject of great anxiety, therefore, with those who belonged to it. But there was a much more serious question to be considered. We had an army in India. In whom was the administration of that army to centre? Was it to be under the Horse Guards or the Local Government of India—or the President and Council? Was there no difficulty in respect to the army? Did they suppose that the officers of that army, who were now fighting our battles so gallantly, would not look with anxiety to the great change which they were told in some quarters was to be the means of introducing such great economy into the government of India? Did they suppose that those officers would not be anxious to know how that economy would affect them? Was this pacifying India, or was it not rather making "confusion worse confounded" to introduce a system which said nothing as to the mode in which the rights of parties were to be secured for the future, but threatened all parties with future changes? But was it the officers only? To whom was the military oath given? With whom was the contract made, both by the European and the Native soldier, when he entered the British service? It was the Company, and not the Crown, that the soldiery had contracted to serve; They could hardly propose to transfer an oath by Act of Parliament. Was it wise, then, in the present state of India, to raise a question which would release the soldier from his contract? But was that all? What did they say of the Native popula-

tion? Would their Bill produce confidence in them? If he had heard of anything, or if he had dreamed of that which was so popular among a certain class of Englishmen in India, it was that India was henceforth to be governed for the English. Would not the knowledge of that demand have any effect when they passed a Bill which made no provision for the manner in which the people of India themselves were to be dealt with? Had they heard nothing of the petitions which had been presented against caste, and the connection of the Government with the religion of the Natives? Did they suppose that that would produce no effect on the minds of the Natives. Did they suppose that the Native population would no tlook to these matters, and that confusion and uneasiness could not be raised in their minds? And did they suppose their Bill, which settled some small questions and was founded upon the difficulties that had arisen in getting from Leadenhall Street to Cannon Row, would produce quiet upon all those subjects? The Bill might settle the East India Company, it was true; but the parts of the subject that it left untouched he believed to be the most dangerous and difficult with which they had to deal; and he regretted when they proceeded by Resolution they did not endeavour to remedy the evils, and pacify and soothe the feelings and doubts that a Bill for the change of the Government of India would naturally create. He was not there as the advocate of the East India Company. From both sides of the House they had heard praises of the East India Company's Government, and he thought hereafter there would be but one opinion as to the remarkable fact that a Company of that nature and constitution, whatever they called it, had been able to build up an empire such as they had acquired, and administer a Government of such extent, and so nobly. But there was another subject to which posterity would look with curiosity, and that was why, after seventy years of good government, the East India Company had been condemned by Parliament, they would then read the speech of the Minister who brought in the Bill to put an end to that Company, and find that the grounds of that Bill were that there was some small distance between Leadenhall Street and Cannon Row, and that there was a good deal of money spent in cab hire and steam boats in consequence—that there was a double government (though right hon. Gentlemen on the other side of the table knew very well that there was not an office in the country that had not a double government)—such were the petty reasons which posterity would find with astonishment were the grounds considered sufficient justification for the abolition of a Company that had governed with so much ability and so much advantage to the empire at large.

MR. MILNER GIBSON said, that he should not have ventured to trespass upon the time of the House upon this Motion, seeing that they were almost prepared for a division, had not his right hon. Friend who had just spoken given him the very peculiar title of the "author of all mischief." He certainly never felt more gratified in his life than when he found that he had successfully accomplished that piece of mischief which ended in the destruction of the Conspiracy Bill of the late Government. He was opposed to that Bill, and he took the course which he thought best calculated to defeat it. The course which he adopted was successful. No doubt other consequences ensued also, but his object was the defeat of that measure, and in that object he succeeded. His right hon. Friend seemed to yearn as it were after a species of dictatorship in that House; but he (Mr. Gibson) was not inclined to complain of a Government for deferring to the opinions of Parliament and consenting occasionally to take advice from others, instead of insisting that their will without question should be the only guide. He thought that the time was approaching when Parliament would more and more advise Ministers, and when Ministers would less and less dictate to Parliament. He regarded it as a subject for congratulation, that the Government of the day showed themselves willing to take the House of Commons into their councils; and he could tell his right hon. Friend that the Government of the noble Lord the Member for Tiverton would not have fallen if they had adopted that principle. Until he heard the speeches which had been delivered in favour of the Motion before the House, he thought, perhaps, that something might have been said for it; but he declared positively that he had not heard one good argument in favour of the particular proposition under consideration, which was, that they were not to change the Government of India, that they were not to legislate, that they were not to attempt to do anything at this precise moment—it being the month of April, and there being

before them four months of a Session of Parliament. But there were reasons, no doubt, for delay in legislation—such, for instance, as a total absence of information, and an ill-constructed measure. Those reasons had not been assigned in the present instance. No one could assert that it was not in their power at that moment to obtain all the information necessary for legislating with a view to a reconstruction of the home Government of India, not of course the local Government; but that power in England, which exercised a controlling jurisdiction over those in India to whom authority was intrusted. He was a Member of the Committee that sat in 1853 upon Indian affairs, and was confident that if hon. Gentlemen would refer to the evidence given before it they would find even there all the information necessary to guide them to a sound decision with regard to the government of India. He thought the noble Lord the Member for the City of London had suggested a course which, of all others, was the best calculated to prevent precipitate legislation. Why had Bills to pass through the several stages of a first reading, a second reading, Committee, and a third reading? In order, of course, that opportunities might be afforded for a minute and adequate examination and a full discussion of them. When a measure was of great importance and very complicated, another stage was added, and a further opportunity was given to discuss it, with a view to wise legislation. He, therefore, thought that the course suggested—namely, that of proceeding by Resolutions, inasmuch as it furnished another stage in which all the points might be discussed *seriatim*, was the best and most practical that could be adopted for arriving at sound legislation this Session. He did not consider it an evil that the Government had made a change in their course of proceeding on this question; and inasmuch as they had been publicly informed by the right hon. Gentleman the late President of the Board of Control that the noble Lord the Member for the City of London suggested that course previous to the introduction of the India Bill of the late Government, and as he still retained the opinion that it was the wisest and most proper course, he (Mr. Gibson) was induced to think with increased confidence that it was one that would lead to successful legislation. He wished to ask one question, and that was, why had hon. Gentlemen advocated delay? Was it not because they wished to prevent the abolition of the East India Company? Was it not their object to defeat the India Bill? A great writer upon political fallacies, Mr. Jeremy Bentham, said that he never knew an instance of a demand made for delaying the passing of a measure in which the person making that demand was not desirous of defeating it altogether. The right hon. Gentleman the Member for Portsmouth had dealt in another species of argument besides that of procrastination—namely, that mentioned by Jeremy Bentham as the hobgoblin argument, for he had introduced much extraneous matter to frighten them from a calm consideration of the subject. He (Mr. Gibson) hoped that the House would early arrive at a division on the Motion, in order that they might proceed without delay to the main business—namely, the discussion of the Indian Resolutions.

Viscount PALMERSTON: Sir, I presume that as those who sit upon this bench were the first to introduce a Bill upon this subject, and those who sit upon the opposite side were the first to object to our proposal, so ought we also to be the first to express our intentions with regard to the Motion of my noble Friend. I have no hesitation, therefore, in saying, that I intend to oppose the Motion of my noble Friend. I entirely agree with the hon. Member for Taunton (Mr. A. Mills), that it would be inconsistent not only with the interests of the country, but with the honour and dignity of this House, if, after all that has passed, we were to retrace our steps, and to do nothing upon the subject of India this Session. My noble Friend puts his Motion upon the ground of a change of circumstances. Many circumstances certainly have changed; I address the House from this, instead of from the other side of the House. That change of circumstances may have its results, but I cannot admit that that is any reason why we should not go on with the measure for the government of India. Hon. Gentlemen may have more or less confidence in the Government that now occupies the Treasury bench. They may think with the right hon. Gentleman who has just sat down that the more the Government needs, from its own inherent weakness, the assistance of Parliament, and the more it is therefore compelled to take Parliament into its councils, the better. Well, that is no reason why we should delay this measure. I may observe in passing, with regard to my right hon. Friend's com-

plaint, that the late Government did not sufficiently take Parliament into their councils, that if he will only look back to the division list, he will see that upon great questions we had as large majorities (implying that Parliament was of the same opinion as ourselves) as have fallen to the lot of any Government in modern times. Sir, I will not enter into the question, whether the course adopted by the Government was the best. My opinion undoubtedly was and is, that when they withdrew their Bill, it would have been more fitting for them to bring in another Bill, instead of calling upon the House to go into Committee upon Resolutions. But, as things now are, I am perfectly ready to go into Committee upon the Resolutions, and to consider them with a sincere desire to make them as consistent as possible with what appears to me at least to be sound legislation upon the subject. But I do entreat the House to consider what would be the consequences of agreeing to the Motion of my noble Friend. The speech we have just heard from my right hon. Friend the Member for Portsmouth (Sir F. Baring) is not a speech in favour of that Motion—which is to delay legislation for this Session—nor is it a speech in support of the Motion of the hon. Member for Huntingdon (Mr. T. Baring), who wanted to put off legislation this year. It is a speech against legislation at any time. His arguments might be as reasonably employed in opposition to any change at any time during the present arrangements of the home government of India. My right hon. Friend will therefore, I think, excuse me if I forbear from answering arguments which do not apply to the question before the House, but which go far towards a result which I am persuaded no one who heard him is at all disposed to approve. Sir, the ground upon which the present Government, when they came into office, determined to alter their intentions with regard to the government of India is perfectly sound and reasonable. A noble Lord in another place stated that, originally, they were adverse to legislation, but as Parliament by a large majority affirmed that legislation should take place, the authority of the existing Government in India would be so shaken by that vote, that he felt it right to give up his own opinion, and to concur with those who thought legislation should take place. I entreat the House to consider what would be the consequences of our leaving India in its present disturbed state, with a system of government condemned not merely by one, but by two Administrations, and not only by an immense majority of the House of Commons, but by public opinion generally. I entreat them to consider how weakened in its moral strength the Indian Government is, by all these circumstances, and how hampered it must be by its own doubt as to the duration of its authority. I am persuaded, from all we hear, that a change from the authority of the East India Company to that of the Queen would have a most salutary and powerful effect upon the native mind of India. I am convinced that the Natives would regard with infinitely greater respect and attachment the authority of the Queen than that of a company of merchants,-however respectable. And I venture to say, that there is not an officer or a man in the Indian army who would not feel prouder, if he were told he was in the immediate service of his Queen, than he now feels in serving the Company. In fact, we know very well that the local army of India does entertain a certain sense of inferiority on comparing itself with the Queen's army, with whom it serves in the field. These facts alone are sufficient justification for the proposed legislation; but there is another consideration which I think ought not to be forgotten. The mutiny is nearly suppressed. Those acts of severity and vengeance which were necessarily incidental to the state of things in India, we may hope will soon terminate. The period is fast approaching, when it will be the duty as well as the pleasure of those who administer India to allow clemency to take the place of punishment, and to make a distinction between those whose offences are unpardonable, and those as to whom a different system ought to be pursued. That change would come with more grace and effect from the Sovereign of this country than from the present authority. It would be a most fortunate thing, I think, when these occurrences are brought to a close, to be able to announce to the people of India that the Government had been changed, and that they were then under the beneficent sway of the Sovereign of England, and that to that authority their allegiance would henceforth be due. I concur entirely with my right hon. Friend in the hope that the House is prepared to come to an early division upon the subject. There can be no doubt what that division will be, and I am only anxious to hear

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that Her Majesty's Government share the opinions which I have just expressed, and that they are prepared to stand by the measure which they have proposed, and to resist the Motion of the noble Lord.

Lord STANLEY: Sir, I think that I am bound upon the part of Government to acknowledge, in the first instance, the perfect fairness and the entire candour with which the subject has been brought before us by the noble Lord. It must have been evident to every one who heard him —as it was to me—that to him, as I hope to all who possess and who deserve to possess influence in this House, the question presented itself, not as one out of which political capital could be made or upon which a party discussion could be raised, but as one which involved a result no less momentous than the safety of an empire. When, however, I turn to the arguments which were adduced by the noble Lord, I confess that I am utterly unable to appreciate their value or their weight. What has fallen from the right hon. Gentleman the Member for Portsmouth (Sir F. Baring) is, indeed, intelligible enough. From the tenour and spirit of his speech it is clear that he considers, and, in fact, he has told us in express words, that we are unable and unfit to legislate for India. [Sir F. Baring: Hear, hear!] He has told us that the dependencies of free countries are badly governed, and he has said something, with which I cannot wholly disagree, as to the difficulty of connecting an absolute Government like that of India with a free constitution like that of England. That, Sir, may be so, and, as the right hon. Gentleman says, there may be difficulty in so doing; but the difficulties of 1858 are not greater than will be those of 1859, so that if on that ground there is an objection to legislate for India now, there will be equal objections in any future year. Then, again, we have been told of the general difficulty and perplexities involved in an attempt to change the government of India. Now, no man who has considered this question, however slightly and superficially, can deny that it is one of the most complicated and difficult questions which has ever been brought before Parliament. But are the difficulties likely to be diminished by delay? Is the Indian question one which will settle itself if it be left alone? Is not delay likely to increase rather than to diminish the difficulties and complexities already existing, and to increase the magnitude of any danger which may impend over us at present? Well, then, it is said that great differences of opinion exist upon this subject, and that is urged as a reason for delay; but I fear that if we wait until there shall be, I will not say absolute unanimity, but an approach to unanimity of opinion upon the subject among the leaders of this House, we shall have to wait a very long time for any reform in Indian administration. Why, Sir, there was no such unanimity in the year 1783, when the Board of Control and the double Government were first established, and when the question of its establishment was at issue between the two great Parliamentary leaders of that day. There was no such unanimity of opinion in 1833, when the Company ceased to be a trading body, nor yet in the debates upon the government of India which took place five years ago. Then, again, it is said that this is one of those questions with which only a strong Government is qualified to deal. Now, that is rather a delicate topic to touch upon, and, perhaps, at the present day it would be difficult to say what constitutes a strong Government; but there is one distinction which I may be allowed to draw, and that is that it is very possible that a Government strong as regards domestic affairs might not be able to inflence the House of Commons to an equal extent upon an Indian question, and for this simple reason—for strength a Government depends upon the support of those who agree with them in political opinions, and in most questions of home administration the principles upon which parties are formed are brought into play; but that is not the case with regard to the administration of Indian affairs. We have reason to believe—indeed we have proof of it in the events of the last few years—that there has existed and does exist a wide difference of opinion upon Indian subjects among those who upon English questions generally think alike, and so conversely as regards Indian affairs there may be general agreement between those who upon home questions generally differ from each other. I think, therefore —and I use the argument without reference to any particular case—that we should not be justified in laying down the general rule, that no Government but one which can command a large majority upon English subjects has a right to deal with large subjects of Indian policy. We are told, again, that public opinion has not yet declared itself upon the question. Now, let us consider fairly what we are to expect,

and what is meant by public opinion declaring itself on a question relating to India. We know that on questions of domestic policy, which affect the interests of large numbers of persons out of doors, popular opinion is expressed by petitions to this House, by public meetings, and through the press; and that this House in most cases wisely follows, instead of attempting to lead, the general opinion of the community. But the manner in which India is governed does not personally affect a very large number of persons out of doors, and I do not think that it is at all likely that strong popular pressure will ever be placed upon any Government or upon any Parliament to compel them to take up Indian reforms. No doubt, at the present moment, great and wide interest is manifested in regard to India; but that interest has arisen partly out of recent debates, and to a much greater extent out of the late occurrences in India itself, which have turned all eyes and thoughts to that country: and, if we may judge of the future by the past, that feeling of interest is only temporary and will be greatly diminished when the circumstances which created it have passed away. I think, therefore, that the fact of there being at present a greater interest felt in Indian affairs than there was two years ago, or there is likely to be two years hence, is a very strong reason why we should not delay legislation. As to further inquiry being necessary, I do not think that anyone who served upon the Committee of 1853, or who remembers how long that Committee sat and how carefully the investigation was conducted, or who recollects the huge volumes which were placed before them for their assistance, the result of the labours of former Committees—I do not think that any one who bears in mind the duration of the debates of 1853—they lasted, to the best of my recollection, over twenty nights—or the minuteness with which all the details of the measure brought forward in that year were discussed, can be of opinion that we stand in need of further information. I may be told, Sir, that petitions have been presented to which we are bound to pay respect, and that those petitions pray for delay and further consideration; but to that my reply is, that those petitions themselves contain plans for a new Government for India, and what the petitioners ask for is, not that they may have more time to make up their minds—for their minds are made up—not that they may avail themselves of farther information, for they are quite satisfied with the information they have already—but they ask that the House will consider the principles laid down in their petitions—which I for one shall be ready to do—and that having considered, it will act upon them. Well, Sir, I now come to what I have always considered the most serious part of the question—I mean the presumed danger of unsettling men's minds and thereby creating disturbance and confusion in India. I don't treat that as a purely imaginary risk. I confess that, if I had had the honour of being a colleague of the noble Lord opposite when he introduced his Bill, the sense of that danger would have weighed very much with me; and, although I did not take so desponding a view of the matter as was taken by some hon. Gentlemen—for I voted with the noble Lord—at the same time I was much inclined to think that if the question had never been stirred by the Government of the day, it would have been better not to interfere with the government of India until the mutiny should be suppressed. But that, as it seemed to me, was a plea no longer available from the hour when the late Government brought forward their plan. It was even then too late for Parliament to interpose. The question had been mooted—men's minds had been unsettled—the existing administration of India had been formally condemned by the highest authority in this country; and I felt then, as I feel now, that to maintain the prestige of an administration so condemned was out of the question. The same reason which would have led me, had I been a member of the late Cabinet, to hesitate before moving in this matter in the first instance, leads me now, when the whole question has been opened and unsettled, to wish to see it settled again as quickly as possible, and in the only possible manner. As to the feelings of the people of India, I do not think that any man in this House can pretend to know what is the real effect produced upon the Native mind by any discussion which takes place here. I have heard it argued—and no doubt the argument appears very plausible—that great encouragement would be given to the insurgents now in arms against the British Government, if they were led to believe that the Company against which they were contending had lost its power. But I think that a more disastrous effect would be produced in the minds of those insurgents if they heard, not, indeed,

that the power of the Company was taken away, or its authority transferred to the Crown, but that an attempt had been made by the Government of this country to take from the Company the government of India, that the Company had resisted that attempt—that the Company had powerful friends—that a struggle was taking place—that parties were nearly balanced—and that the Company was holding its own against the authority of the Executive, and against the expressed intention of the Minister of the day. That is the aspect in which these proceedings will be viewed by them. I say, Sir, that if we are seriously to consider the effect which our legislation may have on the Native mind of India, we must recollect this—that the one greatest danger we can incur is that of producing upon the Native mind the impression that disunion and division exist in the British Parliament. That was, no doubt, a fair argument for not raising this question at first. But the question having been raised, and it being notorious to India, as to Europe, that it has been proposed to transfer the Company's power to the hands of the Crown, I confess I think that the only safety and the only wisdom lies in completing the undertaking which we have begun. When the right hon. Gentleman says that, however simple might be the changes we propose, they would be regarded by persons in India, both Europeans and Natives, and particularly by Natives, as intended to lead the way to much greater changes; that it would be supposed, if we were to legislate now, that we meant to legislate in the spirit of those with whom I own that I have no sympathy—whose object is to govern India for the benefit of the English in India, and of the English alone—I say that if any such apprehension, any such vague alarm pervades the native mind of India, the only way to allay that alarm is to show what your Bill really is, and to make it plain what kind of legislation you mean to adopt. Carry out that legislation, I do not say as rapidly as possible, but as rapidly as is consistent with sound reflection and mature deliberation; and, having passed your measure, send it forth to England and to India with the assurance that, so far as your present intentions are concerned, the change is meant to be final. There is only another point which I shall touch, and it is a very obvious one. We must look a little to the state of the country and of this House in considering what is the best time to enter upon so large a work as that of legislation for India. There is not now before the House any proposal for great organic reforms of a domestic nature; there is no excitement or agitation in the public mind; there is peace in Europe; and we are still at a comparatively early period of the Session—at least six weeks earlier I believe than when the right hon. Gentleman the late President of the Board of Control introduced his India Bill five years ago. The best part of the present Session is still available; and I need not tell the House that, whatever may be the political events of the season, it is not, and cannot be, certain that we shall have an equal amount of leisure at our disposal in any other year. I think I may say in conclusion, that if the Government had simply consulted their own case—if they had desired merely to save themselves trouble, and to avoid the difficulty and embarrassment which must necessarily attend the carrying through Parliament of a measure of this description—their plain and obvious course would have been to accept the Resolution of the noble Lord, and thereby to relieve themselves of a responsibility which, be it observed, they did not originally take upon themselves, but which they inherited from those who preceded them. Sir, we have not adopted that course. We thought we had a duty to perform—that a responsibility had devolved upon us; that from that responsibility, though Parliament, if it so pleased, might release us, it was not our right, nor was it in our power, to release ourselves; and, having undertaken the task, we will, with the favour of this House, acquit ourselves of it to the best of our ability.

Question put, "That the words proposed to be left out stand part of the Question."

The House *divided:* — Ayes 447; Noes 57: Majority 390.

Lord JOHN RUSSELL said, it had been suggested to him that the Amendment of which he had given notice upon the sixth Resolution, that the Members of the Council "should be appointed by Her Majesty, and, with the exception of the Secretary of State, should hold their offices during good behaviour," would raise two questions—first, that of appointment; and secondly, that of tenure. That objection he thought just; and, as he only wished to raise a simple and direct question with regard to the mode of appointing the Council, he would put his Amendment in this form—

"That it is expedient that the Members of Council should be appointed by Her Majesty;" and it would then raise the question, whether all the Members of Council should be appointed by Her Majesty or not.

Main Question put, and *agreed to.*

House in Committee; Mr. FITZROY in the Chair.

THE CHANCELLOR OF THE EXCHEQUER said, the first Resolution he had to submit to the Committee embodied a principle which he believed would be recognized by a vast Majority of hon. Members. It was—

"That, as the Territories under the Government of the East India Company are by Law to remain under such Government only until Parliament shall otherwise provide, this House is of opinion that it is expedient that the transfer of such Government to the Crown should now take place, in order that the direct superintendence of the whole Empire may be placed under one Executive authority."

He need not remind the Committee that, by the Act of 1853, the authority of the East India Company was continued under the condition referred to in the Resolution, and he had endeavoured to frame the Resolution in such a manner as clearly to express its object. The right hon. Gentleman then moved the Resolution.

MR. MANGLES said, that he feared he undertook a hopeless task in opposing a Resolution which he believed, with the right hon. Gentleman who had moved it, would obtain the concurrence of a great majority of the Committee. He felt it, however, incumbent upon him to vindicate, to the best of his humble ability, the character of that form of administration with which he had been connected, either as a servant or as a member of the Court of Directors during many years. He asked, therefore, the indulgence of the Committee, as, during the debates which had taken place on this subject, he had never had an opportunity of speaking upon the general question, except when he had been provoked into rising, perhaps unwisely, at a late period one evening, in consequence of some statements made by his right hon. Friend the Member for Radnor (Sir G. C. Lewis) which appeared to him to be wanting in the calm philosophy, as well as in the equity and candour, which usually distinguished the right hon. Baronet. He thought the right hon. Gentleman had not fairly represented the conduct of the Government of India before it fell under the more immediate control of the Crown, and he then endeavoured, very imperfectly, to reply to the speech of the right hon. Baronet, without entering into the general question. He would now state the reasons which, as it appeared to him, should lead the Committee to pause before they took the administration of India out of the hands of the great corporation which, as it had been truly said, won that vast empire for England, and had, as he conscientiously believed, administered its affairs with wisdom and advantage. He would take, as his text, a passage in the speech of the right hon. Baronet, made on the occasion to which he referred:—

"It is not at moments of calm and prosperity that defects in our institutions are discovered. It is only when the stress comes that we are able to try the strength of the vessel—it is in times of difficulty that we perceive the defects of our institutions, and I cannot conceive how hon. Gentlemen find it hard to comprehend that an institution should escape attention and be suffered to continue in a defective state at times of peace and quietude, but that the Government charged with the responsibility of affairs having discovered the weakness in the governmental system of India should come forward and ask that it should be strengthened in moments of danger."—[3 *Hansard*, cxlviii. 1343.]

Now, he confidently joined issue with his right hon. Friend upon the question whether the Government of India, during the last year, in a season of the greatest emergency, in a crisis of unparalleled difficulty, had shown the weakness which the right hon. Gentleman had alleged as a sufficient—and almost the only justification of the course proposed by the late Government. He thought the right hon. Baronet, who, although he had not himself been a Member of the Administration which had the conduct of affairs during the Crimean campaign, was connected by office with those that were, had taken a somewhat bold position in asserting the weakness of the Government of India, as a sufficient cause for cashiering it. He (Mr. Mangles) would ask the Committee to mark how the Indian Government had sustained the shock of that fearful hurricane which had suddenly burst upon it. If they looked to the siege of Delhi they would see that the greatest arsenal of India had fallen into the hands of the mutineers. The question was, not how that arsenal fell into their hands, or whether it should not have been better protected in the first instance; but if such a question were raised he would be prepared to meet it. He thought, however, it was sufficient for him to say that the Commander in Chief in India, who was more especially respon-

sible for the safety of the arsenals and fortresses of that country, was always appointed by the Crown, without any interference on the part of the Court of Directors. As he had said, the great arsenal of the North-Western Provinces was in the hands of the mutineers. Every soldier brought by the Indian Government before Delhi, was in India when the mutiny broke out. There was therefore no assistance from without. Now, he appealed to the Committee, and to every man conversant with the history of the period, whether the operations before Delhi were conducted in a manner which indicated weakness or inefficiency on the part of the Indian Government, or of its military system. Was there any insufficiency of money for the pay of the troops, or in the munitions of war? Before Delhi, it was true, the troops had not to face the inclemency of a Crimean winter; but they had to fight under the burning Indian sun during the hot season, at probably the hottest station in the North-Western Provinces, and during the whole of the rainy season, when Delhi was proverbially unhealthy. The public had not heard of any green coffee before Delhi; of any cavalry horses eating each other's tails for want of proper provender, or disabled for active service by sore backs; of whole regiments of dismounted dragoons, their horses having perished for want of proper forage; and of whole regiments of shoeless men. They had not heard of any of that neglect which marked the administration of affairs in the Crimea. He challenged contradiction when he said that from the beginning to the end of the siege, though their greatest arsenal was in the hands of the mutineers, there was no deficiency in any one article of the munitions of war, and that there was even superabundance of provisions. Then, look at the events which followed the siege of Delhi. With what rapidity the columns of Greathed, and Showers, and others traversed the country. Was there any deficiency in the means of carriage and transports for furthering the march of those troops? Why, some of the marches of the two brigadiers he had mentioned were the admiration of the military world for their extraordinary rapidity. Hon. Gentlemen, too, must recollect the rapidity with which the Guides came up from Peshawur to Delhi, marching, even in the hottest weather, at the rate of forty miles a day. Then, again, did the state of the Punjab during the siege of Delhi indicate any of that weakness in the Indian Government which would justify the remarks of the right hon. Gentleman? Had the administration of the Punjab in the hand of Sir John Lawrence been weak or inefficient? Could this be said, either, of the frontier of Peshawur in the hands of Colonel Edwardes and General Cotton, or of Lahore, administered by Mr. Montgomery? With the exception of a petty insurrection in a jungly part of the district near Mooltan, not a finger had been raised against the Government throughout the enormous Provinces so lately annexed to our empire. In a letter from Mr. Montgomery which reached him by the last mail, that gentleman said, under date of the 12th of March, 1858, that all was perfectly tranquil in the Punjab, and the people were never so contented. Seven hundred cart loads of plunder from Delhi—perhaps this was one reason of their contentment—were said to have entered the country of the Sikhs within the last three months. Mr. Montgomery added that there was a prospect of a most abundant harvest, and corn was so cheap that for one rupee a person could get sufficient for a month's consumption. He would now ask the House to turn from the Punjab to a province acquired still more recently—he meant Pegu. Necessarily denuded by Viscount Canning of a great part of its English troops, which were called to scenes of greater danger, that province had remained in a state of uninterrupted repose from the first outbreak of the mutiny to the present hour, though it was surrounded by wild tribes, and the Burmese, its old masters, were in force on our frontier. Again, to return for a moment to the Punjab, the Committee must not suppose that the only dangers of that country arose from the possibility of discontent among the population within its borders. On the north-western frontier of the Punjab there were wild and ferocious tribes always ready to plunder their more peaceful and prosperous neighbours. During the whole period of the mutiny, however, through the ability of Colonel Edwardes, and the great skill and high reputation of General Cotton, these tribes were kept in check, and the country had been held in peace without the assistance of a man from England. Did that indicate any weakness on the part of the Government? The state of things in Scinde, with the wildest tribes all around it, had been precisely the same,

thanks to Mr. Frere and his coadjutors. Then, with respect to the Doab, the Chief Commissioner (Colonel Frazer) said :—

"Popular feeling, especially amongst the Hindoo population in the old trans-Gangetic districts, is represented to be strongly in our favour."

Mr. Muir said—

"The collections are coming in wonderfully. Already one and a quarter lacs have come in, and the collector expects to have cleared off the whole balances of May and June for the division. The country is settling down."

With regard to the great city of Muttra, he said—

"Muttra is a marvellous instance of loyalty to us. Not a soldier of ours has it seen since the mutiny broke out, excepting the two companies of the 44th and 67th, which mutinied and went off to Delhi; yet, whenever the actual pressure of the mutineer forces has passed away—our officers have been recognised as rulers of the submissive city."

Was that state of things a proof of weakness on the part of the Indian Government? He would too, with the permission of the Committee, quote a letter from an officer of high reputation in the Bengal Horse Artillery, who possessed this remarkable distinction—he commanded a troop of Native Horse Artillery, almost every one of whom was a Mahomedan. He was in England on sick furlough when the mutiny broke out; but, like a true soldier, instantly returned to India, and his troop remained faithful during the whole siege of Delhi. Although deprived of their own field guns as a measure of precaution, they volunteered to go into the trenches to serve the heavy ordnance, and when the storm of the city took place they entered and fought throughout the terrible six days of street combat with the utmost fidelity, and without the desertion of a single man. The officer in question was Lieutenant Colonel Smythe; and as he thought the testimony of one who possessed such an influence over his men deserved to be listened to with respect, he would read his letter, dated from the camp near Roorkee, Feb. 22 :—

"The telegraph will convey to you much later news than I can give you, so I will only tell you what I have seen during my passage through the country. I last wrote to you from Cawnpore. Thence I was sent as chief staff officer with a column of 2,500 men, under Brigadier Walpole, to clear the banks of the Jumna and reoccupy Etewah and Mynpoorie. We had really quite a triumphant march through the district. Brigadier Walpole (brother of the ex-Minister, and by far the most able officer sent out to India) instinctively saw what was required to re-establish the civil power and restore confidence in the minds of the people; and the consequence of keeping his troops from plundering and preserving a strict discipline was, that our camp was supplied with everything required, and the disaffected and those who had been in arms against us, given up to the magistrate. On one occasion, when 300 men were sent to seize some rebels at a certain town, the whole inhabitants were seen deserting it. The magistrate (Captain Bradford) galloped into the place to explain what we had come for, and in the course of half an hour the shops were all open and the inhabitants had returned; the latter brought out to the soldiers milk and sweetmeats, and in many cases refused payment. Old men came on the roadside to see us pass by, saying they had never seen a European soldier before, though they had heard their fathers talk of them in Lord Lake's time, and also when the cholera first was known. To any unprejudiced mind there cannot be the slightest doubt that the re-establishment of order and our rule is hailed with pleasure by the mass of the population, and by the most respectable part of it. The revenue has never been so easily collected. It seems as if every village wished to show its loyalty by bringing in at once the half year's rent. This desire of giving pecuniary help—for we may call it so—I observed also in Behar. About Gya the opium cultivators refused to take advances, but bound themselves to produce the usual quantities."

Such was the testimony of an officer who was a thorough linguist, who had had considerable experience of India, and he should again ask his right hon. Friend, whether it furnished proof of the weakness of the rule of the East India Company in that country? And how stood the case of Bengal, the oldest of our provinces? He recollected that last Session a very animated debate—arising out of the presentation of a petition from the missionary body representing the state of Bengal as most perilous, and dwelling upon the hostility of the ryots against the Government in consequence of the oppression under which they suffered—had taken place in that House. He had then ventured to deny the justice of that statement, and it had since appeared that, although there was not an English soldier — except in Fort William — between Calcutta and Patna, the population of that district had refrained from breaking out into rebellion, which must have been the case had it been ill-disposed towards the Government, inasmuch as there was no force except a very weak police in the proportion, perhaps, of one policeman to 20,000 of the inhabitants, by which it could have been restrained. He had also upon another occasion, and in another place, ventured to express it as his opinion, that the state of feeling among the Natives

of Bengal was favourable to the Government, and the consequence had been that Dr. Duff, one of the missionaries (and a gentleman for whom he entertained an unaffected esteem and good will), had published a letter in the newspapers, in which he had attacked him in the severest terms for having given utterance to that opinion. He had begun by addressing him in the most respectful manner; but before he had come to a conclusion, his tone had become altered, and he had styled him by such titles as "the Magnate of Leadenhall Street, and the Potentate of the Banks of the Thames." Dr. Duff had referred to the cases of Dacca and Chittagong, remote districts of Bengal, by way of refutation of what he had stated, and had observed that the opinion to which he (Mr. Mangles) had just alluded, had scarcely been expressed when an insurrection had broken out in those districts. Now it was, he admitted, true that the detachments of Sepoys which had been stationed at the two places in question had mutinied; but then they had not been in the smallest degree supported by the sympathy of the people, whose aid, upon the contrary, had been afforded to the authorities at Dacca in driving them from the spot. And that was the whole question. He (Mr. Mangles) had said, "where no Sepoys, there no insurrection." Dr. Duff directly contradicted this position; and then proceeded to substantiate his own opinions by citing two cases in which detachments of Sepoys had mutinied. Dr. Duff went on to state, that at Patna, had it not been for the great energy which had been displayed by the Commissioner, Mr. W. Tayler, there would have been a terrible insurrection. Unfortunately there was a rising there one night, and one officer lost his life; but the affair lasted but a few minutes, and was not at all of a very serious character. A relative of his (Mr. Mangles) went down with a few Sikhs in a short time after, but the whole affair was over in a quarter of an hour. There were some, however, who maintained that it would have been a wiser policy on the part of Mr. Tayler to have left the inhabitants more to themselves and not to have exercised in their regard such extreme rigour. Be that as it might, he thought that the conduct of the inhabitants of Bengal clearly proved that they were not disposed to be hostile to the Government. Then in two of the districts of the province of Behar, the native population kept the prisoners and preserved the treasury when all the civil authorities had been withdrawn; and, on their return after several days of absolute interregnum delivered over everything intact to the company's officers. Was that a proof of the weakness of the Company's rule? Then, with regard to Madras; they were told that the Company's tyranny at Madras was unendurable, and that the amount of revenue derived was so great that it could only be obtained from the ryots by torture. Now, was it not remarkable that people so oppressed and tyrannized over should not have taken the opportunity of a mutiny to rise and shake off a Government so cruelly oppressive; but from one end of the Madras Presidency to the other, there had not been to his knowledge a single insurrectionary movement. He asked again, whether that was a proof of the weakness of the Government which should cause the House to take it out of the hands of the East India Company? Then look at the Deccan, look to those territories not immediately under British rule. Look at Hyderabad, with a fierce Arab soldiery. The Pathans and Rohillas, and the Arabs of Hyderabad and their descendants were, he believed, as fierce as any races that existed on the face of the earth. But that whole country had been kept in order by the Prime Minister of the Native Prince—great honour to him and to the British Government!—the strength of which had been shown by the fidelity which so many of the Native Governments had shown to it. His right hon. Friend near him (Sir C. Lewis) seemed to be of opinion that the rule of the government of the Company had been characterized by perfidy and rapacity; but as a proof that it was viewed in the opposite light by the inhabitants not only of India, but of neighbouring countries, he might mention that in a passage taken from a book of travels, written by a late lamented friend of his, Captain Connolly, he found it stated that there was not a town in which a British officer travelling through Central Asia might not obtain any reasonable amount of money for the payment of his expenses from the Native bankers, the only security which they required in return being a bill upon the Company. He doubted, however, these ready lenders would not read the speech which his right hon. Friend had made in that House, as, in that case, they would certainly not be disposed to make similar advances. He thought that the Committee would be of opinion that he

had proved that the Government of British India, so far from exhibiting weakness under such a pressure upon them, had manifested most extraordinary strength in bearing up against the calamities it was their lot to experience. He must say that the comparison of a ship in stress of weather, which his right hon. Friend had indulged in, would have been nearer the truth if he had supposed the gallant ship, after being thrown by a terrific hurricane on her beam ends, righting herself, by her inherent buoyancy, as the Government of India had done, wherever their soldiers and civilians were placed, and bearing herself, like a thing of life, on her course over the waters. In another part of his speech his right hon. Friend said, that the Company were very much in the habit of praising and overpraising themselves and their officers. Perhaps there might be some admixture of truth in that statement, for the Company had been so much and so unjustly assailed that there might be some degree of reaction. But there was one remarkable circumstance which he desired to mention as a lesson to those Smelfunguses, who thought all was barren from Dan to Beersheba, and that there was nothing but oppression from Cape Comorin to the Himalayas. Hardly one intelligent foreigner—not a single one to his knowledge—had written about India but had spoken of the East Indian Government in terms of the highest commendation. Burckhardt, who performed the pilgrimage to Mecca in the disguise of a Mahomedan, said that he met with many Indian Mahomedans who ridiculed the English very much about shaking hands, dancing with their friends' wives, and drinking wine, but they were unanimous in stating that the Government was just and good. This testimony was valuable, for Burckhardt had no motive to misrepresent the matter, and, appearing as a Mahomedan, was likely to have the truth told him. M. Jacquemont, the young Frenchman, who fancied that good old Lady William Bentinck had fallen in love with him, remarked that during his travels in Upper India, he could tell when he was out of the territories of the Indian Government by the difference in the condition of the cultivation and in the state of the people. Baron de Richemont, formerly Governor General of the French dominions in India, who had travelled in Upper India, bore the same testimony. And within the last year or two, a gentleman well known and highly celebrated, M. Michael Chevalier, speaking of our most gracious Queen, and of the glories of Her reign, said—

"One of the greatest glories and advantages of Her reign are those conquests in India, those annexations of territory at which not only England, but the whole civilised world may rejoice, because it is taking the people from under the arbitrary rule of their former masters, and transferring them to a government in the van of civilization."

Then, M. Fevrier, who had travelled through Persia and Affghanistan said—

"The Affghans, after exhausting all their praises of the English, would finish up by saying, 'What a pity it is that they were not Mussulmans like us, we would never have had any other masters.' After hearing such observations is it not allowable to regret, in the name of humanity and civilization, that the British power was not consolidated in Affghanistan, whatever means might have been employed to attain that end?"

Baron Von Hugel spoke in still stronger terms of eulogy with regard to the administration of India. He would read another extract on this subject, taken from an article in the *Journal des Débats* some months ago, which was particularly worthy of notice at a time when they were discussing a resolution by which it was proposed to transfer the government of India from the East India Company to the Crown. But he must first observe that it was a mistake to suppose that the government of India was not now under the Crown. The Company were merely trustees for the Crown, and he believed as trustees they were able to govern India in a better manner than it would be governed under the direct administration of the Crown. Let the House listen to the opinion of an impartial French writer on this subject. The *Journal des Débats* stated—

"It is scarcely necessary for us to seek to prove that the Company would have failed had it depended on an absolute Government. The history of our several Indian companies, that of Dupleix and of the unhappy Lally, show the fate of such enterprises when placed under the guardianship and direction of such Governments. Under a free rule like that of England there exist greater guarantees; there is less cause of fear inspired by famished courtiers, by the gentlemen of the back stairs, by the favourites—or, worse than all, by the favourites of the lady favourites—the Generals of Madame de Maintenon or of Madame de Pompadour. But even under a free rule, where individuals of character and talent almost alone rise to the head of affairs, the East India Company would have been at times endangered, if not ruined, had it not been endowed with an independent existence which preserved it from the changes of the home policy. Had the English Parliament wished to exercise, through its delegates, the Crown Ministers, a direct action on the affairs of the Company, the latter would have been exposed to frequent changes of system and of officials, which would have given rise to unconquerable difficulties. How many persons would have

considered a post in India as a stepping-stone to a more brilliant position at home."

He hoped the House would take warning from those expressions, and consider the danger to which the administration of India would be exposed if taken under the immediate direction of the English Government. The *Journal des Débats* went on to say—

"Should we then have seen the admirable and vigorous generations of officials who, being convinced that their future depends exclusively on their zeal, have proved the heroic and laborious architects of the unheard-of fortunes of the hon. Company? No, certainly not; and, without that independence so long enjoyed by the Anglo-Indians, it is impossible to believe that the wondrous acts of heroism, perseverance, and daring, which strike the imagination rather by themselves than by their results, would ever have been recorded. While in France the absolute Government basely sacrificed and persecuted Dupleix, who was certainly as great a man as any who figured in the history of British India, the House of Commons defeated the Ministry of Fox in 1783 for having presented a Bill the chief characteristic of which was to deprive the Company, in favour of the Crown, of the right of nominating the principal officials of the Indian Government."

That was the unbiassed opinion of an intelligent Frenchman as to the merits of the Company's administration, and the dangers to be apprehended by a direct transfer of the government from the Company to the Crown. He remembered a passage in an article which appeared in *The Westminster Review* some years ago, speaking of the mode in which the Company's administration had been carried on, and especially with reference to their practice of sending out youths to India to learn their business there, and to rise in proportion as their knowledge and merits increased—a practice which was so much condemned by those who advocated the plan of sending out only grown men. That passage said, that, with all the faults of the Indian Government, there was one quality which almost redeemed them all, and that was the system to which he had referred, which had preserved India from the Lord Charleses, the right hon. Tom Shuffletons, from Royal favourites, and other unfit persons. Unless great care were taken to introduce sufficient safeguards the transfer of the government of India to the direct administration of the Crown would lead to the dangers hinted at in the article to which he had referred, and men who had disappeared from Newmarket and St. James's Street, would turn up, in high office at Lucknow, Lahore, or elsewhere, to the supersession of our Lawrences and Outrams. He hoped that, whatever scheme of administration might be adopted, sufficient safeguards would be introduced to prevent what was much desired in some quarters — an unlimited increase in the numbers of the uncovenanted servants. He regretted to have to trouble the House at such length, but the form of administration of which he was an humble Member having been made the subject of no small amount of slander and misrepresentation he felt bound to vindicate it as far as his abilities would permit. The three points upon which the Government of India had been most villified were the administration of justice, the state of the police, and the condition of the public works. He admitted frankly that the administration of justice in India had not been exactly what could have been desired, but he at the same time declared that the greater part of the defects which existed arose from the inherent difficulties of our position, from the character and habits of the people with whom we had to deal, and from the utter impossibility of making the Natives instruments of good Government all at once. But the Indian Government had gone on a principle which he maintained was a sound one, although it had been much misrepresented by those who were in favour of sending out English barristers for the administration of justice in that country. The principle they had adopted was that of selecting the best qualified Natives for that purpose. He had a statement which showed the enormous disproportion between the number of causes decided by Native and those decided by European Judges, the former being ninety-nine per cent. of the whole. The Indian Government had gone upon the principle of selecting the best Natives to hold those offices and to administer justice in the first instance, employing English Judges to overlook them in the performance of their duties. That was the only way in which the people of India could be gradually educated into a fitness for self-government. The system advocated by the hon. Member for Devenport (Sir E. Perry), of sending out English barristers knowing nothing of the language, of the habits or customs of the people, was simply the very worst that could be adopted. Sir T. Munro said, no man was fit to be a Judge in India who was not acquainted with the agricultural habits and practices of the people of the country, and that, therefore, no man ought to occupy the seat of a Judge in India until he had served the

office of a collector. Many of the defects which existed in the present administration of justice arose from the character of the people, in confirmation of which he would mention two or three instances. Upon a former occasion, when he had quoted the first instance he should mention, he had been charged by an hon. Gentleman not now a Member of the House, Mr. Cobden, with vindicating the Company by slandering the Natives of India; but he thought that late events had enabled the people of this country to arrive at a better appreciation of the Indian character. The first case he would mention was stated in the Report of a Judge of circuit in Bengal, that, in a particular district, of the murders charged only one, and of the gang robberies not one, took place, the remainder being false charges, got up by landowners, merchants, or individuals who, being deprived of the use of arms, made use of our Courts to fight their enemies. What did the Committee think of the state of society which that Report evidenced? The next instance to which he should refer had come under his own observation when Under Secretary in India. A Judge on circuit reported that upon a gang robbery there were plenty of witnesses as to identity, but it was impossible to convict upon that evidence alone, without the confirmation of circumstantial evidence, for if personal identification were to be received as decisive, every man would be convicted against whom any zemindar in the district entertained a spite. The third case he would cite was upon the authority of a gentleman then a district magistrate, but afterwards a member of the Supreme Council. He was preparing one evening to leave his office for a ride in his gig, when he was informed a murder had been committed in the course of an affray between two great zemindars in the neighbourhood. The body was brought to him upon a charpoy, but fancying that he perceived in it more symptoms of life than a corpse ought to display, and knowing the Native character, he thought a few cuts of his whip could do no harm. He accordingly applied his whip once or twice across the stomach, whereupon the supposed corpse leaped up and ran across the country with the speed of a deer. He had asked the magistrate what would have happened if the discovery had not been thus made; and the reply that he received was, that the body would have been carried to some place whence escape was easy and would, of course, have been missing next day: whereupon it would have been said—the friends of the accused had removed it in order to destroy the evidences of the crime. The historian, James Mill, in a spirit of candour which it was to be wished all opponents of the Company would imitate, had admitted the extreme difficulty of distributing justice to a people without the aid of the people themselves, and the utter impracticability, under the present circumstances of Native education, of deriving such aid. He believed that, under all the circumstances of the case, the Company had administered justice to the people of India to the utmost of their ability, and he did not think the judicial system was open to the condemnation with which it had been visited. But there was one great exception, which was—and it was a melancholy fact—that both in civil and criminal justice our oldest provinces were those in which there were the most chicanery, perjury, and general maladministration of justice. That might seem strange, and to imply some censure on the Government. The fact was, that in our earlier administration of India we did not know the genius and character of the people. We gave them an elaborate and complex system of judicature, which they did not even understand, much less appreciate. It had raised up hosts of native attorneys and led to perjury and corruption in our Courts. What the Natives of India understood and desired was the system which had been introduced into the Punjab, Pegu, and our more newly acquired territories. They did not understand the division of authority which was the ruling principle of the system introduced by Lord Cornwallis, and followed up by his immediate successors. They would rather wish to return to the system which prevailed of old, when the king sat in the gate to administer justice. In many cases, in such a state of society, speedy injustice was really better than justice so tardy, so delayed by forms and appeals, that a man's life was worn out before he could obtain it. They did not understand our complex forms, and the result was that the evil-disposed and the bad took advantage of them to injure the good. In the Punjab and in our newly acquired territories we had a simple system of judicature, which worked well, and the simpler the system the better. To send our barristers from England to administer justice in India was a step in the wrong direction. The fact was that they had already too much law and

too little justice. Sir William Sleeman in his recent work gave it as his opinion that, however great had been the anarchy the people of Oude had suffered under the old dynasty, 99 out of every 100 of them would prefer to remain in that state of anarchy than be subjected to our revenue and police system. On the other hand, Sir William Sleeman said, 99 out of every 100 of them would welcome the introduction of such a simple system of judicature as prevailed in the Punjab, and he (Mr. Mangles) verily believed he was right. He hoped, therefore, the House would not be led away by the dulcet arguments of the hon. Member for Devonport (Sir E. Perry), who would have them send out shoals of English barristers to administer justice, for which they were totally unfit. In spite of all the defects in our administration, let it be remembered that almost all those defects were known to that House and the country by the frankness with which the Company's own officers had spoken of them from time to time. That could not be a bad Government the servants of which had exhibited so much candour. It was the proud distinction of those officers that whenever they had had occasion to find fault with their own Government they had expressed their opinion in an open, honourable, and fearless manner. The noble Lord the Member for the City of London, spoke with some severity last Session of Mr. Dorin's Minute on the Bengal police system, in which it was stated that the faults of the Bengal police were mainly attributable to the character of the inhabitants themselves. Notwithstanding the censure of the noble Lord he (Mr. Mangles) thought Mr. Dorin was very much in the right. The truth was that the people were incapable of defending themselves, and it was impossible for any police to protect a whole people. To what an extent would crime prevail in this metropolis, and still more in the rural districts of this country if every man dishonestly inclined were perfectly well aware that, if seen in the act of crime, no one would arrest him but the police. That was the case in Bengal. Yet, after all, much improvement had been effected. The police system had put down Thuggee—infanticide was being suppressed—human sacrifices had altogether ceased—gang robberies in the North Western provinces were comparatively rare—and the mounted highway robber of earlier times had altogether disappeared. But the Company was accused of having done too litttle in the way of public works, and they were charged with having suffered even those great works which had been bequeathed to them by their predecessors to fall into decay and ruin. No doubt more might have been done; but he would still maintain that it was the "*res dura et regni novitas*," which were the real causes of what had been called the neglect of the Company in the earlier part of their administration. He still, however, maintained that very great things had been done by them. They had been driven into in wars that had eaten up their surplus revenue, but in spite of that, he repeated, great things had been done. There were two great and palpable fallacies involved in the comparison instituted between their works and those of their predecessors. "Look," it was said, "at the great aqueducts and tanks which were made by those who went before you." But it was forgotten that their predecessors had twenty centuries in which to execute those works, whereas the Company could not be fairly said to have had half a century. The second fallacy was, that it was taken for granted that these public works were placed in the Company's hands in a state of efficiency. It was forgotten that a century of misgovernments and anarchy had elapsed between the fall of the great Mahomedan dynasty and the rise of the Company. Colonel Wilks stated in his history of the Deccan that throughout the south of India there was one word, "wulsa," to express what could not be conveyed in any other language in the world without resorting to a long periphrasis. The wulsa of a district meant the flight of the whole population into the jungle before an invading army; and Colonel Wilks remarked on the misery which the inhabitants of Southern India must have endured in the century and a half of anarchy which elapsed before the rise of the Anglo Indian empire, before they coined a word to express the flight of an entire population into the jungle, to face tigers rather than their oppressors. In that period of anarchy, plunder, and disorganization, the great works of antiquity had fallen into decay, and it was thus incorrect to say that they were bequeathed to the Company. The public tanks and the canals of the Jumna and Ganges had all become choked up; and hon. Gentlemen would perhaps recollect how beautifully Bishop Heber records the fact that the whole people of Delhi went

forth with garlands to welcome the restoration to them of the stream which had formerly conveyed water into the city. The canals to which he had referred had been reopened at a cost probably not much less than that of their original construction. The hon. Gentleman (Mr. Ayrton) said he was sick of hearing of the Ganges Canal; nevertheless that was a public work which deserved commemoration, as being the most magnificent scheme of irrigation that had ever been carried out. That canal, with its branches, was 898½ miles in length, and the two Jumna canals were 445 and 500 miles respectively, making in all 1,843½ miles, besides the subsidiary streams belonging to them. The Government had also constructed great embankments across the rivers in southern and other parts of India, with channels from them to carry the water into the interior. Then, again, the canal in the Baree Doab in the Punjab was 450 miles, the Scinde Canal was 31¼ miles, the channels from the Godavery were 480, and those from the Kistnah were 290 miles. Another charge against the Company was what the hon. Member (Sir E. Perry) called chronic deficiency of revenue. But was that a just charge if he could show that more than the whole of the deficit had been expended in public works? They had been called upon year after year to expend greater sums in works of utility. They were told that they were in the position of landlords, and they were asked why they did not spend more on the improvement of their estate? It was said to them over and over again, "If you have not money for the purpose, why don't you borrow it?" Well, that was precisely the course he had himself recommended. In his evidence before the Cotton Committee, ten years ago, he had argued that if it was right to borrow money to carry on a war, it was *a fortiori* much more right to borrow money for public works. And yet the hon. Member (Sir E. Perry), after urging the Company in one breath to undertake expensive works, turns round and in the next breath taunted them with a chronic deficiency. The statement he (Mr. Mangles) was about to read to the Committee undoubtedly contained some military works which were not of a remunerative character; but on the other hand, nothing was charged for repairs or for the salaries of the engineering officers by whom the whole had been carried out. The one might therefore be set against the other.

	Revenue.	Public Works.
1852-3 surplus	£424,257	£592,516
1853-4 deficit	2,044,117	952,103
1854-5 „	1,707,364	1,818,978
1855-6 „	972,791	2,279,539
1856-7 „	1,981,062	1,839,575
Total deficit..	£6,281,077	£7,474,711

Thus in the last five years upwards of a million sterling had been expended in public works more than was required to make the revenue balance, and yet the company was taunted with its "chronic deficiency." The Resolution before the Committee proposed to transfer the government of India to the Crown. Now, he would ask the Committee—though he knew how vain it was to strive against numbers—what reason there was to suppose that India would be better governed by the Crown than our Colonies had hitherto been? The Colonies of England had always been ill-governed until they were allowed to govern themselves. He believed there was not an instance of a colony being governed to the satisfaction of the colonists till they had been left to themselves. Another point of importance was the frequent—the almost incessant—changes which took place in our Cabinets, and still more in the individuals at the head of departments. During the time that he had been a Director of the East India Company there had been from ten to twenty Colonial Secretaries. What chance would there be of good government for India with so great a fluctuation in the Administration at home? Debates had recently taken place in that House upon the annexation of Oude. The members of the present Government, who were not then in office, found fault with that measure, and blamed the Ministers who sanctioned it. They were now transferred to the Treasury bench, and nothing was more likely than that Natives of India had written to their countrymen since the change of government, telling them that the oppressors who had annexed Oude were no longer in power, that certain benevolent individuals like the hon. Member for Inverness-shire (Mr. Baillie), the noble Lord the Member for Leicestershire (Lord J. Manners), and the right hon. Baronet the Member for Droitwich (Sir J. Pakington), had come into power; and that now Oude would no doubt be restored to the King. We knew that nothing of the kind would take place; that the present Government would just as soon think of restoring Gibraltar as Oude; but the people of India would think otherwise. They believed that

the Attorney General held a retainer from the King of Oude at the present moment, and would assuredly jump to the conclusion that their own paid counsellor having come into the possession of power, as the chief law adviser of the Crown, at no distant date he would see ample justice done to them. Such expectations were, of course, entirely erroneous. He, for one, would like to see the face of the Earl of Ellenborough when the noble Lord the Member for Leicestershire (Lord J. Manners) deliberately proposed in the Cabinet to restore Oude to the King. The Chancellor of the Exchequer, he was sure, would never consent to give up the revenue of Oude. But the people of India would believe quite the contrary, and, though it had been stated that it was a slander upon the House of Commons to suppose that it could not govern India, we might depend upon it that unless the House became more forbearing than it had hitherto been when a Minister was to be attacked, or a Government to be turned out, hon. Members would not be very scrupulous as to whether it was an Indian, an American, or a French subject which they used as a weapon of offence. Unless the Government of India was placed in the hands of a really efficient and independent Council, Indian subjects would be continually brought before the House as instruments of party warfare, and the greatest mischief might thus be done to the interests, not only of India, but of England. A great outcry had been raised against the "double Government," and he believed that nine-tenths of the hon. Members of that House who desired a change were in favour of an efficient and independent Council. But would a Council not be a double Government? There would not, it was true, be that expenditure in cab-hire to which such frequent allusion had been made; the distance between Cannon Row and Leadenhall Street would no longer exist; but, nevertheless, a Council would be as much a double Government as the present. Our own Government was not a double, but a triple Government. He believed that since the reign of William III. the Crown had not negatived an Act of Parliament; but look at the contests between the two Houses! What measure of Indian administration had ever been so long delayed as the admission of the Jews to Parliament? He contended that India had been well governed in spite of the difficulties which were to be encountered; and if they wished to see it well governed still, they must have an independent non-political body to stand as a fender between the political action of that House and the Government of India. Unless this were done, the affairs of India would be constantly dragged into discussion in that House, and from such discussions he feared that its interests would suffer. It was impossible not to see that it was the determination of the House to place the government of India directly under the Crown; and his earnest prayer was that, in order to secure the good government of that great empire, an independent and efficient Council should be established.

SIR EDWARD COLEBROOKE said, he wished to move the postponement of the first three Resolutions, and he was anxious to take the earliest opportunity that presented itself of explaining the reasons why he took that step.

THE CHAIRMAN said, the hon. Member could not now, in accordance with the forms of the House, move the postponement of the clause.

SIR EDWARD COLEBROOKE said, he would not in that case take the course he had pointed out. It would, however, be competent for the house hereafter to consider under what circumstances they would desire to transfer the government of India to the authority of the Crown. He must, in the circumstances in which they were placed, enter his protest against transferring the authority now exercised by the Court of Directors to the Crown till they had before them the nature of the Council by which the Secretary of State was to be assisted and the powers with which he was to be intrusted. With every respect for that House, he must say that he had a very strong sense of the danger that would result from a direct transfer of authority to the Crown, if it was to be controlled only by the House of Commons. It had been said the other day that gentlemen from India had very little confidence in the Court of Directors, and none at all in the Board of Control. If the hon. Gentleman who made that observation had gone a step further and asked what confidence persons coming from India had in the House of Commons, he would have found that their confidence was entirely of a negative quality; that there was among them, not only a want of confidence, but a positive distrust; and that they had a strong sense of the danger that would arise to that great empire if we trusted only to the watchfulness of the House of Com-

mons in checking the power of the Secretary of State. Taking this view of the case, he thought the House should maturely consider the step they were about to take. It was none of the least of the inconveniences they had to encounter that they were called on to decide upon Resolutions, which in themselves contained no complete system of government—they were so vague and general that it would be possible for the Government, after having passed every Resolution, to bring in a Bill the absurdity of which would exceed even that of the last. The first Resolution declared that there should be a direct transfer of the government of India to the Crown; and the second went on to say, that all the powers and duties now exercised by the East India Company were to be exercised by the Secretary of State. If the House confirmed the second Resolution, they might appoint a Council, but it would be one only in name, for any authority such a Council could exercise would be worse than nothing. He would rather accept the direct transfer of authority to the Secretary of State, without any Council, than take the assistance of a Council so weak and feeble as this Resolution would pledge the House to. Let the House consider the position which the Court of Directors now occupied. It was very true that the power of the Court of Directors was chiefly a moral one, because it was in the power of the President of the Board of Control, when he had a despatch submitted to him, to alter it if he pleased, or to reject it altogether, and to compel the Court of Directors to send out a new one, drawn up by himself. Still he thought the House would do well to consider the nature of their influence, so that any Council that was appointed might be placed in a position to exercise, as their predecessors had done, the trust reposed in them. Their authority arose, in the first place, from their being a permanent body as opposed to a fluctuating Government, and also from the independent and non-political body by which they were elected. It was not enough to say that the system of election was anomalous, or that those intrusted with the duty did not always select the best and ablest public servants. The real question was, whether in the main they did not make a fair selection, whether they did not bring forward many eminent public servants, and whether these did not discharge their functions with public spirit and integrity. It was for the Government to give the House some more information than the Resolutions conveyed of the manner of electing the Council, the individuals to whom that duty was to be intrusted, their numbers, and the qualifications under which they were to act. In the next place, the influence and authority of the Court of Directors arose from their being an independent body, having independent powers of action, separate powers of deliberation, the power of appointing their own officers, and above all, from their having the initiative in all great questions connected with the government of India. He concurred in the statement put forth in the able State document which emanated from the East India Company, that on these independent powers no small portion of the influence of the Directors rested. But it was proposed in both the Bills that had been brought forward to place the initiative in the hands of the Secretary of State—a course which would reduce the Council to a condition of utter insignificance. When the House came to consider that part of the question, he should move that any Council named should possess the independent powers of action now exercised by the Court of Directors, have the appointment of their own officers, the initiative in all matters except those that belonged to the Secret Committee, and the initiative in all matters of finance.

SIR GEORGE LEWIS: Sir, after the remarks of my hon. Friend the Member for Guildford, I wish to say a few words in regard to some observations I made on a previous occasion. I had hoped, however, after the very full discussion which the Motion of the hon. Gentleman the Member for Huntingdon (Mr. T. Baring) received, and after the vote of the House by a large majority in favour of bringing in the Bill of the late Government, that the decision of the House that the reign of the East India Company should cease would be taken to be conclusive. That vote was so understood and so accepted by the members of Her Majesty's present Government. The right hon. Gentleman the Chancellor of the Exchequer, I think, in stating the grounds why he adopted the measure of the late Government, said that the East India Company could not be considered as any longer endowed with vitality, and all that remained was to perform their obsequies with decency. The President of the Board of Control, when asked whether he had submitted the Bill of the Government to the Court of Directors, said that after what

had taken place he did not consider them as public functionaries, but as private gentlemen. I confess I had hoped that the House would consider this question as decided, and that we should not find it necessary to listen to the revival of a debate about retaining the Government of the East India Company. Yet that was the drift of the speech of my hon. Friend the late Chairman of the Company (Mr. Mangles), and such was in effect the drift of the able speech made by my right hon. Friend the Member for Portsmouth (Sir F. Baring), because in advocating delay he, in fact, recommended a perpetual renewal of the lease of the Company. These dilatory arguments, however they may begin by insisting upon the argument of time, always resolve themselves into an eulogy of the merits of the Company, and a recommendation to the House to continue the present system in perennial existence. They remind me of a saying quoted by Lord Bacon, who says that an ancient sage being asked the proper time for marriage replied—"A young man, not yet; an elder man, not at all." Such is the practical result of the advice tendered to us with respect to legislation upon the East India Company. We are told that the disturbances in India ought to prevent any legislation this Session. But if we delay legislation this Session and wait another year, we shall be told things have returned to their natural state, that everything is quiet, and that we ought not to disturb India when all is going well. Therefore, whatever may be the state of things, the advocates for delay will always find a pretext for prolonging the power of the East India Company. I do not wish to revive the question of the policy of retaining the East India Company, because the vote of the House is decisive of that question, and I shall best consult the wishes of the Committee if I assume that we are about to consider the best substitute for the Company, and that we are not assembled to deliberate whether the Crown or the East India Company ought in future to govern India. But I wish to remove a misconception on the part of my hon. Friend relative to the remarks I made on a former occasion. He has attributed to me an argument against the double Government of the East India Company, that it is characterised by weakness, and he appeals to the military operations of India, which have been carried on with great vigour and success, as a proof to the contrary. What I did say was that the experience of the late Government during the mutiny in India impressed forcibly upon our minds the defective constitution of the home Government in regard to the elements of procrastination, delay, and perplexity—that the necessity for rapid action showed those faults in the home administration of Indian affairs—and that it was in those defects, inherent in the constitution of the East India Company, and not in any want of vigour in the Governor General of India, or in the administration of the commissariat or military resources which were placed at his disposal, that I found reasons for the change I recommended. If the House will allow me, I will read a statement made many years ago which characterises the defects of the present double Government of India. It is extracted from a speech of Mr. Burke upon the Motion for going into Committee on the India Bill of Fox, made before the present system of double Government was established, and those who admire the prophetic foresight of Mr. Burke may find in this passage a confirmation of that view of his powers. This speech was made before Pitt's India Bill was introduced. Mr. Burke said—

"Since the year 1773 and the year 1780 the Company has been under the control of the Secretary of State's Office, and we had then three Secretaries of State. If more than this is done, then they annihilate the direction which they profess to support, and they augment the influence of the Crown, of whose growth they affect so great a horror. But, in truth, this scheme of reconciling a Direction really and truly deliberative with an office really and substantially controlling is a sort of machine that can be kept in order but a very short time. Either the Directors will dwindle into clerks, or the Secretary of State, as hitherto has been the course, will leave everything to them, often through design, often through neglect. If both should affect activity, collision, procrastination, delay, and, in the end, utter confusion must ensue."

Now, Sir, that is the view which Mr. Burke took of the probable working of such a system as that of the double Government, and it is to that working of the system, to its inevitable procrastination, the multiplication of unnecessary forms, the writing of unnecessary letters, the delay that impedes every portion of the business, and not to the weakness of the executive authority of the local government of India that I referred. With regard to the Resolution before the House, I trust that its wording has been carefully considered, because in the existing statutes, the sovereignty of all the territories of India is declared in the clearest terms

to be vested in the Crown. The true character of the home Government of India is not that the sovereignty resides or has ever been supposed to reside in the Court of Directors and the East India Company, but that they are a proprietary Government, holding their sittings in London and acting under the control of the Parliament and the Crown of England. That proprietary Government it is perfectly competent to Parliament to sweep away, and to place the Crown in direct executive and administrative relation with the territory of India. Our colonial history has afforded many instances of proprietary Governments similar to that of the East India Company. The majority of the American colonies were at their first foundation under proprietary Governments, formed under charters very similar to that of the East India Company, only that the American charters authorized the grantees to found new settlements instead of merely carrying on trade. In other respects they were perfectly similar, but they were one by one put an end to, and, by the action of the free settlers of the American colonies, that change was effected which it is now somewhat tardily proposed to effect by the agency of Parliament. I have never ceased to regret that Mr. Fox's Bill of 1783, by which the power of the Company was annihilated, did not pass the Legislature. I regret also that when the Company's monopoly was extinguished Parliament did not put an end to their governing powers; but whatever excellence was imputed to the government of the Company came from the superintendence of Parliament and from that of the Board of Control, and was not due to any excellence in the constitution of the direction of a joint-stock company. That direction, if left to its natural action, would not have been very different from that of any joint-stock company established for different purposes. I hope the House is of opinion that the time has arrived when this superannuated structure may be put an end to, and when we need not hesitate to come to a vote by which this complicated constitution may be simplified, and the last vestiges of the executive powers of the government of the Company may be obliterated.

Mr. LINDSAY said, that they all seemed to be of opinion that the government of India should be carried on in the name of the Queen, and that the double Government should cease. The points upon which the differences of opinion existed were those relating to the number of the Council, to the qualification of the Councillors, to the mode of election, and to the disposal of the patronage. One important point had not been taken notice of, he meant the finances of India. At the proper time he should propose that all reference to the number of the Council should be left out of the fourth clause, and that words should be substituted to the effect that the Council consist of the present members of the Court of Directors. This would get rid of the three following resolutions. He would also suggest the insertion of another resolution after the fourteenth, by which that Council should be continued in office for two years, with the view of ascertaining by the inquiry of a Commission in India, before the expiration of that period, the best mode of electing the Council, or the propriety of having no Council at all. By adopting the course he proposed, he believed they would obtain the best chance of ensuring legislation during the course of the present Session.

Mr. HORSMAN said, that if the House had adopted the course which the right hon. Gentleman the Member for Radnor (Sir G. C. Lewis) had wished it to adopt, if it had acquiesced in the Motion of the hon. Member for Huntingdon (Mr. T. Baring), or in that of the noble Lord the Member for South Durham (Lord H. Vane), he should not have revived the discussion. But as the hon. Member for Lanarkshire (Sir T. Colebrooke) had determined to take a division on the question, he was unwilling to allow the opportunity to pass without stating his opinion as to the mode of making the proposed transfer of the Government from the Company to the Crown. He had to protest against the course of legislation proposed, for the perils it would provoke, for the injuries it would inflict, and above all for the dangerous obligations which they were now called upon in blindness to undertake. The plea of dilatoriness, on which the right hon. Baronet had just descanted with so much force, had nothing to do with his opposition to this proposal. In the outset, he might observe that he (Mr. Horsman) had no sympathy with the East India Company, nor had he shown any in the course of these proceedings. When the Committees of 1853 reported in favour of the maintenance of the double Government, he was of opinion that they had come to a wrong conclusion, and when the Government brought in a Bill to continue that

Government, he had refrained from voting. Then as now he was in favour of the Government of India by Parliament under the Crown, but the Bill for the renewal of the Charter was carried by a Ministerial majority. This year the Government had brought in a Bill to overthrow that which five years ago had been so highly extolled, and on that occasion he had taken the same course as he did on the former occasion. It was impossible that the House of Commons could have been right in both their decisions. He was of opinion that they were wrong in both. They were wrong in not carrying out this change of Government in 1853, when India was in profound peace, and they were wrong in precipitating the change in 1858, when India was in a state of war. The House of Commons ought to have taken into consideration what effect any act done in England would have in India. The cry in England when this change was first proposed was, "the Company's Raj is over;" exactly the cry with which the rebel chief, Nana Sahib, recruited his ranks. To re-echo that cry here was a most unwise triumph to give him, and it was, above all, most dangerous to run the risk of creating an impression that as the first rising had destroyed the Raj of the Company, so the second might destroy the Raj of the Crown. To select this moment to put an end to the Company was an unwise and ungenerous policy—unwise because it associated in the Indian mind rebellion with success, and ungenerous because in the English mind it associated the Directors with disaster. In defiance of all principles of English justice, the Government proceeded to accuse and condemn them by a mode so summary that the termination of that great Corporation seemed to be more like the execution of a criminal than the surrender of a trust. His great objection to these Resolutions was, that they did not touch the real difficulties of the case. Let the House look at the state in which India had been for some months, and was likely to be for some time to come, and then say whether it was prepared to make Resolutions like these its measure of the emergency and of its own responsibility? Was its legislative responsibility to begin and end in throwing two offices in London into one? But that was all the necessity that the Resolutions indicated or acknowledged. Was there ever a malady of such magnitude prescribed for by a remedy of such infinitesimal proportions? What was the origin of these Resolutions? No one could deny that if there had been no mutiny there would have been no India Bill; but could any one point out the relation between the Resolutions and the mutiny? It was not pretended that the loss of a week in carrying a despatch between Leadenhall Street and Cannon Row, had made 80,000 of our soldiers revolt in India, nor was it pretended that the saving of that precious week would bring the Sepoys back to their allegiance. If there had been peace in India, and a civil war raging between two offices in London, then these Resolutions might have had some bearing, but unfortunately all our difficulties were in India. It was in India that our army had revolted, our Government had been disorganized, our revenue had failed, our native population been deeply stirred by a religious panic, our countrymen slaughtered, and our Empire of opinion shaken to its foundations; and the authority of the Governor General, if he had been a man without courage and capacity, would have crumbled between the Native assault on the one side, and that of his own countrymen, who had harassed and denounced him, on the other. What sense of these lamentable occurrences did they exhibit by their proceedings? Would any one imagine that by the proposed Resolutions they were legislating for an empire in which there existed the most formidable organization of our own army and of our own subjects against us; or were they so sanguine as to believe that the crisis was over? It was natural, perhaps, that those who had been slow to credit its approach should rapidly arrive at the conclusion that it was over; but he believed that our future tenure of India would be one long continued crisis, unless we learnt to know and to govern that country better than we had done hitherto. That crisis had not come on in a year, and it would not pass away in a year. For a long time it had been impending and predicted. "A mutiny of your Native army," said the fiery but sagacious Napier, "is the most formidable evil that threatens your Indian Empire, and it will burst upon you like a thunderbolt." "Our tenure of India," said Metcalfe, "is so precarious that the world will be surprised one day, not less at the suddenness with which we lost an empire than at the rapidity with which we gained it." "Beware of exciting religious distrust in the Native mind,"

said Munro, "for if you do you will do more mischief in one year than you can repair in a hundred." In fact, ever since the revolt at Vellore, which was of a religious character, our Native army in India had been in a state of smouldering mutiny. Remarkable as was our national inability to foresee and provide against danger, still more remarkable was the energy with which we met them when they did come upon us, yet he should have thought, if anything could have awakened the British Parliament to a sense of its past heedlessness, culpable as it had been, that it would have been appalled by the perils which had shaken our Indian dominion to its foundation, and that it might have set their true value upon those impressive warnings by which so many of the wisest and bravest of our own people had appealed to us in accents of earnestness and almost of despair. But even now, when the tears and the tortures of our martyred countrymen and women testified to the truth of those appeals; when the dangers which had been long impending had at last fallen on our heads; when the cloud so long hovering over us had at length broken; when we knew that all the ramifications of the existing mischief would continue to exist though not one Sepoy were left alive; and when the eyes of all the world were fixed on India as a source of surpassing interest, when England's place and name among the nations had been at stake, what happens? Parliament meets, the benches were thronged, the galleries were crowded, the Minister rises, and with dignity and eloquence proposes a measure which the right hon. Member for Kidderminister (Mr. Lowe) had so happily described as a measure "to prevent the future administration of India being transacted in cabs and steamers." The House is satisfied—India is saved, and India's legislative guardians rush home to dinner, each after his own kind, grateful and rejoicing—religious men who have discharged their conscience — patriots who have discharged their duty—and statesmen who have saved an Empire. The hon. Member for Taunton (Mr. A. Mills), objected strongly to their going into any question connected with the government of India in India; but there was one pressing, homely question which he should wish the right hon. Gentleman opposite to answer before they agreed to transfer the Government of India to the Crown, and we took upon ourselves all the obligations and liabilities consequent upon that step, and it was this: Did they really intend, or did they expect that India under the government of the Crown would pay its own expenses? He apprehended under the transfer now proposed that, if the revenues of India should not suffice for the expenditure of India the taxes of England would become liable for the deficiency. That was a point which he should like to have cleared up, because his own impression was, that after the transfer the Crown would be as much liable for the payment of the naval, military, and judicial establishments in India, in the event of the revenue not being sufficient, as it was for the payment of similar establishments at home. We began with a deficiency of £2,000,000 in the revenue. Our expenditure was not likely to be reduced, and there was no probability of the revenue being increased; on the contrary, a large portion of it was certain to fail. The deficiency of £2,000,000 was up to the year when the mutiny commenced. He did not know what it was last year, but he knew that it had been anticipated by a loan of £8,000,000. The disturbing causes of the mutiny would not cease to operate for some time to come, and the chances were that the borrowing process would have to be continued next year, so that we began with a deficit of £2,000,000 *plus* the accruing interest on the debt. From land, which was already very highly assessed and which yielded £16,000,000, and from salt, which was excessively heavy and pressed mainly on the poor, no additional revenue could be anticipated; while the opium revenue, even in the hands of the Company, was known to be the most precarious of all, because the Chinese might at any moment legalize its growth, or the Americans might grow it in some of their possessions in the Pacific, and in either case our monopoly and our revenue from that source would cease. Moreover, when the government of India should be transferred to the Crown and Parliament become the growers and cultivators of opium, the matter would assume a different character, and certain moral and legal obligations come in for consideration which a Company could ignore, but which a Government could not; and he might remind the Committee that the questions which had been submitted to the law officers of the Crown with respect to the legality of the growth of opium and the nature of the treaty with China had elicited opinions adverse to the Company. [*Expressions of dissent.*] At all

events, they elicited a recommendation that the Company should place their trade with China upon a different footing. It was quite obvious that when the legality of that traffic came to be discussed year by year, the Government would be obliged to put an end to it, and, therefore, one of the first effects of this transfer to the Crown would be a surrender of this opium revenue, that was to say, £3,500,000 per annum. As they began with a deficiency of £2,000,000, that would make a deficiency of £5,500,000, and, if the revenue of India in its present state should fail, the taxpayers of England would have to make up that deficiency. The Chancellor of the Exchequer could hardly dispute the correctness of that view, because, in the earlier discussions he indicated very plainly that he shared the apprehensions to which he (Mr. Horsman) was now giving expression. He should like to be informed by the Government that had, no doubt, considered this subject, whether they had in contemplation any mode by which the revenue of India could be so far increased as to meet this certain deficiency. We might go on, for a while, with loans, but that would soon have to come to an end and the burden, unless our system of Indian finance was revised, would fall upon the taxpayers of England. How long would they bear it before a cry was raised that India must pay its expenses? Some Chancellor of the Exchequer would be compelled to yield to that cry. The experiment would be repeated of England laying taxes on an unrepresented people, and we should only be reminded of the manner in which we lost one dependency when a repetition of crime was followed by a repetition of disaster. There were other material points of which he would not at present say anything. He objected to this Resolution because, by transferring the government of India to the Crown, it would impose upon the people of England liabilities which had not been duly considered. Hon. Gentlemen were contenting themselves with a mere shuffle of offices in London, and leaving the future of India to mere chance. They were legislating precipitately, and therefore exposing our Indian empire to greater peril than could accrue from delay.

Mr. BOWYER said, he believed the time had come when the government of India ought to be transferred to the Crown. But he could not assent to a Resolution framed for the attainment of that object if he did not hope that the result of the deliberations of the House would be to constitute an Indian Council composed of men of knowledge and experience, who should be wholly independent of the Ministry of the day in this country. Without such a Council the government of India would be transferred to that House under the proposed change, and he was persuaded that the House would not be enabled efficiently to conduct that government. He would appeal to those who frequented the Clubs of London or moved in political circles whether they were not aware, that what gave rise to the great interest which was felt about India, at the present moment, was not the consideration that upon the result of their deliberations it depended whether the present Government were to remain in office, or whether the noble Lord the Member for Tiverton was to be reinstated in power? That was the real cause of the full benches which he saw before him, and with such considerations predominant in the House was it not manifest that they must be very unfit, wisely and impartially, to conduct the administration of our great Eastern empire? He feared that the affairs of India would attract little interest in that House, except with reference to party contests for place and power. He earnestly hoped, therefore, that if the Resolution then before the House should be adopted, they would afterwards take care to provide for the formation of an independent Council for India, which would not degenerate into an assemblage of mere clerks and puppets. There was one other point to which he wished to advert. It appeared to him that there was much truth in the statement made by the noble Lord the Member for Tiverton on the occasion of his introducing the Indian Bill of the late Ministry, that the name of the Queen would give increased power to our Government in India. There was a passage in the writings of Bishop Heber which seemed well calculated to confirm that view. Bishop Heber related that an Indian prince who met the Governor General and some of the Judges of the Supreme Court of Calcutta, appeared to entertain a greater reverence for the Judges than for the Governor General himself, from a belief that as they were the King's Judges, they must directly represent the sovereign of this country, while he was but the servant of the Company. It appeared, however, to him (Mr. Bowyer) that in order to obtain

the full benefit of that feeling of profound respect for the Crown, natural to all Oriental races, India ought to be added in some way or other to the style and title of the Imperial Crown. Thus India would be connected with the Crown by the closest relations.

COLONEL SYKES said, he would not trespass on the House, but that the gravity of the question compelled him to express his opinion on the first Resolution. That Resolution proposed to transfer the territories now under the government of the East India Company to the Crown. Now the fact was that the territories to which it referred were not under the government of the Company, but under its administration only; so that the first part of the Resolution contained a misnomer to which he objected. The Resolution went on to say—

"That as the territories are by law to remain under such government only until Parliament shall otherwise provide, this House is of opinion that it is expedient that the transfer of such government to the Crown should now take place, in order that the direct superintendence of the whole empire may be placed under one executive authority."

He would ask why was it expedient? Where was the expediency? How was it manifested? Had the Government in India broken down, or had there been any break down in the executive functions of the Court of Directors in this country? There was no valid reason adduced for adopting so momentous a change in the present state of the Indian empire, as the transfer of the government from the Company to the Crown. No one could say that it was expedient on grounds which had any substantial basis. It might perhaps be said that the mutiny had first called attention to the necessity for a change, but what were the facts? Why, that before a single reinforcement reached India from any quarter the neck of the mutiny was broken, and Delhi taken. So far, therefore, as the immediate danger was concerned, there was no necessity for the change. What had happened since? There had been a succession of successes without one failure, under the administration of that Government which was supposed to have broken down. The next point in the Resolution was that it should be transferred "now." Why now?—why not next year? The hon. Member for Taunton (Mr. A. Mills) had said that since the House had affirmed the necessity of legislation there were no new circumstances to induce them to alter their decision. But, were there no new circumstances? When the Government Bill was introduced there was the greatest danger of India being lost; the danger had passed away; was not that a new circumstance? Again, it was supposed—and no argument had been more pressed by the noble Member for Tiverton—that the popular voice was against the continuance of the Company's administration, and that therefore it was necessary to take the administration from the Company. But that had been a delusion, more known to the House than to the country. What was the fact? He found that by the twenty-fourth report of the Committee of petitions, 327 petitions had been presented up to this morning; this showed that the people of England were not indifferent to the state of things in India, or to its future. How many of those petitions did the House suppose prayed for the transfer of the administration from the Company to the Crown? When he spoke on the subject some time back there had been three—there were now four. So much therefore for the argument of popular opinion. Three months ago it was said there was some doubt and hesitation in the public mind, but a revulsion had taken place, and opinion was tending the other way. Was not this a new circumstance, and a reason for delay. It was a grave and solid reason at least why they should not legislate in haste. His hon. Friend the Member for Guildford (Mr. Mangles) in his able and elaborate speech had quoted the opinions of English and foreign travellers with regard to the government of the Company. He would quote the opinion of a person much better able to judge—an intelligent educated native of position. Last month he had received from India two little books, one of them in the Mahratti, the other in the Guzeratti tongue. He put them in the hands of a Parsee gentleman to be translated, and would read some extracts from one of them. The original was in the Guzeratti language, and was written by a native gentleman, the manager of the *Bombay Times* newspaper in Bombay, and holding an entirely independent position. This little book was called, "British Rule contrasted with that of its Predecessors: and comprising an Inquiry into the disastrous Results of the Rebellion in the North-Western Provinces in relation to the future position of the Natives of India." The writer states in the preface:

"More than three generations have now passed away since the empire was transferred to the British Crown. The steady expansion of British dominion had been followed by the establishment of peace in the land,—a firm, upright, admirable administration of the law, and a security of life and property which India had unhappily been a stranger to from the remotest time."

In another place he said:—

"Let it not be thought he was insensible to the defects of that rule, but those defects would pass away as the rule became consolidated. He was deeply sensible of the debt India owed to England, and he wished to revive that feeling in their hearts in a season of adversity and rebellion. Woe would be the day to India when the British rule should pass away. It was the only Government which had shown itself hostile to any interference, direct or indirect, with the religion of the people."

And he ended his preface: "If I shall have succeeded in steadying the faith of the wavering, and confirming the loyalty of the steadfast, I shall have accomplished my object." Such was the opinion of an intelligent Native altogether independent of Government influence, and yet these results were consequent upon the administration of the Company, which it was sought to abolish. But there was a great outcry against the double Government; the administrative power being in Leadenhall Street, and the controlling power at the West end of the town; but was there any evidence of such a conflict between the two, that the machine of government had been injuriously impeded? He could only say he had been a member of the Court of Directors for eighteen years and had passed through the chairs, and he had never heard of such a difference as had damaged the public interests, and he could appeal to his right hon. Friend below him (Mr. Vernon Smith) whether during the two years that he had held office there had been the slightest difficulty between them. The two powers had existed for seventy-five years and had never come to a lock which had led any statesman to say that he found it necessary to suppress them. The Government of this country was a treble Government; every constitutional government, every government where there was a check on the Executive, necessarily partook of the nature of a double government; even in the Cabinet itself there was double government, for the Prime Minister could not proceed with a measure of foreign or domestic policy which a majority of his colleagues disapproved of. He did not, however, suppose that the double Government would any longer be used as an argument for the abolition of the Company. There were many important points raised by the Resolution, but he would confine himself to the reasons why they should not legislate at the present moment. The noble Lord the Member for Tiverton (Viscount Palmerston) said, that because certain steps had been taken towards progress in legislation they should now carry it out. He (Colonel Sykes) would give some good reasons why they should not legislate at this moment. No fewer than 150 petitions had been presented to that House praying for the removal of the system of caste in India. Were hon. Gentlemen aware of the probable consequences of carrying out such an object as that, or even of allowing the Native mind to suppose that the Government intended in any degree to sanction it, involving as it did the suppression of the religion of 160 millions of Hindoos? In addition to that, there were ninety-seven petitions for the extension of Christianity in India. At present there was nothing to prevent pious and zealous men from traversing the length and breadth of India, and propagating Christianity in all its forms without opposition. What, then, did the phrase "extension of Christianity" mean in the sense of these petitions? It implied action; and, being addressed to the House of Commons, it obviously contemplated the interference of Government. Let it not be supposed that these petitions were unknown to the Natives of India. There were upwards of 300 Native newspapers, into which very few things connected with India did not find their way. Imagine, then, the panic impression which the prospect of the Government putting down caste must produce upon the minds of the inhabitants of India. What would be thought of that House passing a Resolution to put down the Roman Catholics of Ireland? Yet that was very like what they were asked to do in India. Caste was part of the religion of the Hindoo; but the propagation of Christianity by authority would probably encounter even more resistance from the Mahomedans than from the Hindoos. At this moment an ominous distrust was growing up among the Natives as to the intentions of the British Government, and they associated in their minds the carrying out of the rash projects of wild zealots with the administrative changes that were being proposed in that House? Surely, then, the House ought to pause and first remove this

brooding distrust from the minds of the people of India. So great was the alarm of the Hindoos at these prospective measures, that in Bombay a widening gulf was now fixed between the Europeans and the Native population which had never been known before. The hon. and learned Member for Devonport had the other night told them of a passage in a newspaper published in India—the organ of a Christian denomination—in which the writer declared that he was not a man of blood, but he thought that justice could never be satisfied without the sacrifice of 200,000 lives at least in Bengal alone. No wonder that the Natives of India were horror-stricken at the prospect before them when they found such sentiments deliberately penned by professed Christian teachers. Although in the course of the debates they had heard the opinions with regard to the East India Company of gentlemen in and out of the House, he would venture to give some more. The first he would cite was, "We want a body independent—the tool neither of the Minister nor of the Opposition; such a body are the East India Company." That was the opinion of Lord Macaulay. The Marquess of Lansdowne said the advantage of the East India Company was that it disposed of the patronage which would otherwise be scrambled for by the gladiators of Parliament. Lord Metcalfe said the real danger to India would be when party spirit was allowed to interfere. During the whole discussion, no reflection had been made on the Court of Directors. They were admitted to have done their duty. Why then were they to be condemned? The Earl of Ellenborough himself in 1853 had borne the highest testimony to their conduct. He (Colonel Sykes) would wish he still retained the same sentiments. Lord John Russell, on the 5th of May, 1853, said that, in his opinion, nothing would be more dangerous than to give the Crown the whole control over those millions, and Sir James Graham expressed himself not less strongly. Surely the House would allow such authorities to have due weight and prevent hasty legislation. What he wished to urge on the Committee was to refrain from legislation at the present time. Let them wait until next year, until the disorders in India were put down, until hanging, shooting, and blowing away from guns were no longer necessary. The Native mind would then be able to look calmly upon any Measure the Government might propose, and the Queen's name would then go to India as that of an angel of mercy, healing the wounds of the past by an amnesty, and offering peace, confidence, and prosperity for the future.

MR. WYLD said, he was rather surprised at the arguments advanced against the Resolution. The first was, that the Crown must take on itself the responsibility of any deficiency of the revenue of India. That was what the argument of the right hon. Member for Stroud (Mr. Horsman) really amounted to, but such deficiency must be met somehow. In any way, the people of England would have to be responsible. He thought, indeed, that this was a most opportune moment for making the transfer proposed. Many questions would soon have to be settled, especially with the Nepaulese and Sikhs, for the assistance they had rendered in the war, and these could not be settled by the Company as well as they could be by the Crown. He did not apprehend that the adoption of this measure would increase the danger of the abuse of patronage, because one-half of that patronage was already in the hands of the Board of Control, and a third of the remainder in those of the Directors nominated by the Crown.

MR. GLADSTONE: Sir, in the few observations which I am going to make upon this Resolution, I wish to pay all due respect to the argument which has been urged by my right hon. Friend the late Chancellor of the Exchequer, and to admit that, to a very great extent, the two important divisions which have taken place in this House, although they had immediate reference to the question of time, yet substantially referred to the transfer of the East Indian Government, as it is called in this Resolution, from the East India Company to the Crown. I therefore do not intend to enter at large into the policy of that measure, upon which, indeed, the use of words of this rather vague description renders it extremely difficult to make a clear exposition of one's views. I wish, in the first place, to advert to one or two difficulties which arise from the form in which this Resolution now stands; and, in the second, to remark upon a difficulty which has as yet attracted little or nothing of the attention of the Committee or of the House, but which I am quite certain must receive a great deal of consideration before the plans of the Government, or of any other projectors, are matured in the shape of an Act of Parliament. The Re-

solution appears to me to be unfortunately drawn. In the first place, it seems to recite the undoubted fact that the powers of the East India Company are made terminable by law, as if that were the reason, and the sole reason, why we are now going to bring them to a termination; whereas, as we all know, it has no such effect whatever, although it may be a perfect answer to those who might otherwise have objected that we were interfering with chartered rights. It appears to me that, to give to this Resolution a rational and consistent form, it ought to recite some general statement of public policy or expediency upon which it is evident that the step which we are going to take ought to be founded. I also think that that was a perfectly sound criticism of the hon. and gallant Member for Aberdeen (Colonel Sykes), as to the use of the word "Government" in this Resolution. A difficulty may, I grant, arise from the circumstance that that term appears in the Act of 1853; but there is no reason why, if inaccurate words happen to have been employed in a previous Act of Parliament, we should create new embarrassments and new misunderstandings by making them our own, and by purporting to do by a Resolution that which I apprehend, according to the proper sense and signification of the terms, we are not going to do, because the territories of India are at this moment under the Government of the Crown. The only thing which can be alleged, and even that but doubtfully alleged, is that they are not under the administration of the Crown. The distinction between the two things is clear. At any rate, we use language inaccurate in itself, and very inconvenient as regards its consequences, when we state that it is expedient that a transfer of the Government to the Crown should now take place. Then, Sir, I confess I see still more objection to the closing part of this Resolution, "in order that the direct superintendence of the whole Empire may be placed under one executive authority." In order to justify those words it is plain that you require the existence of a state of things in which all the rest of the Empire and its dependencies are subject to the direct superintendence of the Crown, and the East Indies alone exempt from it. Is that the state of facts with which we have got to deal? On the contrary, it appears to me that there is at this moment a very much more direct superintendence of the Crown over the territories of the East India Company than there is over other large and important portions of the Empire. No executive act, with the exception of one, important in itself, but quite isolated—I mean the recall of a Governor General—can be performed by the East India Company without the concurrence of the Crown. How, then, is it possible to say that the territories of the East India Company are not under the direct superintendence of the Crown? Compare those territories with the province of Canada, and with those Colonies to which you have given representative institutions and a free development of the principle of self-government. Can you say that the executive authority has a direct superintendence over the province of Canada? Why, as regards Canada and British North America generally, I apprehend there is no such superintendence at all. There is a power of refusing the sanction of the Crown to Acts of Parliament, and in certain cases, and those rare and limited ones, there is a superintendence by the executive authority. But the difference is this—that in the East Indian territories there is already as a general, as an almost universal rule, direct superintendence by the executive authority; whereas in your free colonies with Parliamentary Governments there is no such direct superintendence at all, and no intervention of the executive authority except in rare and occasional instances. If that be the state of the case the recital in this Resolution is not only very doubtful, but I should say most inaccurate. This clause of the recital is entirely unnecessary; and why should we not shorten by a few hours a debate which threatens to be very prolonged, by dropping that line and a half which states that the purpose is "that the direct superintendence of the whole Empire may be placed under one executive authority?" I therefore venture to suggest to Her Majesty's Government that they should adopt that course. But I want, without entering upon the general question of policy, briefly to submit to the Committee one difficulty in point of strict and dry right that confronts us and requires very mature consideration in the handling of this question—a difficulty which arises in some degree, at least, out of the great breadth of the language in which we are describing the enterprise which we are now about to undertake, calling the project which we are now going to mature into a Bill, a transfer of the government of the territories of the East Indies from

the East India Company to the Crown. Now, I do trust that even at this early moment the Committee will begin to consider, what I am afraid has not been sufficiently considered either by Her Majesty's late or present Government, the position in which an Act of Parliament thus described places us with regard to the creditors of the East India Company. Some £50,000,000 has been borrowed by that Company. I am not sure that the instruments are perfectly uniform, but I understand that they are either altogether or nearly so. The fifty millions of money which have been raised, and which constitute the territorial debt of India, are borrowed as loans to the East India Company. The Governor General in Council is the person who contracts the loan, and he contracts it on behalf of the East India Company. Here is the form of the promissory note given for the loan contracted on the 31st of March, 1836:—

"The Governor General in Council does hereby acknowledge to have received from A B the sum of Company's rupees, as a loan to the East India Company, and does hereby promise for and on behalf of the said Company to repay the said loan by paying the said sum of Company's rupees to the said A B, his executors, or administrators, or his or their order, on demand at the General Treasury of Fort William, after the expiration of three months, notice of payment to be given by the Governor General of India in Council in the *Calcutta Gazette*, and to repay the interest accruing on the said sum of Company's rupees at the rate of 4 per cent per annum by half-yearly payments at the General Treasury of Fort William to the said A B, his executors, or administrators, until the expiration of three months after such notice of payment as aforesaid."

It is clear, therefore, that in this instance the Governor General is the borrowing agent, but the East India Company is the borrowing principal. When a man lends his money he usually does so upon two considerations, and certainly in a case like this he always does so. One has reference to the person to whom he lends, and the other to the security upon which he lends. Now, so far as I am able to understand the plan before us developed in the Resolution, important changes are made in the security of the East Indian creditor, and it is proposed to make those changes without his consent. I think if you choose to deal by public authority with the case of a creditor, and to alter his securities without his consent, it is not enough to say, "We are doing him no harm," because when you adopt such a course you are taking into your own hands the determination of a question which it does not belong to you, but to the creditor, to decide. He is to judge whether you are doing him harm, and as far as I understand the case you have no right to stir an inch in the alteration of his securities until he, and not you, shall be satisfied that you are doing him no harm. I will not dwell upon that part of the proposal which relates to the alteration of securities; but I may remind the Committee that a day or two ago I presented a petition on that subject, signed by a very large proportion of the holders of Indian debt now in England, setting forth what they consider to be their rights in terms to which it will be found necessary that the attention of the Committee and of the House should be drawn. I may observe, however, that the distinct proposal in this case is to change the borrower. At present the borrower is the East India Company. Hereafter, by Act of Parliament, the borrower will be the British Government without the security of the Consolidated Fund. That is to say, the security of the Consolidated Fund will not be given by the measure you are asked to pass. But do not let the House or the Committee be too sure that, merely because we do not bring the Consolidated Fund in question at the first moment, the course we are pursuing has no influence on the liability of the Consolidated Fund; for on the contrary, if by a proceeding, not grounded upon public right, you give the Indian creditor a title to complain, although I don't say that you even subject him to a practical grievance—if you violate his dry legal rights, and if he shows you have done what you were not justified in doing, without asking his consent, it is only too probable that you will find yourselves involved in such a controversy that the only way to satisfy and pacify him will be by making over to him the security of the Consolidated Fund. Her Majesty's Government are about to transfer the government of India from the East India Company to the Crown; they are about to erase the name of the old borrower from the instruments upon which £50,000,000 of debt are now secured; they are apt to substitute the name of a new borrower, but they have not obtained the consent of the creditor, and I wish to know from them, and not only from them, but from all who support this measure, whether they mean to offer the Indian creditor the option of being paid off according to the terms of

his loan? If they do not intend to do so, I venture to submit that, apart from all questions of policy, into which I shall not now enter, they are adopting a proceeding which is beyond their legitimate competency as a legislature, and which, even independently of any hardship that may be inflicted, is dangerous to the principles upon which pecuniary transactions with public creditors are uniformly conducted, and the strict and rigid maintenance of which is necessary to the safety and efficiency of those transactions. I hope, therefore, that we shall have some declaration upon this subject which, as the Committee will see, is strictly relevant to the Resolution before us, inasmuch as that Resolution effects the change of the person who is the borrower of the Indian debt. I am sorry the forms of the House preclude us from entertaining at this moment the suggestion of an hon. Member opposite (Sir T. Colebrooke) for the postponement of this Resolution, which is vague and general in its terms, and is in itself of no legislative efficacy whatever. I should far rather have preferred discussing this general declaration after we had considered in the subsequent Resolutions what we really meant to do, instead, by passing this Resolution before us, of making a somewhat abstract promise, the redemption or non-redemption of which will depend upon steps hereafter to be taken, and upon proposals the issue of which is quite uncertain. I beg to ask for an answer to the question I have put, and to suggest that the form of the Resolution will be greatly improved by the omission of the last line and a-half.

THE CHANCELLOR OF THE EXCHEQUER: The hon. Gentlemen who have addressed the Committee, although they have evinced a thorough knowledge of the subject, have rather entered into the general question of the policy or impolicy of this great change, instead of referring particularly to the precise language of the Resolution. The right hon. Gentleman who last spoke has, however, very properly applied his critical powers to the language of this Resolution. He says it is a Resolution which has no legal efficacy. Why, we don't pretend that it has any legal efficacy. It is a Resolution which is simply intended, if carried with the other Resolutions of which I have given notice, to form the basis upon which we intend to found a measure. It appears to me that it is a very proper step in the first instance, when this House is endeavouring to lay down the general principles upon which it may act, that we should begin by attempting to describe in a Resolution the policy we recommend. The right hon. Gentleman complains of the language of this Resolution in so far as we talk of the "government of the East India Company," and he has adduced some reasons for doubting the accuracy of that expression. Now, I don't believe it is possible in dealing with subjects of this nature to use language which is not open to the criticism of a refining and acute intellect; but the question the Committee have to decide is, whether, upon the whole, the expression we have used is not a proper and practical expression. The true test of that is, in my opinion, to see whether it does not substantially give all the information required by the Committee with regard to the general scope of the plan to be brought forward by the Government. The expression, moreover, is taken from the Act of 1853. That Act is entitled an Act for regulating the territories, which, to use the term of its title, are "under the Government of the East India Company." It appeared to us, therefore, that we should be acting regularly, and using language which would be intelligible to the House and to the country, if we availed ourselves of an expression which was sanctioned by an Act of Parliament. I cannot help thinking, notwithstanding the criticisms of the right hon. Gentleman, that the Committee will be of opinion that, upon the whole, this is a right expression. When it is remembered that our proposal is virtually to repeal the Act of 1853, it seems to me that the proper course was to use the very language which was employed in that Act. The right hon. Gentleman has also objected to the expression in the last line and a half of the Resolution—"in order that the direct superintendence of the whole Empire may be placed under one executive authority." We are only so far responsible for that expression, inasmuch as we made, what I cannot help thinking, a happy selection of language which is, I believe, that of Mr. Pitt. I maintain that the expression is perfectly applicable. The change we are proposing is one from the direct superintendence of the East India Company to the direct superintendence of the Crown, and the expression is one to which nobody can ascribe an ambiguous meaning, and it

conveys distinctly and perspicuously, and with sufficient precision, what is really our object. I therefore cannot agree to the suggestion of the right hon. Gentleman that either with reference to the expression "the government of the East India Company," which I think is not only popularly, but even technically, correct; or with regard to the last part of the Resolution, which conveys an idea of the intention which, so far as that Resolution is concerned, we wish to accomplish, any alteration is desirable. The right hon. Gentleman has, however, opened a subject of much greater importance, though it appears to be not so germane to the Resolution before us as to a subsequent one. But I am at a loss clearly to understand what is the point of the right hon. Gentleman's objection. He would seem to insinuate that in this transfer of the government of India from the East India Company to the Crown the security of the public creditors in India is changed. But I maintain that by the transfer proposed that security has not changed. The public creditor in India has exactly the same security as he had before. Before, it was the trustee who was responsible to him; now, those for whom that trustee was employed will be directly liable. His security will be, as before, upon the revenue and the territory of India; and that security will not be limited by a transfer of the government of India from the trustee to the person for whose benefit that trustee acted. I am not at all surprised that the right hon. Gentleman and another right hon. Gentleman who addressed us in the course of the evening (Mr. Horsman) should view with natural apprehension the influence which a change like this may have upon the finances of the country. It becomes us all to examine with great caution all the steps we may take in that respect, and I am quite sure there is no one who can address the Committee with more advantage on this subject than the right hon. Gentleman. But I have not heard anything yet, either from the right hon. Gentleman or from the right hon. Member for Stroud (Mr. Horsman), which amounts to more than this—that the finances of India form a subject of great importance and of great anxiety to public men, and that in dealing with Indian subjects we should take care that the liabilities of this country should not be in any way increased by the change we are recommending. That, without any change whatever in the Government, a possible liability, very much to be deprecated with respect to Indian finances, may be incurred on the part of the people of England is no novelty in our debates, and is a truth which has impressed itself on the minds of those who have deeply considered this subject. But no course that we can take with regard to this present project of legislation can diminish a possible liability which existed years before. No doubt, as has been said by the highest authorities in this House, there is an intimate connection between Indian and English finance, and however you may seek to divide them, so long as India remains the principal dependency of this country, we must all be deeply interested in its finances, knowing full well what are the possible consequences to England if those finances are badly administered. What I wish to impress upon the Committee, however, is the true and common-sense view of the question, that the change now contemplated will not increase the possible liability in this respect which existed before. As I mentioned to the Committee just now, it is in the 14th Resolution that this point is really contained, and there you will find the words "for continuing the charge on the revenues of India alone" specifically introduced. I do not know that I have any further observations to make upon this Resolution, because the subject of it has been so long in our minds, and has been treated of late in so many modes, that we in this House have pretty well arrived at a conclusion upon it. There are other Resolutions as we proceed, which, no doubt, will lead to very great controversy and to protracted discussion. But it appears to me that, upon the whole, this Resolution expresses the intentions of the Committee in language not justly liable to criticism. That it has no legal efficacy we are, of course, all aware. But if it conveys, as I maintain it does, in clear and precise language, what is the intention of those who propose it, and what I believe is also in the mind of hon. Members, I trust the Committee will pass this Resolution, and, I hope, without a division.

MR. LABOUCHERE said, he was willing rather to consider the language of this Resolution in its popular sense, and as embodying the opinion of the House, than to go very closely into its precise meaning, which might be deferred until the whole subject was considered in the form of a Bill. At the same time, it was desirable not to assert anything actually contrary to

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the fact. Now, he wished, in no captious spirit, to point out one part of the Resolution which seemed liable to this imputation. He referred to the words alluded to by his right hon. Friend (Mr. Gladstone), that the transfer was expedient, "in order that the direct superintendence of the whole empire may be placed under one executive authority." Now, there was one very large part of the empire which was as completely out of the direct superintendence of the Crown at this moment as the territories of the East India Company—he meant the whole of that portion of British North America held under a charter by the Hudson's Bay Company. If the words he had quoted were allowed to remain, they would assert that which was actually contrary to the fact; and, as he believed, they could be omitted without weakening the force of the Resolution, he thought it would be desirable to do so.

THE CHANCELLOR OF THE EXCHEQUER: I do not mean to say it is absolutely necessary that these words should be in the Resolution. There are, probably, a great many words in these Resolutions which might be omitted, but I think it would be a great pity to strike these out. The Resolution would be more meagre, and would not, I think, express our meaning so well without them. I am not surprised that the only exception throughout the wide dominions of Her Majesty, which can be brought forward in order to prove the inaccuracy of the Resolutions, is the case of the Hudson's Bay Company. The fact is that, for the moment, I thought the Hudson's Bay Company had been put an end to. But that is the only instance which can be adduced, and I still therefore retain my opinion that the expression in the Resolution conveys more fully and accurately what I believe to be the intention of the Committee than it would do if altered in the mode suggested.

Motion *agreed to.*

Resolved—"That as the Territories under the Government of the East India Company are by law to remain under such Government only until Parliament shall otherwise provide, it is expedient that the transfer of such Government to the Crown should now take place, in order that the direct superintendence of the whole Empire may be placed under one Executive authority."

THE CHANCELLOR OF THE EXCHEQUER: The second Resolution embodies the principle that there should be one great officer of State responsible for the administration of India, and specifies his title. It defines generally the powers and duties of that officer, who we suggest in the Resolution should be called a Secretary of State. The Committee will, of course, decide whether they think he should be called a President or a Secretary of State. It is our opinion that, on the whole, it would be more convenient, though it is a matter of no great moment, that the Minister who is responsible for administering the government of India in England should be a Secretary of State; and we have attempted to express the powers and duties which will devolve upon him in consequence of the change we propose. The Resolution is:—

"That for this purpose it is expedient to provide, that Her Majesty, by one of Her Principal Secretaries of State, shall have and perform all the powers and duties relating to the Government and Revenues of India which are or may be now exercised and performed by the East India Company, or by the Court of Directors or Court of Proprietors of the said Company, either alone or with the approbation of the Commissioners for the Affairs of India."

That would concentre all the powers exercised by the Board of Control and the Court of Directors in the principal officer, whose style we have defined as Secretary of State; and I hope this Resolution may pass.

Motion made, and Question proposed—

"That for this purpose it is expedient to provide, that Her Majesty, by one of Her Principal Secretaries of State, shall have and perform all the powers and duties relating to the Government and Revenues of India which are or may be now exercised and performed by the East India Company, or by the Court of Directors or Court of Proprietors of the said Company, either alone or with the approbation of the Commissioners for the Affairs of India."

MR. ROEBUCK said, that he would suggest the expediency of postponing further discussion upon the Resolution at that hour of the night (a quarter to twelve o'clock).

MR. GLADSTONE said, he would suggest that it would be better to defer the discussion with regard to the denomination of the officer who was to superintend the affairs of India, until they came to the substance of the Resolution. He might observe, however, that he was of opinion that it was an error to constitute a new Secretary of State, and contended that the arrangement proposed upon that point in the Bill of the noble Lord the Member for Tiverton was preferable, upon all the principles of constitution and analogy, to that embodied in the Resolution under the notice of the Committee. It would, under

those circumstances, he thought, be advisable for the present to substitute some such general words as "responsible advisers" for the words "Principal Secretaries of State."

THE CHANCELLOR OF THE EXCHEQUER said, he had no objection to comply with the suggestion of the hon. and learned Member for Sheffield (Mr. Roebuck), and should therefore move that the Chairman report progress. He should postpone any observations which he might wish to make with reference to the Resolution to a future occasion, simply observing that he could not agree with the right hon. Gentleman the Member for the University of Oxford, so far as the question of constitution and analogy was concerned.

House *resumed.*

Committee report progress; to sit again on *Monday* next.

LOCAL GOVERNMENT BILL.

SECOND READING.

Order for Second Reading read.

MR. ADDERLEY said, he rose to move the Second Reading of this Bill, which it could hardly be necessary to discuss at that stage, as it was not a new measure, nor founded on a new principle. It was merely an Amendment of the Board of Health Bill of 1848. The only novel provision in it was the abolition of the General Board of Health in London, and leaving it to every town in the kingdom to adopt the powers of local Government which it conferred, without reference to the General Board of Health, or without being subject to its control. No doubt, if any hon. Members were in favour of the retention of that Board, that would be a ground for delaying the second reading; but he believed that no such persons would be found. The remaining provisions of the Bill were merely matters of detail, which would be much more advantageously discussed in Committee, of which ample notice should be given. He would only add, that his official experience had quite confirmed all those objections which he had previously entertained and expressed to the exercise of the powers and functions vested in and performed by the Board of Health. He thought it was better to leave localities to settle their own affairs, than to transfer them to a central authority.

Motion made, and Question proposed, "That the Bill be now read a second time."

MR. PALK said, his opposition went to the principle of the Bill, but if there were not other objections to its being read a second time, he thought it was a valid vice that the Bill had been so recently printed that the towns interested in the measure had not yet had time to express their opinion upon it. The present Bill would give to local Boards the powers which the right hon. Member for Hertford (Mr. Cowper) by his Bill proposed to confer on a central Board, and if driven to a choice, he should prefer the central Board, as likely to be composed of persons of more general knowledge and less liable to be mixed up with local jobs. It was impossible at so late an hour (it was past twelve o'clock) to go on with a Bill of that kind, and he trusted another period would be fixed for its discussion.

MR. COWPER said, that the Bill contained much to which he assented. The right hon. Gentleman assumed that the abolition of the Board of Health would be universally popular, but during the ten years in which it had superintended sanitary affairs, its proceedings had been such as to induce all friends of sanitary improvement to attach very great importance to the existence of such a department connected with the Government. He therefore did not think it desirable that the House should proceed to the abolition of that Board without the statement of any reasons, and without having the opportunity of at least pronouncing a funeral oration over it. He trusted that the second reading of the Bill would not be pressed at that moment, or that it should be understood that there would be a discussion as to its principle upon the Motion for going into Committee on the measure.

SIR GEORGE PECHELL said, he hoped the second reading would not be pressed, seeing that the Bill had been but a very short time in the hands of hon. Members. The right hon. Gentleman (Mr. Adderley) might think it very desirable to abolish the Board of Health, but other persons might not be of that opinion. He (Sir George Pechell) begged to move the adjournment of the debate.

SIR ARTHUR ELTON said, that he was connected with a town that had been waiting fifteen years for such a Bill as the present, but he despaired of ever seeing it passed, if there was to be a dogmatic opposition to its progress and to the cause of comfort and public health. He should give his support to the Bill.

MR. WALPOLE said, he thought it

quite reasonable to give an opportunity to the friends of the Board of Health to pronounce a funeral oration. He thought that the objects of all parties would be met by arranging that the Bill should be read a second time now; that a full opportunity for considering it should be given in Committee; and that it should not be taken in Committee till the 3rd of June.

Mr. BOUVERIE remarked that there was a new principle involved in the Bill, as power was given to take lands without a previous application to Parliament.

Mr. AYRTON said, he would support the Motion for the adjournment of the debate.

Sir WALTER FARQUHAR observed, that he would support the second reading, on the understanding that a discussion should be taken in Committee.

Lord ELCHO said, he would consent to the second reading on the same ground.

Question put, and *agreed to;*—Bill read 2°, and committed for *Thursday*, 3rd of June.

House adjourned at half-after Twelve o'clock, till *Monday* next.

HOUSE OF LORDS,

Monday, May 3, 1858.

Minutes.] *Sat First in Parliament*—The Lord Penshurst, after the Death of his Brother.

Public Bills.—1ª Excise Duties.

3ª Exchequer Bills (£20,911,500).

INDIA—THE CAWNPORE MASSACRE. QUESTION.

The Earl of SHAFTESBURY referring to a blue-book, entitled "Further Papers (No. 7)," relative to the mutiny in the East Indies, observed that he found at page 129 the following statement:—

"Neither will it be, perhaps, desirable to enter into a detailed account of cases of individual suffering, a record of which may be placed more appropriately in an appendix to the narrative, where also may be found the records of survivors and others from which the information now furnished is gathered."

There was a foot note with reference to this passage, "Not received." He wished to know whether this note was inserted by the Board of Control or by the Government in India; and also, whether the noble President of the Board of Control had any objection to lay the appendix on the Table?

The Earl of ELLENBOROUGH had made inquiry, and found that the appendix referred to had not been received either by the Board of Control or at the India House, and he thought the probability was that it never was written. The words "Not received" appeared to have been written in India. Who wrote the account he did not know; the public document which was sent to him had no signature. The noble Earl wished the appendix had been published; but he (the Earl of Ellenborough) thought that even if such an appendix had been received there would be the greatest objection at the present moment, to laying it before the House. The appendix would contain an account of individual sufferings at Cawnpore, and he did not think any public benefit could arise from placing such an account before the world. On the contrary, in his opinion it would be very undesirable to take such a course—while it would be attended with considerable pain to the families of the parties concerned. He believed that the production of further details on the subject would only tend to perpetuate a feeling which was inconsistent with good legislation and good government, and he thought their Lordships would all concur with him that it was most desirable, that all feelings of animosity against the Natives, instead of being increased, should, if possible, be obliterated.

The Earl of SHAFTESBURY desired as much as the noble Earl that all animosity should cease; but he was equally anxious that the truth should be known, and that the characters of those who had been grossly calumniated should be cleared from the imputation which had been cast upon them. If the noble Earl would not lay the document before the House, he gave notice that he would move an Address to the Crown for its production, and he would persist in that course until he obtained it.

The Earl of ELLENBOROUGH: You must first ascertain that it is in existence. I don't believe it has ever been written.

COURT OF CHANCERY.—QUESTION.

Viscount LIFFORD rose to ask Her Majesty's Government, whether any further steps would be taken to expedite causes in the Court of Chancery? The noble Lord said, that nearly at the close of last Session he asked the noble and learned Lord then on the woolsack a similar question, who then stated, as he now stated, that the business in the Chief Clerk's chamber did not proceed much more satisfac-

torily than formerly in the Master's office; that the causes were not then heard *de die in diem* until they were finished; but that if upon one day they were only partially heard, they were then placed at the bottom of the list; and therefore it was in the power of the solicitor, if it suited his interest, to make a cause last as long in the Chief Clerk's chamber as in the Master's office. The answer of the noble and learned Lord on that occasion was given with his usual frankness, but not with his usual courtesy, for the answer was, that the statement was false. He had, before putting the question, ascertained that the general feeling of the legal profession was, that the proceedings of the Chief Clerk's chamber did not give satisfaction; and before he left the House on the occasion to which he referred his information on that head was confirmed by a noble and learned Lord, who was at least as good a judge of the feelings of the profession as the noble and learned Lord then on the woolsack. He would now state the case of an Irish property under the English Court of Chancery. In 1849 a minor, not quite two years old, and possessing an Irish estate of £3,000 a year, was made a ward of the English Court of Chancery, and from that day to this no guardian had been appointed. From the time of the death of the minor's father in August, 1848, up to December, 1852, no account whatever was rendered of the proceeds of the property, and it was only after considerable expense and great exertions being made for the purpose that accounts were rendered. In one account, up to May, 1853, the receipts returned were £310 9*s.* 2*d.* out of a rental of £3,000; and in the previous return, up to May, 1852, the receipts returned were £1,844 11*s.* 10*d.*, or somewhat more than half the rental. It might be said, that the badness of the times in Ireland was the cause of this deficiency; but that was not the case, the estate not being affected by the badness of the times, except in a trifling degree. At the same time legal expenses were accumulating, and in one case of replevin for a holding of £60 a year—for the tenants had taken it into their heads to become freeholders — the expenses amounted to £591. In 1854, happily for the minor, application was made to the Irish Court of Chancery, and within three years every farthing of arrears was paid up; thus proving that it was the neglect of the agent, and not the condition of the tenantry, that had caused the arrears. He had letters from many unfortunate persons setting forth similar grievances. Such was the state of the law in the English Court of Chancery, that he believed a minor might be left in a state of destitution, as the only person who could bring his case before the court was his solicitor, and he might have an interest in the matter adverse to the minor. He thought there ought to be a power to dismiss the receiver in every case in which the accounts were not produced by a certain day. There was much hope in the country, from the character of the noble and learned Lord who had lately taken his seat in the Court of Chancery, amid, he might almost say, universal acclamation, that these evils would be remedied, and he begged to put to him the question of which he had given notice—namely, Whether any further steps will be taken to expedite causes in the Court of Chancery?

Viscount Lifford

THE LORD CHANCELLOR, after expressing his gratification that such hopes should be entertained of him, said, that the question of the noble Viscount was expressed in such general terms that he was quite unable to fix upon the particular quarter from which to obtain the information desired of him. It assumed that certain steps had already been taken to expedite causes in the Court of Chancery, and the noble Viscount thought that further steps in the same direction were necessary. For his own part, however, he had not the slightest notion to what course of legislation the question of the noble Viscount referred. His idea on first reading the question was, that the objection applied to delays generally in the Court of Chancery. Upon that point he was happy to say that no real ground of complaint existed. The Courts of Chancery were proceeding with the greatest possible expedition; they were presided over by the highest judicial talent, and the manner in which they disposed of their business was as satisfactory as anything could be. It appeared, however, that the complaint of the noble Viscount was mainly directed to proceedings in chambers before the Chief Clerks. Now, he had made some little inquiry into that subject, and, though he had not been able to obtain much information, he was in a position to say that the statements of the noble Viscount were not altogether correct. There was not a general impression that the business in chambers was conducted in an unsatisfactory manner. That business

was very considerable; there was a great pressure upon all the officers, more especially since the passing of the Joint-stock Companies Winding-up Act; but they pursued their labours with the greatest possible expedition, and, as far as he could understand, with satisfaction to the parties coming before them. It was very difficult, without knowing all the circumstances, to meet any particular case of hardship or delay. With respect to the case of the minor mentioned by the noble Viscount, he could not help thinking that if inquiry were made it would be found that the fault lay, not with the Court of Chancery, but with the parties themselves. The Court of Chancery could not proceed voluntarily, and without being put in motion by others, to appoint a guardian. So in the other cases cited by the noble Viscount, he had no doubt that the parties, and not the Court, were to blame for any delay that had taken place. The noble Viscount had stated that causes were delayed before the Chief Clerks in consequence of long speeches from counsel and frivolous objections. But what were the Chief Clerks to do in such circumstances? They could not interrupt the speeches of counsel, nor could they prevent frivolous objections being made. He believed, moreover, that legislation could not meet cases of that kind; and therefore the noble Viscount must forgive him for saying that he was unable to return a satisfactory answer to the question as to whether any further steps could be taken for the purpose of expediting causes in the Court of Chancery. If the noble Viscount would bring to his attention any particular case of unwarrantable delay or hardship, he should be glad to inquire into the facts, or into the state of business in the Chief Clerks' offices; and if he found that further legislation was necessary and practicable, he would lose no time in entitling himself to the approbation the noble Viscount had been kind enough to express concerning him.

Lord CRANWORTH said, he had not the most distant recollection of the candid but not very courteous answer which he was represented as having given in the last Session, nor had he the slightest knowledge of any one circumstance connected with the case in question. It appeared that a suit had been instituted in the English Court of Chancery with reference to the property of a minor, who, though domiciled in England, was the owner of estates in Ireland. A suit, being so instituted, the minor would become a ward of the Court; but it must have been at the instance of one or more of his friends—who, according to the noble Viscount, were all honourable persons—that directions were given by the Court as to his custody and education, and an agent appointed to take care of the property in Ireland. It might have happened, also, that the powers of the English Court, not being thought sufficient, a suit was instituted in the Irish Court of Chancery for the purpose of having the property managed in Ireland; and he was glad to hear that, by the instrumentality of the Court in Dublin, the matter had been speedily brought to a satisfactory conclusion. Why the same result was not obtained through the instrumentality of the Court of Chancery in England he could not even conjecture, knowing nothing of the property, how it was situated, or what was the nature of the procedure. With respect to the general subject of delays in the chambers of the Vice Chancellors, he could confirm all that had fallen from his noble and learned Friend on the woolsack. These alleged delays were, if not altogether without foundation, immensely exaggerated. They amounted merely to this, that whereas parties might wish to have their causes heard on a Saturday they could not be taken till the following Wednesday. It was impossible that any tribunal could be so constituted as to enable persons to ring a bell and demand to have their causes gone into on the instant. There must be time allowed for making the necessary arrangements, and his information justified him in saying that no unreasonable delay had taken place in chambers before the Chief Clerks.

Lord CAMPBELL thought, that if the practice was adopted in the Clerks' offices of hearing a case only for a limited time, and then putting it at the bottom of the paper, it was a very objectionable one: all the old evils of the Masters' offices would be revived. It used to be the practice to put down several cases each for an hour, and when the hour expired the parties were dismissed and a new case taken. In six months the case was, perhaps, again brought on for an hour, the first three-quarters of which were occupied in reviving the recollection of the Court as to the former hearing, and then at the end of another quarter of an hour the parties were bundled out of Court. Under such a system of procedure a case which might have been decided in twenty-four hours would last seven years.

Lord ST. LEONARDS thought the

Chief Clerks ought to be under the authority of the Judges. When the measure was before the House he had recommended that such a system should be established as would place these Clerks in direct communication with the Judges. At present the judicial power of the Court of Chancery was such as had never before existed, and they ought to take care not to do anything which would destroy its efficiency. The Chief Clerks were never intended to take the place of the Masters—they were intended to be subordinate officers of the Judges, in order that the latter might do by their agency what had formerly been done by the Masters. He thought that contentious matter ought not to be taken in chambers, but that when it required considerable argument it ought to be heard before the Court. It must be remembered that the system now established was a new one, and every new system required constant supervision. To make it work well it was necessary that the Judges should be confined to their province, and the Clerks to theirs; and that could never be done unless there was a steady supervision on the part of the higher powers of the Court. That the Chief Clerks should be the first to hear and to examine causes requiring great nicety and attention, and then put them in the list for the examination of the Judges, he could not at all conceive. There was only one way in the world to transact judicial business, and that was, when the Judge took up a particular business never to leave it off till he had brought it to a conclusion. But having said so much it was but just to add that from what he had seen of the Chief Clerks and their way of transacting business, he had conceived a very high opinion of their knowledge and capacity. With regard to the question of receiverships in Ireland, he had endeavoured when he was in that country to correct various abuses which had crept into the system. For instance, he found that it was a general practice for receivers in Ireland to give tenants receipts for rent on account, without stating up to what time the money was paid; so that neither the tenant nor the landlord could ever know how much was due. He had struck at that abuse by intimating that he would dismiss every receiver, no matter how respectable he might be, who continued that system. With regard to the management of estates in Ireland, where there were also estates in England, he thought the best way was to allow the Irish Courts to appoint receivers, and for each Court to see that the officers performed their duty.

VISCOUNT LIFFORD said, if it could be shown that the statement upon which his complaint was founded was untrue he would at once admit that he was wrong in the position he had taken up; but in the absence of any direct proof to that effect he should retain the opinions he had already expressed in this matter.

ENDOWED SCHOOLS (IRELAND).

OBSERVATIONS.

THE EARL OF CORK rose to call the attention of their Lordships to the Report of the Commissioners appointed to inquire into the state of Endowed Schools in Ireland; and to ask what course Her Majesty's Government intend to pursue in consequence of that Report. He would remind the House that in November, 1854, in consequence of an Address moved for in "another place," Commissioners were appointed to inquire into the condition of the endowed schools of Ireland, and the nature and extent of the instruction given in them, and to report thereon. Difficulties, however, arose in consequence of the refusal of a large body interested in these endowments to submit to the authority of the Commissioners; and in the following July an Act was passed which, after confirming their original authority, empowered them to report and suggest to Her Majesty "such plans for the improvement of the education given in such schools, for the better management of their endowments, and for the better regulating, managing, and governing such schools," as to the Commissioners should seem expedient. It was no part of his intention to refer to the merits of the various plans, having these objects in view, which were suggested to the Commissioners; and it would be presumptuous in him to discuss that in favour of which they had, after mature deliberation, reported. It would be sufficient for him to state a few well known and well proved facts, which he hoped would sufficiently demonstrate the necessity of the Legislature interfering in such a way as to render the present system more beneficial, by effecting a better distribution of the large sums of money which had been left by private individuals for the diffusion of knowledge among the less wealthy classes in Ireland. There were in Ireland 2,828 endowed schools, of which 1,507 were vested in the National Board or their trus-

tees, 317 were non-vested national schools, and 1,004 were unconnected with the National Board. The total amount of the endowments in operation was £68,578 a year; and there was a further sum of £7,170 a year lying idle, not having been appropriated. The schools in operation afforded accommodation for 140,000 children, but the number actually attending at the time of the inspection was only 80,000. The funds, therefore, did not attain the object for which they were originally intended; and it was a question worthy of their Lordships' consideration, what were the causes which rendered thus inoperative the vast resources at the disposal of the Commissioners of Endowed Schools. There was one point at least which had received a satisfactory solution; the Commissioners were unanimous in reporting that in the majority of schools the education was of a very inferior kind. The principal causes of this inferiority, as stated by them, were—

"1. The want of efficient visitation and inspection. 2. The incomplete and unsafe modes at present in use of keeping the accounts of school funds and revenues, and the want of a proper system of audit. 3. The want of a clear definition and public announcement of the qualifications and rights of pupils to free admission. 4. The want of properly trained masters in the primary schools. 5. The inadequacy of the salaries of masters, arising from the smallness of many of the endowments. 6. And the want of promotion and of retiring pensions to masters as the reward of faithful service."

He now asked their Lordships to look at some of these causes of inefficiency, his chief object being to attract attention to the great *desideratum* now felt in Ireland, and which, moreover, there was reason to believe it was the aim of the benevolent founders of these schools to supply—namely, a good, useful, classical education for the middle classes, or what was now termed intermediate education. He would confine his remarks to the grammar and superior schools, seventy-three in number. Of these six were Royal, and fifteen diocesan schools, which the Commission stated were non-sectarian in their constitution, and in which the pupils had a right to free education. Instead of this being carried out, however, it was stated in the Report that the whole number of free pupils in the schools was only forty-seven, deriving a benefit of £10 each, or £470 in all, out of endowments averaging £6,000 a year. Again, the Commissioners state that—

"It appears that out of twenty diocesan or district schools there were at the time of our Assistant Commissioners' inspection seven not in operation; only eight had houses suitable for the purpose; as to only six of them did we receive favourable reports of the state of instruction. Against four we have received public complaints as to their management; three are, in fact, private schools for the benefit of the masters. No less than five of the nine masters examined before us denied the existence of any right to the admission of free pupils, although this right had been, so recently as 1830, explained by the Commissioners of Education to all the masters under their control in a general circular, and publicly announced by them in their annual Report laid before Parliament in 1831."

After reading this statement, one could not feel much surprised at the conclusions deduced from it,—

"That the right of all persons resident in the district to provide for their children a classical education free of expense by admission to these schools not being conceded to them by the masters, it was reduced to a perfect nullity, or else the admission of free pupils became matter of patronage in the master's hands."

An equally striking instance of the object of the founder not being carried out was shown in the present condition of the schools founded by Erasmus Smith. It appeared by the charter that in each of the grammar-schools severally founded by him at Galway, Drogheda, and Tipperary, twenty poor children, dwelling within two miles of the schools, and all the children of the tenants upon his estates, were to receive their education free; yet, at the time of these schools being inspected by the Commissioners, there were in the first only eight, in the second six, and in the third only seven. Of the individual cases of mismanagement and inefficiency, he would only select one or two of the most glaring, though their Lordships, by looking to the Report, might find numerous instances of them. The Cavan Royal Free School came under the unfavourable notice of the Commissioners in 1791, with regard to the trafficking in the patronage therein. In 1835, and for several preceding years, there were no free pupils at all; in 1845 visitors were appointed, who reported—

"That the school was in a lamentable state of inefficiency, both as regarded attendance, instruction, and general management. The assistants were badly paid, and some of them who resided in the House were wretchedly lodged. The pupils were few in number, and the fees charged and the severity of the punishments inflicted were such as to account for the very small attendance. And as regarded the salaries of assistants, the course of instruction, and the number of pupils, the master's Returns to the Commissioners were inaccurate, and calculated to conceal from them the facts of the case. This was most remarkable with respect to the remuneration of the assistants by the mas-

ter, which at the investigation turned out to be considerably less than as returned by the masters to the Commissioners. They also reported that the appointment of the master had been made the subject of bargain."

Could it be considered other than an inevitable result of this state of things, that—

"In 1844, an annual exhibition of £25 a year, for five years having been established in Trinity College, Dublin, for the Cavan Royal School, during the ten years following only one candidate had been successful in obtaining this prize, and he did not hold it for two years, though the appointment was for five, provided he continued to deserve it? The endowment being burdened with the charge for building, the master's prospect of an increase of salary in part depended on having the funds applied rather in the discharge of the debt for building than on the support of exhibitions. In connection with the building debt upon this endowment, it is important to notice the very unfavourable Report of the Inspector as to the management of the estates for some years past, for the loss caused thereby was the more serious in its effects in consequence of the indebted state of the endowment. The school was inspected by an assistant Commissioner, who reports very unfavourably as to the course of instruction, the proficiency of the scholars, and the general state of the school."

He would now pass to two instances of mismanagement of funds and estates. It appeared from the public summing up of the evidence by Mr. Stephens, one of the Commissioners, that the mastership of the Diocesan School at Wicklow, with a salary attached to it of £100 per annum, had been vacant since 1839; that the Archbishop of Dublin, who had the right of appointment, had never exercised such right, in consequence of which the school had not been in operation; and thus, as the Archbishop was bound to pay one-third, and the clergy of the united diocese of Dublin and Glendalough two-thirds of the salary, a sum of £1,600 had been withdrawn from educational purposes. Again, it appeared that, in consequence of the statute 53rd of *George III.*, chap. 107, the Lord Lieutenant of Ireland, by notice in the *Dublin Gazette*, dated April 17, 1824, had the power of appointing annual salaries to be paid to certain schoolmasters of diocesan and district schools; yet, nevertheless, that the following district diocesan schools for which salaries were appointed by the Lord Lieutenant—namely, Cashel £100, Ardfert and Aghadoe £80, Waterford and Lismore £90, Clonfert £40, and Killala and Achonry £50, making in the aggregate £360—had not been in operation for upwards of twenty years; while Cloyne and Wicklow, each with a salary of £100 per annum, had not been in operation for sixteen years: thus illegally withdrawing, for the last twenty years, no less a sum than £9,000, which should have been employed in the purposes of education. The last instance of mismanagement with which he would trouble their Lordships was of a different nature, and must tell very forcibly upon the minds of English landlords. The inspectors of estates, attached to the Commissioners, reported that on the estates of the Royal Free Schools in Dungannon the tenants were served every year with notices to quit, whether they were in arrears or not, for each of which notices the solicitors of the Commissioners for Education in Ireland were in the habit of charging the moderate sum of 5*s.*, though, except the difference in the names of the tenants, each form was alike. Their Lordships would, then, not be surprised to hear that in consequence of such a bad system of administration the arrears of rent on lands belonging to these schools, as well as those of many others, had periodically to be abandoned, while the law costs consumed a not inconsiderable portion of the amounts that could be collected. He forbore to dwell upon other instances, such as gross irregularities in accounts, neglect or wilful omission to balance those accounts regularly for several years, till the lapse of time alone sufficed to preclude any idea of rectifying deficiencies; and unimproved estates, where improvements were greatly needed, and could be carried out with ease and remunerative returns. All these details were to be found in the voluminous report lately laid on their Lordships' table; and they were each in themselves only small component parts of a great defective whole, which he hoped he would be able to learn from the noble Earl opposite that it was his intention to use his best endeavours to rectify; for he could assure their Lordships that the necessity of an adequate remedy to the present state of disorganization was being daily more felt by the middle classes in Ireland, and daily were they becoming more anxious to obtain for their children the proportionate advantages which were now made available to the poorer classes through the medium of the national schools. They sought, namely, an education that should fit their children to maintain and improve their respective positions in life, and, knowing now from this Report that vast resources existed which, if properly managed, would enable them to obtain these objects, they were anxiously waiting to hear the course which

the noble Earl intended to pursue in this matter. The name of the noble Earl was indissolubly connected with the present system of national education, and surely it was not too much to ask him to extend his consideration to a class which required the advantages of efficient legislation on its behalf quite as much, and which certainly deserved it no less.

THE EARL OF DERBY said, it was quite unnecessary for his noble Friend, if he would allow him to call him so, to offer any apology to their Lordships for having introduced to their notice a subject which was certainly of the very highest interest and importance—namely, the best mode of rendering available funds which already existed, and might be further improved for the promotion of that great *desideratum* in Ireland, a sound and efficient education for the middle classes. The noble Earl had not exaggerated his representations as to the documents which had been laid upon their Lordships' table as the result of the labours of a Commission which was issued in 1854, and of which the Marquess of Kildare was at the head, with other gentlemen, among them, Mr. Hughes, formerly Solicitor General for Ireland, and Mr. Stephens, an English barrister. These Commissioners were led, in the course of their inquiries, to appoint four assistant commissioners, a secretary, of course, a considerable staff of clerks and short-hand writers; and, after a protracted, laborious, and, no doubt, useful inquiry, the result was laid upon their Lordships' table in the shape of four large folio volumes. The one from which his noble Friend had cited these extracts consisted simply of a Report, but it was a report extending over 280 pages. The total amount of pages in the four volumes amounted to 2,400. One of the volumes consisted of 750 pages of purely tabular matter. The number of questions asked was between 40,000 and 50,000; the expense of printing and paper, according to a return made to the House of Commons, was £5,200; and the weight of the paper consumed in this publication amounted—their Lordships would scarcely believe it—to thirty-four tons. He did not know that his noble Friend had gone through all these folios. No doubt he had more leisure than he (the Earl of Derby) had, and was fond of light reading. If his noble Friend had gone through the whole of these volumes, he gave him joy of his industry, patience, and perseverance; but for himself, he must confess, he had not been fortunate enough to find time, and if he had he was not sure he had the inclination. He had, however, looked into the Report of the Commission, or rather into the Report of the majority of the Commission, because the Report was only signed by three of the Commissioners, while two of them absolutely and entirely dissented from the conclusions of their colleagues. One of them, Mr. Hughes, a most respectable Roman Catholic gentleman, lately Solicitor General for Ireland, dissented from the system of administration which the three Commissioners proposed to introduce; while the other Commissioner, Mr. Stephens, differed from the conclusions to which his colleagues had come as to the constitution of the Board which they proposed to establish. Therefore, though no doubt, technically speaking, this Report is the Report of the Commission, yet in point of fact, it is only the Report of three Commissioners out of the five, as these conclusions are strenuously opposed by the other two. He did not mean to dispute the labour, industry, and value of the Report. On the contrary, he thought it was of great value, so far as it referred to the actual state of education in Ireland; but some of the doctrines laid down by the Commissioners ought to be very carefully weighed and considered before they were acted upon. He had, however, little hesitation in saying that there was too much evidence for the charge that the endowed schools of Ireland had fallen into a state of great inefficiency, and very much from those causes mentioned in the Report to which his noble Friend had referred; and it was evident that the schools were not adequately overlooked. But when he came to the remedy which the three Commissioners proposed, he must say—and he thought when he mentioned some features of that remedy their Lordships would agree with him—that great caution would be needed before their Lordships committed themselves to decided approbation. They distinguished these endowed schools into exclusive and non-exclusive schools; that is to say, into schools which were not limited to any one religious denomination, and schools which were so limited. With regard to all those non-exclusive schools they proposed to constitute a new Board, somewhat similar in principle to the existing National Board of Education, but perfectly distinct from it, composed of persons of different religious denominations, with one paid and salaried Commissioner, having

offices in Dublin; with a separate solicitor, a separate staff of inspectors, a separate auditor, with separate offices, and a treasurer—in short, a fresh educational staff; and they proposed that the whole expense should be charged upon the Consolidated Fund. The next proposition was, that all the schools, of whatever denomination, which came under the head of non-exclusive schools, should be placed under the direct superintendence of this new Board, and that this Board should have a registrar, to whom should be sent copies or extracts of all wills that contained bequests for educational purposes. The custody of all papers connected with these schools should be handed over to the Board. All the schools which were now under the patronage of the Lord Lieutenant were to be handed over to them, and all the property of those endowed schools were to be placed at their free disposal, to be dealt with as a common fund without reference to the nature of each endowment. This appeared to him to be going an extraordinary length, considering that the property of many, if not all, of these schools, was expressly intended for the promotion of education in particular localities. Among the non-exclusive schools, the Commissioners placed all schools that were of Royal foundation, and all the diocesan schools. Now, it was no doubt true, that these schools were strictly and literally free, that was to say, they did not exclude persons of any religious denomination; but then it was equally clear, that it was the intention of the founders that the children educated in these schools, Roman Catholics or not, should be subjected to a certain description of teaching under the control and inspection of the Established Church. Of that there could not be the slightest doubt, particularly when they recollected that the Royal schools were founded in the reign of Elizabeth, and that the very intention of those schools was the establishment of Protestantism, as against the Roman Catholic religion, so that their very basis was a Protestant scheme of enducation. Therefore, though the schools were certainly non-exclusive in the sense that children of all denominations were freely admitted, yet it was certainly not true—at least not according to the intention of the founders—that there was not to be an exclusive religious education, in the sense that they might be placed under the superintendence of a Board consisting of persons of various denominations, according to a system very much akin to that of the national schools. Such was certainly the case with regard to the schools of Royal foundation. Coming to the diocesan schools the case was still clearer. The very name of those schools showed that they were founded for the planting of the Protestant religion, and that they were to be under the superintendence of a Protestant bishop. To introduce a mixed system of education, and to place them under a board of mixed religious opinions, appeared to him to overlook the very purpose of the founders of these schools. He need not, he thought, dwell further on the case of the diocesan schools. His noble Friend had referred to some cases where no masters had been appointed for some years, whose salaries ought to come out of ecclesiastical lands. But his noble Friend was aware that though the salaries of the masters in those cases came from an ecclesiastical source, yet their payment was contingent on school-houses being built by the assessment of the grand juries; and as grand juries, for several years past, had refused to raise a single shilling for those schools, the loss of those salaries to the cause of education was to be charged, not against the bishops but against the grand juries of counties. He would not go further into the question. He did not mean to say that it might not be found necessary to make some alterations in the constitutions and regulations of these schools; but this he would say, that in coming to a conclusion upon the Report of three Commissioners forming the majority of five Commissioners, the greatest caution should be exercised before it was determined to transfer these schools, and all other endowed schools of every description except those which were professedly exclusive in their character, to a new Board to be constituted with a large staff of officers, and separated, he knew not why, from the Board of National Education; because it appeared to him that they were based precisely upon the same principle, and subject to the same regulations. Moreover, the adoption of the Report of the three Commissioners would involve a considerably increased expenditure, which it was proposed should come out of the Consolidated Fund; and also, what was more important still—a principle the application of which was matter of the gravest doubt—namely, the endowment of all schools, throwing them into one common mass, and distributing them without

the slightest reference to the intentions of the founders. When he found a recommendation of this sort laid upon the table in February—that the Report was signed by three only out of the five Commissioners—that one of the two remaining Commissioners (Mr. Hughes) dissented from the whole scheme, holding that schools of this description ought not to be handed over to the management of a mixed Board, but to a Board in accordance with the religious creed or predominant character of the school, and objecting altogether to the admixture of Roman Catholics in the management of schools which were, in the first instance, specially designed for Protestant purposes; when he found, on the other hand, another of the Commissioners, an English barrister, objecting to the extravagant powers proposed to be given to these Commissioners, to the classification of schools which they had suggested, and to the propriety of placing them under their management, he hoped it was not too much to ask the House not to expect the Government to come to the consideration of a matter of such deep importance, involving such grave consequences, and spreading over such an immense mass of correspondence and evidence, without taking the most serious and deliberate view of the whole question. He was unwilling then to pronounce any actual positive opinion upon the subject, though he certainly thought the recommendation of the majority of the Commissioners was a very doubtful one. On the other hand, he by no means intended to say that the promotion of middle-class education in Ireland was not a matter of paramount importance. On the contrary, since the institution of the Queen's Colleges in Ireland, for giving a higher class education at a later period of life, it had become a matter of increased importance; whilst the great spread of the schools of the National Education Society had so materially improved the primary education of the lower classes, as to render it of paramount importance that the education of the middle classes should, if possible, keep pace with the improvement which had taken place in the classes below them. But with regard to the means proposed by the Commission, whilst he was ready to do full justice to the labour, diligence, and industry which the Commissioners had displayed, he must be permitted to say that it was not his intention to pledge himself to the adoption of the recommendation which the majority of them had arrived at; but the Report of the evidence on which it was founded should receive the most careful consideration of the Government, and especially he should feel it to be his duty to submit it to the consideration of the Government in Ireland. He was sure the subject was one to which his noble Friend the Lord Lieutenant would be happy to direct his closest attention, and he should be glad if, availing themselves of the information placed before them, and possessing a full knowledge of the existing defects, Her Majesty's Government found that they could produce any measures which might promote an object of such deep importance as the improvement of the system of education in Ireland.

THE EARL OF CARLISLE said, that the concluding observations of the noble Earl saved him (the Earl of Carlisle) from the necessity of continuing the discussion, at least on this occasion. But as the subject had been brought forward with great judgment and propriety by his noble Friend (the Earl of Cork) it was almost due from him (the Earl of Carlisle) to state, that having had opportunities in his late official capacity of knowing what had passed in Ireland, his conviction was that it would be impossible to estimate too highly the labour, the perseverance, the impartiality, and the candour with which the members of the late Endowed Schools Commission, beginning with his noble relative the Marquess of Kildare, and including every member of that Commission, had prosecuted their extended and protracted inquiries. The credit of the selection of those Commissioners was due to his noble Friend who had preceded him in the office of Lord Lieutenant of Ireland (the Earl of St. Germans); and in his opinion a more judicious selection could not have been made. He felt confident that the details which they had embodied in their Report conveyed a great mass of most useful and suggestive matter, which was amply deserving of the consideration both of the Government and the Legislature; and that consideration he rejoiced to think, from the assurance just given by the noble Earl, their statements would receive. He must, indeed, confess that the Report having only been presented to the Irish Government about the very date of his leaving Ireland, he felt himself somewhat in the same category with the noble Earl. He would not pretend to say that he had made himself sufficiently master of its very lu-

minous contents, and the difficulty was somewhat increased by the recommendations of the different Commissioners not being unanimous. But one point was clear. There was the existence — the proved and patent existence—of great and manifold neglect and abuses in the present system. While abstractedly such neglect and such abuse called for remedy there was this condition of things in Ireland. He believed that the education received at the primary schools under the National Board of Education—might compare advantageously with that of this country. At the same time there was a no less striking inferiority in regard to a useful system of middle class education in Ireland, compared with the middle class education in England. What he looked to with confidence and hope was that the various matters and details set forth in the Report of the Endowed Schools Commission would give great facilities for removing that striking deficiency; and he would only express his hope that no too exclusive or narrow limitation, no too rigorous adherence to past modes of procedure, would be insisted upon, which must have the effect of diminishing those facilities and clouding the hopes which he derived from the proved necessity of dealing with the subject of the endowed schools, and applying it to the extension and improvement of middle class education in Ireland.

THE BISHOP OF CASHELL rose to draw their Lordships' attention to the fact that Mr. Stephens, one of the Commissioners, had dissented from the recommendations contained in the Report, in the following terms:—

"I have felt it my duty to dissent from the Report. I consider it to be vicious in principle, bad in law, and defective, in not making adequate provision for better regulating, managing, and governing the endowed schools, and for the general promotion in connection with such schools of academical education."

The other Commissioner, also a member of the legal profession, dissenting from the Report stated that he could not concur in a Report which advocated a system which he thought bad in principle, and even if it were good in principle would be utterly impracticable in Ireland; that a system of mixed education was wrong in principle and in practice, and that for Ireland especially the unmixed system was the best. He was happy to find from the noble Earl at the head of the Government that the Report of the Commissioners was to be seriously considered. There was certainly great need of doing something, and if he might mention what was the chief want in Ireland he would say that it was good inspection. He would not leave the schools entirely to the trustees, who might inspect or not just as they pleased; but he would have a paid inspector, whose business it should be to see that the intentions of the founders were completely carried out.

THE EARL OF ST. GERMANS said, he thought his noble Friend (the Earl of Cork) ought to be satisfied with the assurance of the noble Earl that the Report of the Commissioners would receive the consideration of Her Majesty's Government, and that they would direct their attention to the mass of information contained in the Report and its appendices. As, however, an impression might have been produced on the minds of their Lordships that the system of education in all these schools was very defective, it was only just to say with respect to one of them — the Royal School of Armagh — that, mainly owing to the active superintendence and liberality of the right rev. Prelate the late Primate of Ireland, there was no school in Ireland in better condition. There were, doubtless, other excellent schools in that country; but he had thought it only right to bear testimony to the admirable state of this school, which he had himself witnessed by personal observation, and which was due in a great measure to the excellence of its arrangements, and the superiority of the master who presided over it.

THE EARL OF BELMORE said, it appeared that the Royal Schools of Armagh, Dungannon, and Enniskillen, were in a very efficient state as regarded their funds; the others, however, were the reverse; and the steps the Commissioners appeared to propose to take was, to improve the latter at the expense of the former—a course which seemed to him (the Earl of Belmore) to be, not only unfair, but not in accordance with the intention of the founders.

INDIA—CHRISTIANITY IN INDIA.

PETITION.

THE EARL OF SHAFTESBURY *presented*, according to notice, Petition of Presidents and other officers of Bodies of various Denominations engaged in the Diffusion of Christian Knowledge throughout the habitable Globe, for the Diffusion of Christianity through Her Majesty's Territories in the East Indies. But the great

object of the petitioners was to make clear their principles and objects, and the means by which they sought to carry them out, having in course of their undertaking been very much misrepresented, being particularly of late charged with bigotry, violence, with a desire to make proselytes by force, to bring the Government in aid of their operations, and with a variety of schemes most fatal to the peace of India and injurious to the propagation of Christianity. The petition was drawn up in most moderate terms, and set forth the principles of the petitioners broadly and clearly, and it might be considered as a sort of confession of faith of the various religious bodies in England, exhibiting their objects and mode of operation. The petitioners hoped that the petition would be laid on the table, because reference could then always be made to it whenever they were charged with bigotry, and with attempts to carry on their operations in a manner hostile to the peace of India, and prejudicial to the Government, whether by force or bribery, or by any other illegitimate inducement to persuade the Natives of India to embrace the Christian faith. To this document the petitioners pointed as indicating the principles by which they were now, and, by God's blessing, would still continue to be governed, in the great cause of the advancement of civilization and the diffusion of Christianity throughout the length and breadth of India. The noble Earl concluded by presenting the petition, and moving that it be read by the Clerk at the table.

Petition read.

THE EARL OF ELLENBOROUGH: My Lords, I do not know that with reference to this petition I need say more than that, as long as I have anything whatever to do with the government of India, I shall adhere most strictly to the ancient traditional policy of the British Government in that country—namely, that of absolute neutrality in matters of religion; and that I intend, as far as in me lies, that that neutrality shall be real—that it shall not exist only in the language of the Government, but in its acts, and in the acts of all its officers. I have heard with satisfaction from my noble Friend that the petitioners do not desire the aid of the Government. I feel satisfied that nothing could be more injurious to their objects than even the appearance that such aid was extended to them. By themselves—by individual exertion—by private means—they may have some success; but I feel convinced that if it were for a moment supposed that the Government extended its aid to them—as I fear may have been of late to some extent the case—the result would be the greatest danger to our interests in India, and the utter destruction of all the hopes of the missionaries of religion.

Petition to lie on the table.

House adjourned at Seven o'clock, till To-morrow, at half-past Ten o'clock.

HOUSE OF COMMONS,

Monday, May 3, 1858.

MINUTES.] PUBLIC BILLS.—1° Confirmation of Executors, &c.
2° Exchequer Bonds (£2,000,000); Stamp Duty on Drafts; Juries (Ireland).
3° Portumna Bridge (Ireland).

MERCANTILE LAW OF CANADA.

QUESTION.

MR. VANCE said, he wished to ask the Attorney General if his attention has been called to the present state of the Mercantile Law of Canada, which sanctions preferential assignments of debtors' effects without affording any means of redress to the general body of their creditors.

THE ATTORNEY GENERAL said, the grievance to which the hon. Gentleman referred was one which came exclusively within the cognizance of the Canadian Legislature, and one for the redress of which Her Majesty's Attorney General had no power to take the initiatory steps.

SANDHURST AND WOOLWICH.

QUESTION.

MR. LYGON said, he would beg to ask the noble Lord the Member for Tiverton (Viscount Palmerston) whether the Minutes relative to the recent alterations at Sandhurst and Woolwich were submitted to, and sanctioned by, the late Government or not; and whether any portion of such Minute or Minutes was in the handwriting of the noble Lord? It would perhaps be desirable that, without entering into any details, he should state that his reason for putting the question would be found on a reference to the division which had taken

place upon that subject on that day week. He had been told, however, that the latter portion of the question was informal, and he should not therefore press it.

VISCOUNT PALMERSTON: Sir, in answer to the question of the hon. Gentleman I have simply to state that my noble Friend, Lord Panmure, who was then at the head of the War Department, showed me a draught of the regulations which were to constitute the new arrangements in respect to Sandhurst and Woolwich, and that they, generally speaking, seemed to me to be such as it was right and proper to introduce. They involved two material points. The one was that those young men who wished to be candidates for the competitive examination for the scientific branches of the service should, instead of registering their names at the Office of the Secretary for War, henceforward register them at that of the Commander in Chief, there being, however, so far as I understand the question, the same privileges of courting competitive examination upon the part of the children of officers in the one case as in the other. The remaining point which was at all material was that the examinations in the scientific branches should take place by means of competition between those young men who were educated at Sandhurst, instead of being open to those who were educated elsewhere. That arrangement was framed with a view of improving the system of education at Sandhurst, and giving a greater stimulus to the acquisition of the necessary attainments. It was, however, as I comprehend the matter, an understanding between my noble Friend Lord Panmure and the Commander in Chief that if that exclusive restriction in the case of Sandhurst should be found to be objectionable the regulation might be so far modified that the competitors might consist half of young men who were educated at Sandhurst, and half of young men who had been educated elsewhere. With respect to the latter question, I may observe that the right hon. and gallant Gentleman who is now at the head of the War Department is, in all probability, better able than I am to give the hon. Gentleman the information which he desires. I may, nevertheless, state that I think it very likely that when these regulations were shown to me I may have suggested an alteration in them; but what that alteration was it is, of course, utterly impossible for me at the present moment to recollect.

Mr. Lygon

EXCHEQUER BONDS (£2,000,000) BILL.

SECOND READING.

Order for Second Reading read.

SIR GEORGE LEWIS: Sir, in rising to offer to the House a few remarks upon the second reading of this Bill, I am desirous, at the outset, to advert to a report which was a short time ago industriously circulated, and which was even mentioned upon some public occasions, to the effect that the late Government, and myself in particular, as the Finance Minister of that Government, had left our finances in a disordered and unsatisfactory state, and had in consequence bequeathed an inheritance of difficulties to our successors in office. Now, I am bound to state that the right hon. Gentleman the present Chancellor of the Exchequer in his financial statement gave no sanction to that report; that the numerical statements which he submitted to the House with respect to the finances of last year were quite correct, and that I have no complaint whatsoever to urge against his exposition in regard to that period. In order, however, to remove any impression of the nature to which I have referred, from the mind of any hon. Member who may entertain it, I may be permitted to call very briefly attention to that which was the state of the national finances when we left office. If the office of the Chancellor of the Exchequer were like that of the English Lord Mayor or of a Roman Consul—an annual office—it might be possible for him to pursue an imprudent system, and to get over his difficulties by a resort to temporary expedients, leaving to his successor the onerous task of overcoming the obstacles which might have been created by those shifts and contrivances. It was, however, impossible for me to know last year that the House of Commons would pass a vote of censure on the late Government, a few weeks only before the time when it would be my duty to submit to its notice the statement which I proposed to make in regard to the financial arrangements of the next year. The state of things, therefore, with which the present Government had to deal upon its accession to office was one with which I contemplated the possibility of having to deal when I proposed the arrangement of last year, and with which I should have been prepared to deal had not that vote been passed to which I have already alluded. I cannot, therefore, understand what is meant by attributing to the late Government a fixed design of

handing over difficulties to its successors, and I may be allowed to call attention to the fact that it did not, in truth, hand over to them any difficulties which did not arise out of the state of the law, and that the financial condition of last year was upon the whole satisfactory—quite as satisfactory, at all events, as the House had reason to anticipate from the statement which I submitted to them at the beginning of last Session. I then estimated the expenditure for the year which has just expired at £65,474,000. The actual expenditure turned out to be £70,378,000, thus showing an excess of actual over estimated expenditure of £4,904,000. Well, the excess of revenue over estimate, as the right hon. Gentleman opposite has correctly stated, was £1,416,000. During the year we paid off debt to the amount of £3,741,668, and therefore with that excess of revenue over estimate, that excess of expenditure over estimate, and with that large sum applied to the remission of debt, there was an excess of expenditure over revenue for the whole year only of about £2,000,000. That sum was taken by me out of the balances in the Exchequer, but I think I can satisfy the House that the state of the balances in the Exchequer during the last few years has been satisfactory, and that the sum which the present Government found there at the end of the financial year was ample for the purposes of the ensuing year. Now, I find that in April, 1855, the balance in the Exchequer was £3,949,000, but in that amount was included £1,000,000 of Ways and Means Bills, which was, in fact, an anticipation of the revenue of the succeeding quarter. The real sum, therefore, was £2,949,000. In 1855 the balance amounted to £5,600,000, in 1857 to £8,668,000, and on the 1st of April last it was £6,657,000, which I think the House will consider a sufficient sum for the exigencies of the Exchequer. I believe I am correct in saying upon the information I received before leaving office that no deficiency bills bearing interest would be required for the payment of the late dividends, and I now learn that none have been found necessary. Of the entire expenditure of the last year, including the redemption of £4,000,000 of debt, the whole was defrayed out of the revenue of the year, and if a sufficient sum was left in the Exchequer as a balance at the end of the financial year, the House, I submit, Sir, must come to the conclusion that, so far as regards the last financial year, there is nothing to be made up in this year, and that so far as the finances are concerned the late Government left nothing in an unsatisfactory condition. I now pass to the plan of the right hon. Gentleman for meeting the demands of the present year, and as to that plan I must say it appears to me that, so far from being obnoxious to the charge which was brought against him upon a former occasion of being too adventurous, and of departing too far from received and established maxims, he has upon the present occasion shown himself rather too prudent, too cautious, and, perhaps, I may say, almost pusillanimous—

"Serpit humi tutus nimium timidusque procellæ."

He has made his arrangements with a view to avoid present difficulties, but those arrangements may with good reason, I fear, be anticipated to produce greater difficulties hereafter. In the first place, he has stated to the House that he has been enabled to present a reduced estimate of expenditure for the present year. I will take it that the Budget of the present Government in one sense does exhibit a diminished expenditure, inasmuch as they have been able—and I rejoice that they have been able—somewhat to reduce the Army and Navy Estimates which had been prepared by their predecessors. I freely give to Government all the credit to which they are entitled for those reductions, and no person will more sincerely rejoice than myself to see all practicable reductions made in our military and naval expenditure. But, nevertheless, when the Government talks of reduced expenditure, I may observe that that form of expression is in general taken to mean a diminished expenditure as compared with the expenditure of the preceding year. Let me see how the matter stands. The comparison I shall make will be very simple, and I think intelligible to the House. The Consolidated Fund charges on the last year were £1,770,000. In consequence of the probable expenditure for the compensation of proctors — an expenditure which was pressed upon the late Government by this House — the probable charges upon the Consolidated Fund for this year amount to £1,900,000. The Army Estimates of last year, including all branches, but excluding the supplementary vote for the militia, was £11,893,000. For this year the Army Estimates are £11,750,000.

The Navy Estimates last year were £9,172,000. This year they amount to £9,860,000. The Civil Service Estimates last year were £7,395,000; those of this year have not yet been presented, but they are taken by the right hon. Gentleman at £7,000,000. The total of the four sums I have mentioned for last year was £30,230,000, while this year it is £30,510,000, showing an increase of £280,000. That increase may be got rid of if we add to last year's Estimates the supplementary vote of £500,000 that was taken for the militia, but we do not know whether any similar vote may not be required for the present year. Well, that comparison, which is simply adduced from the figures quoted by the right hon. Gentleman, shows us that he is not justified in stating there is any probable reduction of expenditure upon the Estimates of the present year. Be it observed, we are making a comparison at the beginning of the financial year, when it is impossible for us to know whether circumstances may not arise to render a larger expenditure absolutely necessary and thus cause an increase in the present Estimates. Such are the prospects of our expenditure, and now I come to the plan of taxation. The right hon. Gentleman's plan is shortly this,—he takes off two millions of taxation, or rather he allows taxation to that extent to expire, and he substitutes for it a somewhat precarious £800,000. I call the amount "precarious," because I think the estimates of £500,000 from Irish spirits and of £300,000 from the tax upon cheques are, in each case, somewhat uncertain, and I doubt whether the Chancellor of the Exchequer can as confidently as he might in the case of other taxes expect to receive those amounts from those sources. Now, it is true he will only lose one million out of the two millions during the present year, but by this change of system we shall, after the present year, lose two millions of income tax, and for that the right hon. Gentleman only substitutes £800,000. He then proposes to pay off the Exchequer bonds by creating a new loan to the same extent, and also to postpone the War Sinking Fund of £1,500,000. The proposition in regard to the first point is to issue two millions of Exchequer bonds, bearing a rate of interest not greater than 3½ per cent, payable at any time during six years; so that, in fact, the right hon. Gentleman may have the opportunity of spreading the payment of those £2,000,000 of bonds over a space of six years. He has not stated to the House the mode in which he proposes to effect this new loan, but I have understood that he has made arrangements with the Bank of England for the advance of £2,000,000 in a gross sum, in order to pay off the present holders of the bonds. Whether that is the most convenient mode, or whether the present holders of Exchequer bonds were not entitled to some consideration—or had not some right to expect that an offer should not have been made to them to renew their bonds upon certain terms—are points which no doubt the right hon. Gentleman has considered, and upon which, until I hear his reasons for the course he has taken, I wish to express no opinion. But it is to be borne in mind that if the right hon. Gentleman has solved a problem in postponing the payment of the Exchequer bonds created during the war, and for which payment a definite time was fixed, that problem will return next year, when there will again be £2,000,000 of Exchequer bonds falling due, and again £1,000,000 in the following year. Therefore, unless we are to have a systematic course of borrowing in order to pay off these bonds and to treat them as Exchequer bills, I do not see how the present budget can be defended, especially as next year the entire loss of £2,000,000 of income tax will be felt. The next point to consider is the discontinuance of the War Sinking Fund. I was responsible for having proposed that measure after mature deliberation, and, after still further deliberation, I believe it is the only plan of sinking fund that is practicable, and which can be supported by argument or experience. Exchequer bonds are of a totally different nature. They partake of the character of a terminable debt; they are payable at a certain fixed time, and the money is due when that period expires, when they must be paid off unless the holders are willing to renew them. The nature of a Sinking Fund is wholly different. That is a compulsory arrangement, made beforehand, in pursuance of which the public faith is pledged to the redemption of a certain amount of the debt annually. Mr. Pitt convinced himself that by some self-acting process—some contrivance of compound interest—the enormous debt which was incurred during the French war could be extinguished; and I dare say there are hon. Gentlemen in this House who have seen a portrait of Mr. Pitt

with a paper in his hand inscribed with the words, "Establishment of a Sinking Fund for the redemption of the national debt," showing that in the public estimation of that day Mr. Pitt's great title to immortality was his scheme of a Sinking Fund for the redemption of the national debt. I need not remind the House how illusory that plan was, how every trace of it has been swept from our legislation, and that the only relic of it which remains is the obligation, whenever any surplus exists, of extinguishing a certain amount of debt. If the case of a nation resembled that of an individual a Sinking Fund, such as was created soon after the peace of 1815, by Act of Parliament, would be an efficient and satisfactory means of extinguishing the debt. But that is never allowed to be the case. The system on which the income of a nation is regulated is by first taking its expenditure and then adapting its income to that expenditure. Therefore it is vain to expect that there can be any considerable surplus naturally arising after the expenditure has been defrayed, and unless this House is prepared to make it obligatory on the Government—unless some paramount obligation should arise to propose Ways and Means by which a certain portion of the debt shall be annually extinguished, we must make up our minds quietly to submit to the perpetuity of our present debt, and to satisfy our consciences by the annual payment of the interest, without any attempt to reduce the principal. I admit that in a year in which the £2,000,000 of Exchequer bonds fell due there would be great difficulty in discharging the £1,500,000 of the War Sinking Fund. When the Act for that War Sinking Fund was passed it was impossible for me to tell how far our financial state would be equal to the claims of the year in which the Exchequer bonds were redeemable. All that could be done was to make a general prospective charge. If the right hon. Gentleman the Chancellor of the Exchequer could have suggested means by which these £2,000,000 could be redeemed, I should not have made any objection to the postponement of the War Sinking Fund. What I object to in the present scheme of the right hon. Gentleman is, that he has made no attempt either to pay off the £2,000,000 of Exchequer bonds wholly or in part, and that he has postponed the operation of the War Sinking Fund, as if no obligation to pay off any debt had existed. It is often said that the national debt of this country is of so gigantic a nature that it is vain to make any attempt to pay it off—that, in fact, it is so great as to transcend the power of any generation to deal with it, and that we must now submit to what has come to be regarded as an inevitable destiny. But let it be borne in mind that, in the first place, the capital of the debt is an imaginary quantity—a sum which the Government can never be called on to discharge. When we talk of discharging the debt, what is meant is, that we buy up our own perpetual annuities granted by ourselves. But I would call attention to the fact that when money is borrowed at 5 per cent., a sum equal to the whole capital is paid in interest every twenty years. When it is borrowed at a less interest, as in the case of the national debt of this country, it may be considered as being paid off in a greater number of years, but still in a limited amount of time. The same result follows. The present debt stands at an interest of about 3½ per cent., and we pay in annual interest a sum equal to the whole principal of the debt once every thirty years. Therefore, however large that sum may be, it is not so great but that some efforts may be made for its reduction. I come now to the right hon. Gentleman's view as to the national obligation to reduce, and, finally, to extinguish the income tax. I confess I have some difficulty in understanding his theory with respect to national engagements of this nature. The right hon. Gentleman holds that there is no binding engagement on us not to pay off £2,000,000 of Exchequer bonds. He also holds that we are under no national engagement to appropriate £1,500,000 to the War Sinking Fund. But when he comes to the question of remitting or repealing taxation, the right hon. Gentleman says that we have passed an Act under which we are bound by a national engagement to remit next year 2*d.* in the pound of the income tax, and to extinguish it altogether in 1860. I ask the right hon. Gentleman upon what grounds he rests this doctrine as to our solemn national engagements, when it is considered that the question of balancing our income and our expenditure naturally arises every year? What I wish to know is, whether we are to lay down that prospective engagements for the remission of taxation are to be held sacred while prospective engagements for the payment of a

debt are to be held absolutely worthless. There is no principle so well recognised or of which we are so justly proud as the payment of our engagements. I quite admit that engagements made by Act of Parliament to discharge national debt are always subject to certain conditions, and that it is always open to this House to reconsider engagements of that sort. Far from being a patron of the doctrine of irreversible and indefeasible laws, I hold that to be an exploded error; but if we are to admit this doctrine of national engagements where it is for our immediate convenience, we should hold it equally sacred where it involves some present privation or inconvenience. The right hon. Gentleman the Chancellor of the Exchequer, applying his doctrine of national engagement to the present year, says we are under a sacred engagement to reduce the income tax, and he allows it to fall from 7*d.* to 5*d.* When we are called on to give this effect to a solemn national engagement, perhaps we may take a somewhat less exalted view of the benefit to be derived by the tax-payer from this change.

Now let me inquire what will be the probable result of the change? During the war the income tax amounted to 16*d.* in the pound, which was equal to £6 13*s.* 4*d.* per cent. On the return of peace the late Government, not acting, I beg leave to repeat, in obedience merely to the popular demand, but acting according to what they thought right, proposed to take off the war 9*d.* The war 9*d.* came to £3 15*s.* per cent. When reduced it was a very substantial relief, no doubt, and one that was felt to be such by every class in England, especially the smaller class of incomes, on whom the pressure of the war income tax fell very severely. The result was that the tax last year stood at 7*d.* in the pound being equal to £2 18*s.* 4*d.* per cent., which for an income tax cannot be considered a very high and oppressive rate. The right hon. Gentleman proposes to take off 2*d.*, which is 16*s.* 8*d.* per cent. and reduces the £2 18*s.* 4*d.* per cent. to £2 1*s.* 8*d.* per cent. though in reality the whole relief he affords in the present year is 8*s.* 4*d.* per cent. I do not mean to say that this is not a relief, but it is not such as will be sensibly felt by persons of large income, as they do not look to their incomes with such accuracy as to feel this small difference. On the other hand, if you take those who have £200 or £300 a year, 16*s.* 8*d.* per cent. comes to so small a sum on their entire income that it cannot be regarded as affording them any very substantial relief. It appears to me, therefore, that the right hon. Gentleman, in proposing this arrangement, is violating an important principle involved in the redemption of the Exchequer bonds falling due this year, without giving any substantial or effective relief. There is another important question included in the plan of the right hon. Gentleman. He denounces the existing income tax as impolitic and unjust, and he treats it as a national obligation that the tax should expire in 1860. But we do not know what may be the state of our finances in 1860, and we do not know whether our expenditure will be such as to admit of our reducing taxation. The income tax of that year will amount to £5,000,000. There may be some sanguine Gentlemen in this House who think that in 1860 we shall have to deal with the practical problem of taking off £5,000,000 of taxation, in consequence of our having that amount in surplus. I hope it may prove so, but it may turn out that there is no surplus revenue. Then if we are bound by a solemn engagement to take off £5,000,000 of income tax the question will resolve itself into this—What other source of taxation shall we resort to in order to raise £5,000,000 of revenue? The House will see that these are two perfectly distinct questions, which it is extremely difficult, if not utterly impossible, for us to solve at the present moment. The income tax is one that falls in most part on the wealthier part of the community. It is easy to get up in this House, in an assembly of gentlemen, every one of whom pays income tax, and denounce it in the terms used by the right hon. Gentleman—it is an easy way of calling forth the cheers of this House. But before the income tax can be abolished, and we can substitute £5,000,000 levied from the general consumption of the country, and therefore affecting all classes, it will be necessary to address assemblages of a very different character—assemblages which will embrace as few individuals who pay income tax as this House embraces persons who are exempt from the payment of the tax. That is a consideration which I ask the House seriously to ponder before they are drawn into any resolution that they may be unable to adhere to in a future year, and before they fetter the liberty of their deliberations as to the course which they may hereafter

judge to be most conducive to the interests of the country. I will call the attention of the House for a moment to a brief comparison of the amount of our direct and indirect taxation, with the view of seeing whether it would be wise now to pledge ourselves irrevocably to extinguish the income tax in 1860; for, after all that has been said of our removing taxation from the general consumer and raising a large portion of our revenue from direct taxation on the opulent classes, let the House consider how small a proportion direct bears to indirect taxation. According to the statement of the right hon. Gentleman the income of the present year from customs and excise which form the bulk of our indirect taxation, will be £41,500,000. Let us see how very small in comparison with this is the amount of our direct taxation. The land tax is about £1,200,000; assessed taxes, £2,000,000; income tax £5,000,000; in all £8,200,000. Strictly speaking, that is the whole amount of our direct taxation; and if you take from it the income tax you have only £3,200,000. But there is another class of taxes which I include with the direct taxation though they differ in some respects from the preceding. That class comprises the stamps, probate and legacy duty, and succession duty, amounting to £7,550,000. Then there is the revenue from the post-office (which is a payment for services performed rather than a tax), £3,200,000; and these, added to the above, make a total of only £10,750,000; and even adding the total to the other they do not equal one-half of the indirect taxation. In these circumstances, I confess that it appears to me that this House ought not to come to any distinct pledge with regard to the period at which either the income tax or any other tax should cease. I do not wish to be understood as expressing any opinion as to the cessation of the income tax at a time whenit may be found that the interests of the country demand its abrogation. I am no advocate for the income tax. All I ask is, that when the time arrives for considering this question we should be free to act, and not find ourselves tied by any declaration which may be considered as having pledged the faith of this House. I decline altogether to allow my freedom of judgment to be interfered with by any declaration of the right hon. Gentleman. I wish to hold myself perfectly free to form in future years a judgment upon the expenditure and the income of the country, and I trust the House will join with me in refusing to be held to any formula or any test that may be imposed upon us by the right hon. Gentleman. The real question with regard to the probable remission of the income tax depends on the views which the House may take of what ought to be the amount of the public expenditure; for I beg to remark that, whatever the proposition of the Government may be at the commencement of a Session, when the Estimates are once adopted by the House they cease to be the Estimates of Government, and become the votes of this House. It is in vain for hon. Gentlemen after this to attempt to separate their responsibility from that of Ministers, and nothing can be more unjust to the Gentlemen who sit on the Treasury Bench than to hold them responsible for the expenditure involved in the Estimates after they have been voted by the House. It is with the House that the responsibility ultimately rests, and whether before inquiry or after inquiry they sanction the expenditure, it is not competent for them to blame the Government afterwards. Having had the honour for the last few years of sitting on the opposite bench, and having had the responsibility of balancing to the best of my ability the revenue and expenditure of the country, I am bound to say that in the present state of parties, in the absence of any strong feeling on any great public question, in the absence of any compact party organization, it is the Government which has become the great advocate of economy in this House, and it is the different sections of the House which have become the great advocates of expenditure. I speak from personal knowledge of this matter. I am bound to state that the great pressure upon the Government is not now to diminish expenditure, but it is a pressure brought to bear from various quarters—from local, sectional, and personal interests—to increase expenditure. That pressure it is difficult for any Government, and will be difficult for the right hon. Gentleman the (Chancellor of the Exchequer), to resist. He will feel it before he has been long in office, and the House will never become fully conscious of their responsibility until that responsibility has to be solved by the equalization of revenue and taxation. I feel it my duty to speak with freedom on this subject, because I think that the House is too much in the habit of attempting to urge an increase of expenditure and the remission

of taxation upon the Government. I take the liberty of telling hon. Gentlemen that that process cannot go on very long. I am glad that no one has been found to recommend us to have recourse to the ruinous system of peace loans, and I rejoice that the right hon. Gentleman has not given the smallest sanction to a system of that sort. But if the House should not be prepared to adopt a system of peace loans, and if it continues to urge an increase of expenditure and a reduction of taxation it cannot go on very long in such a course. When, however, I state that the pressure of this House upon the Government under present circumstances tends greatly to the increase of expenditure, I must also do this justice to those who do press that increased expenditure upon the House, that it is with rare exceptions an expenditure of a just and useful nature. There are a vast number of plans for public improvement and for putting things into as perfect a state as possible. Every one wishes to see an increase in his own branch of the public service and an extension of its usefulness, and every Department seeks naturally to obtain from the Government the largest share of expenditure for its own branch. Some hon. Gentlemen wish to build better barracks for the army; others are filled with alarms of foreign invasion, and desire to see large sums laid out on fortifications; others are for making ampler provision for retired soldiers, for the widows of soldiers, and for other military services; while others indulge in innumerable plans for the expansion and improvement of the army. These recommendations, I admit, are not prompted by motives of personal interest, but if they are carried into effect they cannot fail to involve a large addition to the Army Estimates. Similar recommendations are made with regard to the Navy Estimates. Then we have suggestions for the encouragement of education, the promotion of science and art, the building of innumerable public edifices, the laying down of electric telegraphs by land and sea, and, in short, the evening would scarcely be long enough to enumerate the useful public projects which are pressed upon the Government, which in some instances they are forced to adopt and which of necessity materially add to the aggregate of the public expenditure. If this system is to go on and the Government are to be charged with backwardness, and with being influenced by a niggardly spirit if they venture to interpose an obstacle on the ground of expense, and the House, as has been the case on some occasions, decline to support the Government in resisting such demands—then, it will be impossible for the Government to make those remissions of taxation which hon. Gentlemen declare to be necessary. The same difficulty, also, is likely to arise with respect to those views of foreign, colonial, and Indian policy which are proclaimed by some hon. Members. If we are to extend our arms to all the extremities of the habitable globe—if we are to enlarge our colonial empire—if wherever a few British merchants establish themselves we are to send out ships to protect them in case of dispute with the natives—if we are to maintain that spirited foreign policy which the House has shown so strong an inclination to support—if we are to menace our neighbours, and at the extremity of the world are to be prepared with fleets and armies to give protection to British interests, it will be in vain for any Government to attempt to reduce its expenditure, and the only course is to adopt the views upon domestic, foreign, and colonial policy entertained by a majority of this House, and equalize the revenue and expenditure as we can. I did not intend to trouble the House so long, and I ought to apologize for the length of my remarks; but I wish to repeat that I trust the House will content itself with a statement confined within the limits of the current year. They have seen by the experience of the previous year that after the Estimates were prepared, a great revolt broke out in India, which might have defeated all the calculations that had been made. I believe that the assurances which my right hon. Friend the Member for Northampton (Mr. Vernon Smith) and myself gave to the House at the end of last Session, with respect to the probable pressure on the finances arising from the Indian disturbances, have been realized by the event. But we gave those assurances with great reserve and distrust in our own judgments; and if the capture of Delhi had been postponed, or if other events over which it was impossible to have any control, and which it was impossible to foresee, had occurred, it might have been our duty to call Parliament together in the autumn or winter, to lay before them increased Estimates, and to ask them for assistance in carrying out greater military and naval operations. With an enormous empire, and the extent to which the energy and enterprise of Englishmen have

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proceeded, and are protected and encouraged by the Legislature, it is impossible at the beginning of the Session to foresee with confidence the events of a single financial year,—much less what will be the state of things in two or three years. For these reasons I think that this House ought not to enter into prospective engagements with respect to the taxation of future years. I do not ask you to pledge yourselves to keep up particular taxes, but I merely warn you against entering into rash obligations, and I beg you to leave yourselves the full and unfettered liberty of discussing and deciding, when the exigency has arisen, as to the nature and character of that exigency and the best way of meeting it.

MR. GLADSTONE: Sir, I am not disposed to quarrel with the opinion of my right hon. Friend, that the financial condition of the country calls for some further review, and some broader review, than it received on the night when the right hon. Gentleman the Chancellor of Exchequer brought in his Budget. At the same time I think it would have been more convenient to the House if some notice had been given that a discussion of so much importance and interest was about to be entered upon, more especially as my right hon. Friend has traversed a wide field in the remarks which he has submitted to the House. I shall not attempt to traverse that field, and I will only detain the House a few moments, but there are various matters which it is not possible to pass by in silence, and there are some which I should have been glad if my right hon. Friend had permitted us to avoid reviving. I concur with my right hon. Friend in the desirableness of endeavouring to call attention to the certain and serious consequences of the practice which is going forward of using the House of Commons, not as a curb upon the Government in the matter of public expenditure, but of bringing it to bear upon the Government as a stimulus to outlay. It is impossible too deeply to regret the growing frequency of that practice. But when censure is bestowed upon the House of Commons I must say one word in its behalf, and I speak from experience, because it has often been my duty to resist officially Motions made in this House in favour of an increase of public expenditure. I venture to say that Governments are not wholly without blame in this matter, because if they offer to the attacks of the House of Commons a feeble resistance that scarcely carries with it the appearance of sincerity, and if they permit the House to take into its own hands the functions of the Executive, the certain consequences will be such an aggravation of the evil as cannot be compensated by the soundest admonitions, such as we have heard from my right hon. Friend. My right hon. Friend says he rose to notice a rumour that the state of the finances was not satisfactory. He then described the condition in which he left the Treasury, and the balance of income and expenditure for the year just expired and the year just begun. I confess I had hoped that we had heard enough of the state of last year's finance in the debates of the last Session, and I will only point out to my right hon. Friend that, while it is not a convenient practice to refer to rumours out of doors as a reason for raising discussions here on this subject, the question, after all, is one that does not depend upon rumours, but upon figures. My right hon. Friend naturally reverts to his opinion that the state of the balance of income and expenditure is satisfactory. I do not hesitate to say, whatever rumours may be abroad, that I am bound to adhere to the opinion that it is not satisfactory. My right hon. Friend says that after the payment of £4,000,000 of debt there was a satisfactory balance in the Exchequer at the end of last year. There is no man more accurate than my right hon. Friend, but I question the accuracy of that statement. I think that in the £4,000,000 he includes a sum of £1,100,000 which he paid for the redemption of the Sound Dues. I am sure there is nothing further from his intention than to mislead, but I think it is a mistake to call redemption of debt the defraying a charge, in the first year, out of money borrowed for the expenses of the war, which was then lying in the Treasury. My right hon. Friend left a deficiency in the year which has just expired, and likewise an estimated deficiency in the year which has just begun. The deficiency in the year ended, after deducting the £1,100,000 for the Sound Dues, was something under £1,500,000, and the deficiency in the year commenced, if the charges fixed on the year by law were included, would be about £4,000,000, or, omitting the Exchequer bonds and Sinking Fund, about £500,000, which the Chancellor of the Exchequer proposes to provide for by new taxation. These are matters of fact which there is no occasion to

an opportunity of giving its verdict, whether it is contented to pay the tax on that footing or not. We first obtained the income tax, and we kept it up for the purpose of effecting beneficial remissions of taxation; but is that the path in which we are walking now? What is the history of the paper duty of late years, of the wine duties, of the duty on marine insurance? The whole of that process of remission has been completely arrested, and we talk of the continuance of the income tax as if we had a right to do so consistently with the terms upon which we obtained it. But that is not the whole strength of the case. Not only did we obtain the tax to carry out new changes in our commercial system for the benefit of the consumer and the great body of the people, but we have now absolutely begun to travel in an opposite direction. My right hon. Friend, when he was quoting his figures to show the incidence of indirect taxation, might have mentioned that he himself, in a laudable effort to make the revenue and expenditure meet, during the last year, arrested the downward progress of the tea and sugar duties, and thus added £2,000,000 to the permanent taxation of the country. Let us have a clear understanding, then, whether it be about Exchequer bonds, the Sinking Fund, or the income tax. If it be the opinion of the country that it is a good permanent tax, by all means let it be paid. And I am bound to say that I do not think this House has shown that degree of personal selfishness, considering it as a body composed of income-tax payers, which ought to expose it to any imputations on this point. No doubt the income tax has a great many recommendations as part of the permanent revenue of the country, but there are also great objections against it. One is a moral objection—for I believe it does tend more than any other tax to demoralize and corrupt the people; not from the extent of its levy, nor from the fault of those who levy it—for no tax was ever in any country under the management of a Department more efficient and intelligent—but from the essential nature of the tax itself. Another objection is, that so long as you consent, without a special purpose, to levy the income tax as part of the ordinary and permanent revenue of the country, so long it will be vain to talk of economy and effective reduction of expenditure. It is a source so productive, an engine so convenient—it is so easy to lay on 1*d.* or 2*d.* at a time; it is so easy to come down to the House, like my right hon. Friend, and show that the difference between £2 1*s.* 8*d.* and £2 18*s.* 4*d.* is, after all, so very contemptible a sum that we need make no difficulty about paying it, that so long as you have the income tax a part of your ordinary revenue you need not think of effective and extensive economy. If economy is not thought desirable, of course that argument is of no weight, but, being one of those who believe that our scale of expenditure would admit of considerable reduction, I am thereby strengthened in my opinion that either the income tax should be used for its original purposes or that it should be allowed to drop. I have a small complaint to bring against my right hon. Friend. When he rose to-night we were justified, I think, in entertaining some expectation that he would have told us what he would have done had he been Chancellor of the Exchequer. My right hon. Friend went very near, but he did not quite come up to the mark in his usual manly manner—although something may be extracted from his statement. He made one material admission—that the reduction of the war income tax last year was the deliberate act of the Government—not done under Parliamentary pressure. I believed that at the time, but I am extremely glad to hear it confirmed by the right hon. Gentleman. But that statement has been very seriously impugned, and unless I am much mistaken—I say it with great regret—I have seen that statement impugned, not in authoritative form certainly, but still in a form which we seldom find to be wrong—by Members of what was lately Her Majesty's Government. I think that I have seen it stated that when a right hon. Gentleman, a colleague of the late Chancellor of the Exchequer, who went down to his constituents in a central county in the autumn, was asked by some of them how it was that they had not the army and the military establishments of the country in a better condition when the mutiny in India broke out, his answer was, "How could we?—the House of Commons, Mr. Disraeli, and the rest of them, would not allow us to keep up the war income tax." I do not know whether that statement ever came to my right hon. Friend's knowledge, but at all events, he has put a complete extinguisher on all such statements for the future, and we shall no longer have it said that the extinction of the war income tax was extorted by the House of Commons. As it appears to me, my right hon. Friend,

from what he said, would have raised the income tax again to 9*d*. He gives the present Government plenty of latitude and margin. I do not ask you, he says, to redeem the Exchequer bonds, and keep up the Sinking Fund, too; but you ought to have done one or the other. If you did not pay off the Exchequer bonds, you ought to have kept up the Sinking Fund. [Sir G. LEWIS: Just the other way.] Well, then, I am afraid if that is my right hon. Friend's idea, his income tax must have been 10*d*. There was a deficiency of £500,000 to be made up—the income tax stood for the first half-year at 7*d*., and for the second at 5*d*. If £2,000,000 were to be obtained for the purpose of redeeming the Exchequer bonds that would have been £2,500,000 to be provided by taxation, and I apprehend that £2,500,000 would have been produced by raising the income tax from 5*d*. to 10*d*.; 1*d*. in the pound being worth £1,000,000 for the year, it would be worth £500,000 for the half-year, and five sums of £500,000 each was just what my right hon. Friend would have wanted. That is merely a humble conjecture of mine, and of course very far inferior to the information which my right hon. Friend might have given us if we could only have extracted it from him whole and entire. I adhere to my own belief, that it is the duty of the Minister always to have a clear surplus, and steadily to keep in view the annual reduction of debt in time of peace. I cannot think that the Chancellor of the Exchequer—from whom I have frequently differed in matters of finance—is upon this occasion justly chargeable for failing to liquidate bonds when he had not one farthing wherewithal to meet them; still less do I think that that accusation ought to proceed from those who have induced the House of Commons to divert to a different purpose the money intended to be applicable to their liquidation.

MR. CARDWELL: I apprehend that the true question which we have to consider is a very short and simple one; and, though it does not involve any great sum, the principle on which it rests is of the greatest magnitude and importance. It is not a question of prospective or retrospective finance; but it is whether, in framing our financial arrangements for this current year, we are bound to deal with that repayment of debt which, according to existing statutory arrangements, falls due within this year. I agree with my right hon. Friend (Mr. Gladstone) that, so far as regards the sinking fund created during the war, the Chancellor of the Exchequer was justified in disregarding it. I concurred, at the time, with my right hon. Friend in resisting that proposal when it was placed on the statute-book. By whom was that resistance led? By a Finance Minister now, alas! no longer living, whose proud fortune it was to reduce a greater amount of debt, and to confer, by just economy and by a wise husbanding of resources, a greater benefit on this generation than any other Minister of Finance. I refer, of course, to the late Mr. Goulburn. But I do not think my right hon. Friend has stated with perfect accuracy the contrast between the present War Sinking Fund and that of Mr. Pitt. I concurred with him in objecting to this Sinking Fund, believing it was of no use to bind ourselves by a good resolution in the statute-book, when we had not the Ways and Means by which that good resolution was to be carried out. And I am not astonished at the result, which is, that for the last year only a small amount on account of the Sinking Fund was paid; that the balance sheet shows even that amount to have been paid not out of surplus revenue; and that the Chancellor of the Exchequer, in the course of the present year, has found it necessary to depart altogether from the arrangement. But besides these objections, there were in the time of Mr. Pitt others—namely, that by a financial fallacy you were imposing on yourselves additional burdens which otherwise need have no existence; that you were borrowing money in order to create a sinking fund at a time of adversity, when the rate of interest was high, whereas you could much more easily have established such a fund when peace and prosperity had returned. With regard to the £2,000,000 of Exchequer bonds which fall due in the present year, my right hon. Friend says there was no stipulation between Parliament and the public on this point. In that opinion I quite concur, and no one would dream of charging upon the present Chancellor of the Exchequer that he was personally involved in an engagement made when he was not in office. That, however, does not relieve him and the House of Commons from the necessity of considering whether the arrangement we are now making respecting these £2,000,000 of Exchequer bonds is a wise and beneficial one as regards the tax-paying people of this country. The bonds fall

due this year, and the course it is proposed to take with regard to them is the one so often recommended, and to which people are unfortunately so apt to give way—namely, the postponement of our obligations. And to what period are we going to postpone them? From the statement of the Chancellor of the Exchequer, I understand it is a deliberate part of his plan to postpone them to a period when the income tax shall have expired, in order to give the public an assurance that we do not intend to break the existing arrangement for the termination of the tax. But in what position will you be in the year to which it is proposed to postpone them? You will have lost £6,000,000 which the income tax now produces, and you will have gained £2,000,000 of Long Annuities which will have fallen in by that time. In all probability, therefore, your position will be £4,000,000 worse than at present. Now, if we are not to have prospective finance, I say do not let us postpone our obligations and make prospective difficulties. How are these difficulties to be met at the period in question? Will you re-borrow? Now, there was no part of the Budget speech of the Chancellor of the Exchequer more able than the eloquent passage in which he denounced the mischiefs of re-borrowing. I presume, therefore, it is not intended to re-borrow the amount. If, however, you intend to re-borrow it, why not do so now? Practically you are re-borrowing it now. Why, then, do you not state explicitly that you make this amount part of the permanent obligations of the country? Then, whereas during the war we said—"We have divided the burden of this war between the present generation and posterity; we have levied one part of it by taxes and the other by debt; and, of the taxes, we have levied one part upon property and the other by duties on articles of consumption," it would now be known that you had departed entirely from this understanding, and were going to make a permanent obligation upon posterity of that which at the time you intended to liquidate by the produce of taxes upon property. Well, then, do you intend to pay this amount out of the income tax? If so, look at the argument you are furnishing to the Chancellor of the Exchequer of that day for departing from the compact which you say it is your object to observe. The Financial Minister of 1860 will then say, "With the £2,000,000 of Revenue which the termination of the Long Annuities will give me, and with the exercise of judicious economy"—an economy which my right hon. Friend has recommended, and which I hope to see more practised than has been the case in late years—"by these two means, combined, I might have taken off the income tax if it had not been for the £5,000,000 of Exchequer bonds which you have left me saddled with, and which you say are not to be re-borrowed." You are, then, laying a foundation for a new imposition of the income tax in 1860. But, if it were safe to prophesy, I would venture to predict that you will not re-impose the income tax for the purpose of paying off these bonds. Well, then, if you don't re-borrow—if you determine on putting an end to the income tax, how are we to repay this amount? The Chancellor of the Exchequer said, "Have you no confidence in a buoyant Exchequer and in increased consumption?" Yes, we have such confidence, for we have seen a policy which, by imposing an income tax and remitting indirect taxation, has increased the national revenue while it diminished the national burdens. But if you reverse that process, and seek to replace the expected deficit by the produce of indirect taxation, then we must look with diminished confidence at the buoyancy of the Revenue and the power of the consuming classes to fill up the vacuum you have made in the Treasury. My right hon. Friend referred to the £2,000,000 already permanently re-imposed on the indirect taxation of the country. Yes, the re-imposition of taxes for this purpose has been permanent upon the poorer classes, and now you are going to abolish altogether a tax which presses comparatively upon the rich alone. I should rejoice to see the paper duty and the duty on fire insurances removed, as well as those other smaller taxes levied upon articles through the Customs, which, small in their individual amount, constitute altogether a sum of about £1,000,000—too large to be remitted, except with a superabundant Exchequer. Would it not be wise to look in a future year to the remisssion of duties like these, which curtail trade, diminish our prosperity, and impoverish the Exchequer? If, however, you do not re-borrow these bonds—if you do not pay them out of the income tax—you leave them a burden upon these indirect taxes, and you paralyze by your own hands the most powerful instrument for replenishing the Exchequer—namely, the reduction

of duties which press upon the industry and tax the consumption of the people.

MR. T. BARING: However unequal to the task of following my right hon. Friend in debate, I trust the House will excuse me if I demand its patience while I say a few words of parting on the much-condemned Sinking Fund. I believe that those who originated that fund did so with an honest intention to pay off in time of peace and prosperity an addition to our public debt which was rendered indispensable by our efforts in war. I believe that at that time it might fairly be said, "After the termination of the war, when we shall be, we hope, at peace with all the world—when we shall have a diminished expenditure and diminished Estimates, and when there will be loud demands for a reduction of taxation—we will render it obligatory upon the Minister of Finance not to reduce the Revenue to so low an amount that he shall be unable to pay £1,500,000 yearly towards the War Sinking Fund." But circumstances have changed since the time when the right hon. Gentleman (Sir G. C. Lewis) predicted we might return to the peace Estimates of 1852. We could not then look into futurity. We did not know that we should have a mutiny in India, or be plunged into an expensive war with China. We did not contemplate that we should incur accidental and temporary expenses, such as the redemption of the Sound Dues—a sum which any Chancellor of the Exchequer, as a matter of finance, would have been justified in borrowing and in spreading its payments over a number of years. We did not know then (and I wish it were not evident now) that the state of Europe would be such as to inflict upon us the necessity of maintaining expensive establishments. We did not know how much that war with Russia would develope the organ of combativeness in this country and throughout Europe. Well, we now find that we have come to a point at which we cannot derive from our Revenue a sufficient sum to meet our obligations. The right hon. Gentleman the Member for the University of Oxford (Mr. Gladstone) says, he hates the very idea of the revival of the Sinking Fund. But what is the objection, let me ask, to that fund? In whatever way you raise the money which you require—call the mode what you will—you are, in reality, doing nothing more than seeking to give effect to an honest wish to pay your debts, and not to saddle them upon posterity. Mr. Pitt's plan was a failure, because it recognized the principle of borrowing with one hand and paying off with the other. No doubt, if you had followed, after the peace, the plan of the right hon. Gentleman the Member for the University of Oxford, and had you realized such a surplus Revenue as to continue the extinction of your debt, you would not have been obliged to have recourse to fix a sum by legislation. But, let me ask the House, has a Chancellor of the Exchequer ever maintained a surplus? Do we not, upon the contrary, see each successive Minister occupying that position courting popularity by a remission of taxation, and leaving the debt of the country to take its chance of reduction. If you just consider for a moment how closely each Chancellor of the Exchequer reckons upon the sources of making his revenue and meeting his expenditure, you will find that it is only to the circumstance that his calculations, owing to the occurrence of a season of prosperity, happen to be erroneous upon the right side, that you are indebted for any diminution of your debt; and that is not a mode of providing for the liquidation of our obligations to which, in my opinion, it is honest for the Chancellor of the Exchequer or for Parliament to resort. The House cannot fail to observe, that whenever a surplus revenue arises, hon. Member after hon. Member gets up in his place and asks that one tax or another might be repealed—sometimes the paper duty, sometimes the insurance duty, at another time the duty upon hops. Indeed, it was only the other night, when the right hon. Gentleman the Chancellor of the Exchequer announced to us, not the existence of a surplus, but of a deficiency, that one hon. Gentleman asked for the remission of the last-mentioned duty, while another sought to have the duty on paper abolished. I contend, therefore, that unless Parliament takes some step to render the gradual extinction of our debt obligatory, the extent of its diminution will depend upon such circumstances as the strength of a Government to resist the demands of deputations, upon its being of a squeezable nature or not, and upon the pressure which is brought to bear upon it from without. If, in my opinion, we were to adopt the system of borrowing when a time of pressure came upon us, and paying off our debts when a period of ease set in, we should be pursuing a policy which would not be only

honest, but also politic and economical. It is not honest merely to say we can pay our debts. The real honesty consists in not saddling posterity with the whole of our liabilities. The course which I have indicated is the politic course, because the system of diminishing in time of prosperity the load which may have been laid upon us by the pressure of a war, of famine, or by any irregularity in our finance, enables us to borrow upon cheaper terms whenever the occasion for effecting a loan may again arise. It is an economical course, because, if it had been adopted, I feel convinced we should in years of peace and prosperity have our surplus revenue, without any unwillingness upon the part of this House, devoted to the reduction of our obligations, instead of demands being made for laying it out in the promotion of other and less beneficial objects. I also feel sure that, however the right hon. Gentleman (Mr. Gladstone) may have been baffled in attempting to reduce the burden of the debt by reducing the interest, such a step would have succeeded had the House always shown its readiness in times of prosperity to pay off the debts contracted in times of adversity. I agree, therefore, I confess, with the right hon. Gentleman opposite (Sir G. C. Lewis) in the opinion that the War Sinking Fund, although condemned by many high authorities in this House, was based upon a sound policy. I may now observe that it was predicted by the right hon. Gentleman the Member for the University of Oxford, in 1854, when those Exchequer bonds were issued, that they were but the representatives of taxes which were to come, and that there was not the slightest doubt but that they would be met when they fell due.

MR. GLADSTONE: And that prediction would have been verified but that the money which was raised last year was spent for other purposes.

MR. T. BARING: How could you know that those bonds would fall due at a time when you would have money to meet them? How could you, in 1854, know that the money which was to be raised in 1857, 1858, and 1859, might not be spent in settling arrears? Well, that has actually come to be the case, and you now find that by means of your Exchequer bonds, payable at a fixed period, you produce the great embarrassment in the case of the Finance Minister of being obliged to pay them off by means of increased taxation or exposing himself to the condemnation of the right hon. Gentleman the Member for the University of Oxford. He asks us if we are to go on borrowing. You must do so if you have not got a farthing to pay. But, it is said, why not borrow in Exchequer bills. These are renewable at the end of every year, and if you borrow at a high rate of interest, you have to pay it only for that year, and you may avail yourself of the change in the money market for the purpose of renewing the bonds? But were not these bonds to be scrupulously paid off? We might meet the difficulty in which we are placed by means of increased taxation, and I, for one, should not have objected had there been no reduction in the income tax, because I can understand no compact binding upon Parliament, except a compact to meet the exigencies of the country, and to maintain the national faith. How that taxation is to be divided, whether it is to be levied in a direct or an indirect shape, is a question which this House must decide. To arrive at a just conclusion upon the point, you must not look too much either to one side or the other. You must not, moreover, bind yourselves to abolish the income tax in 1860, because the exigencies and sufferings of the country may then be such that great relief would be afforded by taking off a certain amount of indirect taxation. I cannot, however, agree with those who say that, looking to the present amount of indirect taxation, you are bound, for the purpose of reducing it, to keep up this tax upon property. My own impression is, that it is a wise policy to divide the burdens of the country, so that, while upon the one hand you do not levy taxes that may prevent consumption to an injurious extent upon the part of the great body of the people, you do not, upon the other, raise such an amount of direct taxation as may disturb the means of giving employment, and press indirectly upon the labouring classes throughout the kingdom. I beg to apologize to the House for trespassing upon it at such length. I confess, however, that after the condemnation which has been passed upon the departed Sinking Fund, I did wish to say a few words over its grave.

MR. BRIGHT: I wish to make a few observations upon the subject under discussion. I did not hear the whole of this debate, but what I did hear of it is of that confused character which one might have expected from the dilemma in which we are placed. One side of the House casts the blame of placing us in our present

position upon the other; but the truth of the matter is, that we have been spending a great deal too much, and the difficulty is how to raise money to meet the demands which have in consequence arisen. On that point there is a contest between the rich and the poor, and, as is generally the case in this country, the poor go to the wall. [*Cries of* "No, no!"] I should be very glad if I could agree with the hon. Gentlemen who cry "No;" but when you maintain a large and a permanent tax upon articles of import, which are mixed up with the comfort of every cottager's family in the kingdom, and you reduce a description of tax almost touching nobody who has less than £100 a year, I cannot help thinking that people out of doors who read this debate will come to the same conclusion as that at which I have arrived. The fact is, we are endeavouring to do that which is impossible—trying to render a very heavy taxation easily borne. Such a taxation never was and never will be easily endured; and, moveover, it never was or will be just. You must shift it from one shoulder to another. The rich and the powerful will do all in their power to shift the burden from themselves, and it will rest, as in this country is the case, mainly upon the great masses of the population, whose incomes are small, but whose consumption of taxed articles is, in consequence of their numbers, very considerable. It has been said that much of the difficulty in which we find ourselves in reference to this question of taxation is to be attributed to our foreign policy. I concur in that opinion. We are pursuing a foreign policy which every man among us condemns, in so far as it has been acted upon by a past generation, and which will receive at the hands of a future generation an equal share of condemnation. Allusion has been made to the combative spirit which has been raised among the people of this country; but whenever that spirit has been raised, there have always been statesmen ready to take advantage of it for the purpose of placing themselves upon that (the Treasury) bench, or, if already there, to maintain their position upon it. We have had two wars since the particular time to which the right hon. Gentleman has referred, one of which was begun, was carcarried on, and was ended without, as far as I know, one single word of information being given to this House; and, more, I believe that war was brought to an end at the time it was, because the Minister stood in some fear on account of a memorable debate and division which had taken place in this House in connection with another war. That war the House condemned—the Chinese war—and the Minister thought that perhaps he might be trespassing too much on the patience and credulity of his countrymen, and therefore he huddled up one war at least, that he might have only the other to manage with the country and Parliament. But that Chinese war the House of Commons has condemned, and that condemnation has never been reversed. It stands upon our records now; and although, from circumstances which few men will look back to with satisfaction, a Parliament was returned apparently to reverse that sentence; yet no man, Minister or Member, has dared to ask that Parliament to reverse that sentence. ["Oh, oh!"] Let the hon. Gentlemen who cry "Oh!" try to do it. We do not know now whether we are at war with China or not. I understand that a celebrated individual, a native of that country, has been taken prisoner, and is now in India. Is he a prisoner of war, or has he been taken away merely as a curiosity? I do not know what the Government of the Earl of Derby is doing as to that question. They at least are not responsible for entering upon that war, but they will make themselves responsible if they delay one single hour to bring it to a conclusion. We are in that country, to my mind, as I solemnly believe, making the English name hateful, and making the spread of our civilization and our religion utterly impossible in that portion of the earth. We have no object, for every man admits we cannot have territory. We can gain nothing but trade. Trade surely will be better carried on with a nation, with whom we are at peace, than with one with whom we have fraudulently and upon false pretences plunged into war. There is one other point connected with our expenditure to which I wish to refer. I never yet have seen a Minister since I have sat in this House who made any real attempt to diminish the expenditure of the country. To take one case. I do not know the exact amount of the Navy Estimates, but I know they are some millions in excess of what was voted a few years ago. I suppose my hon. Friend the Member for Lambeth (Mr. W. Williams) could tell me to a sixpence, for I believe these vast Estimates weigh upon his mind, and discourage him precisely as they do me. Now, no country has a fleet that can measure itself with that of this country

except France. Does anybody who sits there (pointing to the back Opposition benches) deny that the fleet of Russia cannot compare with ours? Austria and Prussia have no fleets at all of any consequence. The United States have one ship of the line and a few frigates, but not one ship of war in ten as compared with our navy. I should like to know why it is necessary that this country should maintain many hundred vessels of war of all sizes, when there is no other country which has a fleet to oppose to us, except that country which is our nearest neighbour and closest ally, and which, we are told, is only anxious to be on terms of amity with us? Hon. Gentlemen may think the amity of nations is not always to be relied upon, and although I do not doubt in the least the desire of the Emperor of the French to be upon terms of friendship with this country, yet I never had myself the slightest sympathy for that alliance which has existed between France and England. Amity with all nations, justice and courtesy to all, but intimate political alliances with none. That is my policy, and I believe it is the only policy in these matters which can lead to good. If you ask the French Minister of Marine why his Estimates are so large, what will he tell you? He will tell you he is building great ships, which he believes will never be of the least use, because England is building great ships, which every sensible Englishman also knows will not be of the slightest use. He will say, France has almost no colonies, very little foreign commerce as compared with this country; that France has no pretension whatever to a great navy except her nearness to England, and the policy of England in always maintaining an enormous navy. Supposing that a Minister of this country, daring to grapple with this question, were to say to the Emperor of the French, instead of squabbling with him about the Suez Canal, or, I will not say betraying, but differing from him upon the question of the Danubian Principalities, or negotiating about some paltry matter the decision of which either way will not affect any man in England—suppose, instead of that, a Minister were to say, "Why are we thus always playing at beggaring one another with millions spent upon our navies, while our populations are suffering, merely that we may hold our fists in each other's face?" I ask the House in all seriousness, would it not be better, instead of going on for the next five years, as we have for the last five years, building vast ships, which all good men hope will never be used, and which all sensible men know are not necessary for the purposes of our security,—would it not be better to ask the French Government, "Is it not possible to relieve your Exchequer and our Exchequer, to relieve your people and our people from the pressure of this vast taxation, which we are constantly compelled to wring from them?" Why not try some such course as that? But instead of doing that, which would be a great relief to the people and Governments of both countries, the cry of "Give, give," was repeated from Session to Session in respect of the army and navy. You have a million of paupers in England and Wales, you have others in Scotland and Ireland, you have Colonies beyond sea which are easily reached for a few pounds, and to which your population is being draughted off year after year. Every man who goes to those colonies repudiates your policy, repudiates your debt, and thanks Heaven that at last he has found a country where industry can have its reward, and where men calling themselves statesmen are not using every engine of government to deprive him of the produce of his industry and to diminish the comforts and independence of his family. And you, landed proprietors of England, remember that, however many of your countrymen may emigrate, your acres remain, and you will have by-and-by a different tone in this House after another reform in Parliament. Your succession duties will be overhauled, and will not be got rid of so easily as at present. Your property tax, which you are assisting the Chancellor of the Exchequer to throw over, will come back to you, and come back in an increased proportion. Rely upon it, the course which we have pursued for some years has been foolish and wicked. By casting unfair burdens upon the people you will create among them a spirit of discontent and disaffection, and when they have the power, as they shortly will have, to lay taxes upon those who have spent the money, you may depend upon it the poor will not always go to the wall and the rich will not always escape. ["Oh, oh!"] Those are unpalatable truths, but they are truths for all that. I do not like the income tax any more than you do, but I know it is the duty of Parliament either to diminish our expenditure or to maintain the income tax, or some other tax of that

kind, and that, as we acted in a foolish spirit in involving ourselves in this expenditure, so we are now acting a cowardly and immoral part in casting off the burden of expense from our shoulders partly upon the great body of consumers now living, but mostly upon our posterity coming after us.

THE CHANCELLOR OF THE EXCHEQUER: The right hon. Gentleman the Member for Radnor (Sir G. Lewis) accused me to-night of introducing to the House what he called a "grovelling measure." *Serpit humi*, said the right hon. Gentleman. But, after listening to the observations of the right hon. Gentleman, I think I may venture to answer him by a line from the same poet to whom he has referred—

"Dum vitat humum nubes et inania captet."

He first found fault with the statement I made, that there had been a reduction of the expenditure to the amount of £800,000. And the right hon. Gentleman, by comparing the Estimates of the present year with the Estimates of the last year, proved, according to the manner in which he placed the question before the House, that the statement on my part was not authorized. But, Sir, I never stated that we had made a saving in the Estimates of this year over those of last year to that amount. All I stated was, that by the arrangements we had had recourse to, there would be a reduction of expenditure to the amount of £800,000; and I think I can show the House in a moment that that statement is accurate. On the Estimates laid on the table for the Army and Navy we made immediately a reduction to the amount of £400,000, and upon the other Estimates for the year the Civil Service and Miscellaneous Estimates, as compared with those of last year, show a like diminution of £400,000, together making the £800,000 I mentioned, a reduction to the same amount. The right hon. Gentleman has, I think, misstated the circumstances under which I proposed not to interfere with the decline of the income tax this year. He maintained that our compact with reference to the income tax was not more strict than the engagements entered into with regard to the Sinking Fund and the Exchequer bonds. Technically speaking, all engagements are in the hands of Parliament, and are in the same position. But what I wished to bring before the House, when they decided on the course which was to be taken with regard to the income tax, was that there were considerations of high policy connected with that tax which it was impossible for the House to avoid considering. Objections of so serious a character had been urged against the income tax in its present form becoming a permanent feature in our financial system, that it was impossible to avoid a grave consideration of the subject. From whom did the objections to that tax come? Not from the gentlemen of England, Members of Parliament, or the centres of wealth and opulence. They came, on the contrary, from professional men, from traders, from the humbler classes of society who are subject to its incidence, and who complain of its injustice, its inequality, and its inquisitorial character. These are not complaints, I repeat, urged by persons of opulence with respect to their own position in respect to the tax. These are complaints that can be pressed, and epithets that can be used only by persons of humble and difficult fortunes. The clamour against, and discontent with, the income tax, has never arisen from the opulent and educated classes. And it is to meet these complaints that so many plans have been originated to construct it in such a way as to recognise the difference between the different incomes that are brought under the operation of the tax, and it was to consider those complaints that a Committee of this House sat for two years. Well, I retain the opinion, that it is impossible to keep the income tax in its present form as a permanent feature of our financial system, and I think I did not misinterpret the feelings of the House and the country when I recommended that course which I hope they will ultimately sanction with respect to it. The right hon. Gentleman (Sir G. Lewis) says, that if the course we have indicated is pursued, we shall find ourselves in 1860 with a deficiency of £5,000,000 of taxation, and with no substitute. I might observe that in that statement the right hon. Gentleman the Member for Radnor has taken no account of the falling in in 1860 of those annuities which have been subsequently referred to in the course of the debate. I think it is of the utmost importance that the House should have a clear opinion on this subject, and that if they have a clear one, they should act on it with firmness and consistency. There is no greater fallacy than to suppose that because you do not approve of the present income tax you are therefore opposed to all direct taxation. That is a very convenient way of placing the question for those who are resisting the

proposals of the Government, but it is not a fair one. Approval of a fair amount of direct taxation is perfectly consistent with disapproval of the manner in which direct taxation in at present raised. I believe it is of the utmost importance for social and political considerations of the highest character, that the income tax should not be maintained as a permanent feature of our financial system, and if I am told that in 1860 we may find ourselves in so perilous and difficult a position that it may be impossible for us to fulfil that arrangement, I must say that I never did, nor did I ever hear any Gentleman of any authority of any kind in this House upon this subject, contend that we could contemplate anything like that solemn compact referred to by the right hon. Gentleman. If next year, or in the year following, in 1860, circumstances of great exigency arise, or the country is in considerable danger, no one could contend for one moment that this tax is not to be adhered to as a source of supply. On the contrary, one of the reasons for which I maintained the inexpediency of keeping it up as a permanent tax, was that when a moment of difficulty arose you could fall back with confidence upon it, and you would have resources at command which would maintain the position of the country as a first class power. I shall say nothing now about the Sinking Fund. I resisted the creation of that Sinking Fund with the two right hon. Gentlemen who have spoken to-night. It is sufficient for me to say that no one now maintains the practicability of maintaining the War Sinking Fund under present circumstances. Every one agrees that the attempt to maintain it under present circumstances would have been idle and futile. Then I come to the other point of the Exchequer bonds. I admit that there is a great difference between the engagement to pay the Exchequer bonds, and that to maintain the arrangements with respect to the War Sinking Fund, and it was with the greatest regret that I found myself compelled to propose to the House that some postponement of the Exchequer bonds must take place. But both these engagements were purely financial engagements. On the other hand, our engagement with respect to the income tax was not merely based upon financial considerations, but also upon several considerations, and those of high policy. Viewing, then, the two engagements to which I referred in a purely financial aspect, the House were agreed the other night that it was most inexpedient, looking to the state of the country—commerce hardly recovering from its late severe trial—to load the country with a heavy burden of taxes to fulfil their engagements. The House having come to that conclusion, they placed at my disposal the necessary powers to raise two millions in order to redeem the bonds. And now, as the right hon. Gentleman says that the House has a right distinctly to know what has been done on the subject of these bonds, and has accused me of some want of courtesy, if not of a higher and more business-like virtue, in not giving holders of the bonds the option of renewing them, I will tell the House what I have thought prudent to do. The House permitted me to raise £2,000,000 by Exchequer bonds, payable at a period not later than six years from the date of such bonds, and at a rate not exceeding $3\frac{1}{2}$ per cent. I have obtained, or shall obtain, from the Bank an advance of £1,000,000, payable in 1862, at $3\frac{1}{4}$ per cent; and under the circumstances of the case I think that that is a moderate and fair rate of interest, because, although it is, no doubt, possible to get money for a short period at 3 per cent—for a period of six years $3\frac{1}{4}$ is a fair arrangement. But I have made it a part of the arrangement that I should have the right to call towards the end of the year for another million at the same rate. But I have a lively hope, and indeed confidence, that the balances in the Exchequer, strengthened as they will be by the large exceptional sources of income that we shall have this year, will not render it necessary to call for the other million, but that I shall be able, out of the revenue of this year, to redeem £1,000,000. I contend, therefore, that under all the circumstances of the case, and with due humility, when these imputations are thrown out so freely of being disregardful of the public faith, that that is a prudent, and if carried into effect will be a very successful arrangement. I said that I have confidence in the state of the revenue, because, as I showed the other day, there has been during the whole of the year a considerable rally in its chief sources of produce. Since the last year a deficit upon the principal articles of revenue has actually been changed into a considerable surplus as compared with the Estimates of the late Chancellor of the Exchequer. I am now in a position to tell the House the amount of the revenue for the first month of the financial year, ending May 1, and they

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will then be in a position to judge how far it bears out my Estimates. I will compare the revenue derived from some of the principal articles of consumption from the 1st of April to the 1st May, 1857, with that derived from the same articles for the corresponding month in the present year. This statement will, however, be confined to the Excise, because, although the account for the Customs is highly favourable, still, on account of the large amount paid for tea duties in April of last year a comparison would present the appearance of a considerable deficiency, although there is really an increase on the last month as compared with the first. I shall begin with the Excise. From the 1st of April to the 2nd May, 1857, in the very height and flush of our prosperity—long before there were any symptoms of that commercial crisis which weighed upon the country at the end of the year—the amount received from the Excise was £1,366,000. Well, Sir, the Excise for the same month in the present year—after all the country has suffered from that commercial distress—amounts to £1,602.000. The stamps from April to May, 1857—and again I must remind the House that that was a moment when none of us dreamed of the slightest depression to our commercial prosperity—were £484,000. The stamps for this month are £573,000. There is an increase on land and assessed taxes. From April to May, 1857, they were £663.000; this month they are £668,000. The increase is of course slight; but I think these are very important tests, bearing in mind that the accounts from the Customs —especially on the article of tea—are of a very favourable character; for they show that the increase in the revenue is not of a transitory or evanescent nature, but arises from the increased resources of the country and the just revision of taxation which has taken place. The right hon. Gentleman the Member for Radnor has not stated that he is going to oppose the Bill, therefore I will not anticipate anything so unpleasant from him. I am sorry the hon. Member for Birmingham (Mr. Bright) should have indulged in some remarks with regard to the taxation of the country, which, I think, are not just. I do not think it is the main object of this House to remove taxation from property to labour. I do not think there is any desire in this House to evade the fair burden which they should bear. Sir, if ever an opportunity presents itself when we can enter into this question in detail—and it is impossible to form a just opinion upon this question without going into detail — I will show that the position of the hon. Gentleman, namely, that the necessary consequence of our system is that taxation must rest upon the great bulk of the population whose incomes are small, is a position which he will not be able to demonstrate. On the contrary the—I will not say "great bulk of the taxation," but—greater portion of the taxation, is borne by what we call people of property, and that mass of population, whether domestic servants or others, in relations equally near to and dependent upon that property. This is not the opportunity nor the occasion to enter upon this subject; but I could not hear such a proposition as that laid down by the hon. Member for Birmingham without at least entering my protest against its validity, and expressing my readiness, whenever the occasion offers, to grapple with him on that subject, and to prove to the satisfaction of all practical men that the position which the hon. Gentleman would endeavour to establish in regard to the general incidents of taxation as affecting the labouring classes cannot be maintained. With one portion of the hon. Member's observations I would express my concurrence. I, too, deplore the great expenditure of this country on armaments. I regret that the state of affairs should render it necessary. I do not, however, myself, despair that—I will not say immediately, but in due season, and when some of the excitement which has prevailed unhappily of late has passed away—the wisdom of Cabinets will bring about that reduction of military expenditure which it is for the interests of all nations should be encouraged. That is only to be done by frank communication and by encouraging not only in this country, but between us and our immediate neighbours, a spirit not of acerbity such as has in some instances lately been manifested, but of mutual kindness and confidence, which, notwithstanding the sneers which some persons indulge in, I feel it is for the interest of both nations to foster, and which, I doubt not, the great body of the population will, on reflection, sanction and adopt. This is not an occasion on which I ought to touch much on these points; but it is not I that brought them into the debate, and unquestionably expenditure depends upon policy. I wish to make no comment on the policy that is past, but this I can

truly say of the policy which is at present pursued, that is has no other object than to maintain the honour of this country, and to conciliate the good dispositions of foreign nations.

MR. WILSON said, the right hon. Gentleman (Mr. Gladstone) had observed that the late Chancellor of the Exchequer might, if he thought proper, have appropriated the sums that were in his hands to pay off the Exchequer bonds. The right hon. Gentleman, however, must know that the state of the law and the state of the facts prevented his doing that. The late Chancellor of the Exchequer had £4,500,000 of the war income tax at his disposal last year, and they had £2,000,000 in bonds falling due, but he had no authority whatever to pay off those bonds out of the sum in his hands. The only way in which he could have paid them would have been by going into the market and purchasing the bonds at an extravagant price. He had no means of receiving the money, because the Sinking Fund Act required that any surplus that there was at the end of a quarter should be applied under that Act. The charge, therefore, against the late Chancellor of the Exchequer was entirely unfounded, inasmuch as it was impossible for him in the state of the law to apply any money last year to the payment of bonds due this year. There were some points in the Budget which appeared to him to require explanation. He could not bring himself to believe that the calculations of the right hon. Gentleman would prove to be correct. The Chancellor of the Exchequer stated in his estimate of the Customs' duties, that in the last year there was paid into the Exchequer a sum of £23,100,000; but then, he said, although that amount was paid in, yet the actual receipt for Customs was £23,300,000, because £200,000 had been left in the hands of the collectors and officers of the outports to pay salaries and expenses voted by the House. He (Mr. Wilson) must remind the right hon. Gentleman that although there was the sum of £200,000 left in the hands of the collectors this year, yet there was last year a sum of £200,000 left in like manner, and that, therefore, one amount should balance the other. The right hon. Gentleman was certainly not entitled to take credit for the £200,000 left in the present year as available for forthcoming expenditure. Again, the right hon. Gentleman had admitted that a sum of £400,000, arising on the receipts of last year, properly belonged to the year before. That sum was much nearer £600,000 than £400,000, and, if so, the net receipts from the Customs last year would be found to be £22,500,000. Now, the right hon. Gentleman computed that the Customs would produce in the present year £23,400,000, or an increase of no less than £900,000 over the past year. He was afraid that looking to the depressed state of trade in the present year, no such increase would take place. So with respect to the Excise. Last year the Excise produced £17,800,000; but the right hon. Gentleman had estimated the probable yield in the present year at £18,100,000, or an increase of £300,000, in addition to the £500,000 expected to be derived from the equalization of spirit duties in Ireland. The right hon. Gentleman had also taken credit for an increase of £300,000 from the Post Office—an increase not arising from receipts, but from a recovery of the balances now in the hands of the different offices throughout the country for the purpose of paying expenses. Here, again, he must remind the right hon. Gentleman that he was not entitled to take credit for those balances, because last year there was left in the country post offices a sum of £393,000, which ought to be put against the £300,000 now in hand. Altogether the right hon. Gentleman expected an increase of no less than £1,600,000 in the present year, including a sum of £100,000 for stamps. He was afraid that the right hon. Gentleman would find himself mistaken in his calculations. The financial crisis which occurred at the end of last year did not much affect the consumption of commodities; it did not interfere with the agricultural districts at all, and its effects in the manufacturing districts were considerably postponed. During the worst months of last year the employment in the manufacturing districts was as abundant as in the first three months of the present year. He (Mr. Wilson) was in a position to state that our exports had decreased this year no less than £5,300,000. In our export port trade to the United States there had been a decrease in the three months, as compared with the same period of last year, of £3,000,000. For the first three months of 1857 the exports to the United States were £5,246,000, while for the first three months of this year they were only £2,168,000. He sincerely hoped

that his forebodings might turn out to be erroneous, but he could not help thinking, comparing the present depressed state of trade with its excited and prosperous condition last year, that there would be no such large increase of revenue as £1,600,000. A great deal had been said in favour of the reduction of the property and income tax, which had been denounced, especially by his right hon. Friend the Member for Oxford University, as being not only inquisitorial, but liable to evasion. Now, he could not help thinking that they were apt to exaggerate the objection there was in the country to the income tax. That objection arose in ancient times, when it was supposed that the tax would cease on the return of peace. The income tax was invented by Mr. Pitt for war purposes, and at one time, undoubtedly, it was not regarded by the people as a proper part of a peace establishment; but since its revival by Sir Robert Peel for purposes of peace, there had been a growing disposition throughout the country to believe that it was an exceedingly wise and beneficial tax. There was no tax so little liable to evasion. Schedules A, B, and C were not open to evasion at all, because the tax was collected at the source, and Schedule D was the only part of the tax which could be evaded. Even with regard to a portion of the receipts, arising under Schedule D —those collected from public companies— there could be no risk of evasion, and he believed it had been proved to demonstration that no less than 80 per cent of income tax was in no way liable to be evaded. It might be said that the income tax ought to be reserved for great emergencies; but those who had thought most on the subject had come to the conclusion, that the wisest policy would be to keep a small and moderate income tax at all times, capable of being expanded whenever occasion required. But the chief fault he had to find with the budget was, that it was the first attempt to depart from the commercial policy we had pursued for the last twenty years; that it postponed the payment of the public obligations at the same time that it reduced taxation, to be made up by other taxes highly objectionable. It imposed the first tax on trade for the last twenty years. He alluded to the proposition for a penny stamp on cheques. Stamp duties had been always considered an odious description of taxation; and although the right hon. Gentleman the Member for the University of Oxford had reduced the cost of stamps, they were in principle still objectionable. The right hon. Gentleman would have the House believe that the public were enamoured of a penny taxation. So they were, when a penny stamp on letters took the place of a sliding scale of postage, varying within the United Kingdom from *5d.* to 1*s.* *5d.*; so they were, when a uniform penny stamp on receipts superseded stamps varying from 3*d.* to 10*s.* They did not object to it, when a penny stamp was imposed upon banker's drafts or cheques drawn at a distance of over fifteen miles from the bank upon which they were drawn for. Such cheques and drafts had theretofore been liable to such stamps as would be required by bills of exchange; but none of these cases were that of the penny stamp proposed to be required on ordinary cheques, which was a new impost, and one more inconvenient than any other stamp that could have been imposed. It was a tax that interfered with one of the greatest improvements of modern financial science. The trade and commerce of the country had received the greatest amount of assistance from the system of deposit banking. All the joint-stock banks that now existed in London had sprung up within the last twenty years; yet their deposits were at present nearer to £50,000,000 than to £40,000,000, whilst they had not caused any withdrawal of capital from the private banks. An immense economy of the capital of the country was the result. In London alone, the deposits in the various banks amounted to £100,000,000; in Scotland, £40,000,000; in the rest of England and in Ireland, £100,000,000. There was a total of nearly £250,000,000 available for the purposes of trade. He considered it most undesirable to interfere with such a system by imposing a penny stamp upon bankers' cheques. When a banker paid a cheque he only returned a customer his own money, and why should the House impose a penalty upon a man who was only getting his money back? It was truly said, that this was not the first time the proposal had been made in that House. In the year 1853, some hon. Gentlemen tried to impose their views on this subject upon the House, and in 1855 the tax was proposed by the Government of that day. But that was a year of war, and war taxes were necessary to meet the war expenditure. If they only interfered with bankers' deposits to the extent of 10 per cent, the loss

to the country in the waste of capital would be four times greater than any advantage arising from the tax. He hoped the Chancellor of the Exchequer, therefore, before he made up his mind to persevere with his proposition, would consider these objections. The right hon. Gentleman had reminded the House that they had lost sight of the object for which the income tax had been established. That right hon. Gentleman had stated that, by means of it we had repealed nearly £3,000,000 of indirect taxes, and he (Mr. Wilson) contended that such blots on our tariff as the remaining timber duties ought to have been repealed before the House got rid of the engine that had enabled them to reduce so many taxes upon articles of consumption. Then there were the silk duties, for which no one supposed to be benefited thanked them; and the duties upon various small articles, which still rendered it necessary for Custom House officers to examine the clothes of persons arriving in this country. The right hon. Gentleman was about to equalize the spirit duties, but there was still a protecting duty of 90 per cent upon home-made as against foreign spirits. The paper duty and a great many of those blots still remained, for the removal of which the income tax was first imposed. Upon these grounds he protested against the notion that the House ought to get rid of the income tax, and he believed that holding out such a relief was holding out a delusion. Charges to a great amount would accumulate between the present year and 1860, and yet hon. Gentlemen said, "Let us get rid of the income tax." In 1860, annuities to the extent of £2,100,000 would fall in, but the tea and sugar duties were to be reduced at that time to the extent of £2,400,000, and it would be deceiving the public to lead them to suppose that the income tax would in that year be extinguished. The Chancellor of the Exchequer, when pressed on the subject, said he would not bind himself by such an obligation; but his whole argument for the Budget rested on the supposed extinction of the income tax. No one really believed that they would extinguish the income tax, and he regretted that bolder, stronger, and more manly language had not been used by the Chancellor of the Exchequer upon that subject. No doubt every tax was unpopular, and its unpopularity would increase, if those who ought to defend were the first to decry it and to point out its inconvenience. No one could look at that budget without seeing that it would postpone present difficulties only to increase the difficulties of the future, while it was liable to the further great objection, that it was to some extent a reaction from that policy which had of late years been productive of such immense advantages to this country.

SIR HENRY WILLOUGHBY said, he thought the House would have a difficulty in conducting their business, unless they dealt only with the matter in hand, and that was, whether it was expedient to raise a sum of money in the shape of Exchequer bonds. He must, however, say, that he had hardly expected to hear from the hon. Gentleman the Member for Devonport (Mr. Wilson) a justification of the income tax, and he thought that he had very much underrated the feeling of the people with regard to the income tax. It was regarded by the people of the great towns as essentially a war tax, and as an impost which necessarily assumed an inquisitorial character, and which pressed on different classes with an unequal severity that ought not to be tolerated under the ordinary peaceful condition of an industrious community. The people, therefore, would never consent to pay it in time of peace. It was imposed in 1842, because there was a deficiency in the Treasury, principally occasioned by war, and there was a distinct pledge given that it should come to an end in three years. Faith was broken, and in 1845 it was not repealed. He regretted that the hon. Member for Birmingham (Mr. Bright) should have endeavoured to raise a question between rich and poor. He believed that nothing could be more injurious than to impose an income tax on those who lived by labour, because the first effect of the tax was the withdrawal of employment. He suggested that the bonds should at once be converted into Exchequer bills as being less likely to complicate future financial operations than the plan of allowing the Bank of England to take them, and he objected to the clause in the Bill enabling the Commissioners for the reduction of the National Debt, to invest money on account of savings' banks in their purchase. These bonds had, for a long time, not been a favourite mode of investment, and the purchase of £1,800,000 worth with savings' bank money had entailed a loss upon the savings' banks. Upon the last two points, he hoped the Government would give some explanation.

MR. SLANEY said, that with the exception of the hon. Member for Birmingham (Mr. Bright) every Gentleman that had addressed the House was either a Chancellor of the Exchequer or an ex-Chancellor of the Exchequer, or else he might be regarded as an aspirant to that office. He must, however, protest against the melancholy tone which had characterized the debate. He must, also, protest against the statement of the hon. Member for Birmingham that it was the wish of the House of Commons to throw burdens upon the humble and to exempt the higher classes. Men of much weight and authority had that evening spoken as if the finances of the country were in a difficult and painful position, as if the weight of taxation was so great that the people could hardly bear it. He would venture to remind them that, although since the termination of the great war in 1815 there had been no great reduction of the national debt, there had, owing to the increase of wealth and property, been a progressive, continual, and still continuing diminution of its pressure upon each individual taxpayer. Personal property had increased at the rate of thirty per cent. every ten years. So that since 1815 they might fairly estimate that the furniture and comforts of the people had increased 150 per cent. The value of land had increased one-half; and they must add to that the increase of the value of the shipping and the £300,000,000 invested in railways. It followed, therefore, that there was an immense reduction in the pressure of the debt on the people at large. For his own part, he was not disposed to join in the lamentations which he had heard, because we did not keep up a Sinking Fund. He was induced to take that view partly because such a policy would be directly injurious to the community, and partly because he did not think that any material reduction of the debt would be a benefit to the nation. It was obviously a great advantage to have some safe and ready mode of investment, to stimulate the industry and enterprise of the country, and he believed that fully one-half of the public debt was held by trustees, and was thus withdrawn from the market. He did not believe that we had any reason for despondency. On the contrary, he confidently hoped that in a very short time the springs of industry would begin again to be loosened, commerce would spread and prosperity extend, and that the weight of taxation would be much less felt by the people than many hon. Gentlemen anticipated. Having differed from the hon. Member for Birmingham in one part of his speech, he must earnestly join with him in the hope which he expressed, and which seemed to be received in a corresponding spirit by the Chancellor of the Exchequer, that we might, by means of the cultivation of friendly feelings, and the interchange of benefits between nation and nation, be enabled to reduce those large armaments which we now maintained, as it were, to keep each other in play, and thus to diminish expenses which all agreed were not beneficial to any nation. The Budget was not in his opinion open to any great objection; but he was afraid that that part of it which referred to the stamp upon cheques might have a tendency to diminish the small dealings with the banks. Such a result would be very injurious; but, upon the whole, he was not disposed to object to the arrangements of the Chancellor of the Exchequer.

MR. G. A. HAMILTON said that his hon. Friend and predecessor (Mr. Wilson) had said he had only one fault to find with the Budget, namely, the manner of dealing with the Exchequer bonds; but he (Mr. Hamilton) thought that his hon. Friend, when he implied that the Estimates of revenue were excessive, had taken the strongest objection which could be made to a Budget. No stronger duty devolved upon a Minister than that of being accurate even to an excess of caution in those Estimates. It was a singular but highly satisfactory circumstance that for a series of years the Estimates of all Chancellors of the Exchequer had been exceeded by the actual receipts; and he should be very sorry that his right hon. Friend (Mr. Disraeli) and the present Government should form an exception to that rule. He could assure his hon. Friend opposite that no Estimates could be more thoroughly scrutinized than these had been, and that there could be none of which a Chancellor of the Exchequer could speak more confidently with regard to the result likely to be realized. He would state how his right hon. Friend and himself had arrived at their Estimates of the Customs and Excise, and he thought that his hon. Friend would then see that his observations were founded upon a misapprehension of what had been stated by the Chancellor of the Exchequer. The amount paid into the Exchequer under the head of Customs during the year ending the 31st of March last having been £23,109,000; his hon. Friend asked how is was that their

estimate for the ensuing year was £23,400,000. In the first place, at the end of the year, irrespective of this 23,109,000, there was in the hands of the collectors at the outports, not, as his hon. Friend supposed, a balance, but a difference, between the balances at the beginning and end of the year, in excess, of £117,090. There was in addition a sum of £63,000 which had been advanced by the Board of Customs on account of pensions voted by that House, and which was due by the Treasury to the Customs. These sums, £23,109,000, £117,000, and £63,000, made up the amount of £23,289,000, which constituted the net receipts of Customs for the year ending the 31st of March last. There was required a further sum of £111,000 to make up the amount at which the Customs' receipts had been estimated for the ensuing year. He would tell the hon. Gentleman how that sum was made up. In the first place, they calculated an increase, which was the ordinary annual increase, of the consumption of sugar and molasses of 200,000cwt., which, at 13*s.* per cwt., would produce £130,000. The increase of duty from tobacco, the ordinary annual increase, they estimated at £60,000, and the increase on ten smaller duties at £120,000, making a total increase of £310,000 But they felt it right to make a deduction from that in respect of the loss on tea and sugar arising from the excessive amount which had paid duty in the preceding year. That deduction was estimated at 3,250,000lb. of tea, which, at 1*s.* 5*d.* a lb., gave £170,000, and £30,000 in respect of coffee. This made a total of £200,000 to be deducted from the £310,000, leaving a balance of £110,000, which they added to the net amount received by the Customs during the year ending the 31st of March last. His hon. Friend was aware that a large amount of duty was paid upon tea immediately after the expiration of the financial year ending the 31st of March, 1857 ; but their estimate had been founded upon the consumption during the natural year ending the 31st of December, adding a reasonable amount for the probable increase of consumption during the present year. The quantity of tea consumed during the year ending the 31st of December was 69,000,000lb. ; an addition was made to that equivalent to what might be considered a reasonable increase of consumption during the year, and the estimate of the tea duty was founded upon that amount. Therefore his hon. Friend would see that the extraordinary amount of tea upon which duty was paid at the beginning of the last financial year had not been—as he had supposed—unfairly brought into the account. The receipt of the Customs for the month just passed was not a criterion on which to rely with much confidence, yet it might afford some indication whether or not the revenue had an upward tendency. The estimated revenue from Customs being £24,300,000, one-twelfth of that amount was £1,950,000, whereas the actual produce during the last month was £2,025,000, showing an excess upon the estimate of £75,000 for the first month. If the increase for the other eleven months only continued in the same ratio the excess upon Customs for the whole year would be £900,000. Under these circumstances he believed the House would feel that the Estimate of his right hon. Friend was not excessive so far as the Customs were concerned. He came next to the inland revenue, in regard to which a few figures would show the House whether his right hon. Friend had evinced a disposition to exaggerate the probable returns for the current year. To begin with hops, the duty raised from that article last year was £489,000, and the Estimate for the current year was £410,000. Licenses realized £1,436,000 last year, and for the current year they reckoned them at £1,400,000. Malt was an article on which the return might be calculated pretty accurately from the peculiar mode in which it was levied. Last year the malt duty yielded £5,490,000, and the Estimate for the current year was £5,500,000. The increase on malt for the first month of the present year over the corresponding period of the past year, if it continued to maintain the same ratio, would give a total excess at the end of the year of £155,000 over his right hon. Friend's Estimate. Paper, which produced £1,243,000 in the previous year, was estimated at £1,240,000. The sum anticipated from the spirit duties, exclusive of the £500,000 from the increased rate on the Irish manufacture, was £9,280,000 instead of £9,281,000 which they produced last year, and the total estimate of the Excise revenue for the year was £18,100,000. He hoped those figures would show that they had not indulged in any extravagant expectations in framing their Estimates, and for his part he should never be prepared to adopt what he should regard as so dishonest a mode of pro-

ceeding. It was very gratifying to observe the extraordinary elasticity and rapidity with which the resources of the country recovered from their depression. The improvement already experienced in the state of things which existed in November and December last was perfectly marvellous, and indicated that, notwithstanding the severe strain to which they had been lately subjected, the national resources remained unimpaired. They were justified, therefore, in entertaining, he would not say sanguine, but favourable anticipations for the future. The question had been asked why his right hon. Friend did not convert Exchequer bills into Exchequer bonds. The reason was, that the Exchequer bill market was very sensitive, and it would have been very undesirable to venture upon so rash an experiment as the conversion of so large a sum as two millions of this description of securities.

MR. CAYLEY said, he must be allowed to congratulate the Secretary of the Treasury upon the clearness of his statement. At the same time he feared he was two sanguine in his anticipations. It was not so certain that the recovery of the country from its recent depression would be very rapid. After the prostration of 1839 the revival did not occur before the lapse of four years, while the revival from the distress of 1847 did not take place till the beginning of 1853. Better things might be expected in the present case ; but the commercial classes had been so severely punished by our system of money laws that it would be unwise to look for a speedy recovery. He was astonished at what had fallen from the hon. Member for Birmingham. It was strange it had not occurred to the hon. Gentleman to inquire how it happened that in 1854, 1855, and 1856, when the price of corn was double what it was now, and the taxation of the country just the same as at present, we were all boasting of our prosperity, whereas, we were now contemplating an adverse state of trade and depression among the labouring classes. The hon. Gentleman had the other day advised his constituents, thousands of whom are out of employment and could not buy food, cheap as it was, that they had better go to another country which could support them, or that they should complain of the burthen of taxation. It was remarkable that it was only in times of prostration that they heard of this pressure of taxation. Surely the country could not be suffering from over population when so much difficulty was experienced in obtaining soldiers and sailors. Let the hon. Gentleman, instead of recommending his constituents to emigrate, bring his powerful mind to bear upon the question why we were exposed every ten years to a commercial crisis. These periodical visitations were not an inevitable necessity. We passed laws to produce these very results, and then complained of them as a law of nature. They must be traced to human legislation, and to human legislation alone. The hon. Gentleman talked of a revival ; but how could a revival take place in the present depressed condition of trade ! Solely by that which was now called "enterprise," but which would, six or seven years hence, be called "speculation." The period of trial through which the country had passed had produced a disinclination to take up the funds which were appropriated to commerce, and that would last until the money lying unemployed had accumulated to such a degree that persons would be willing to entrust it to a lower class of traders. This state of things would never be altered until we altered our currency laws. The reason why the income tax was originally imposed was to supply a deficiency of £12,000,000, which had been accumulating for six years before, and not because of the wars which had preceded the year 1842. The right hon. Member for Oxford had argued that the prosperity of 1844, 1845, and 1846, was owing to the commercial reforms which the income tax enabled Sir Robert Peel to introduce ; but, in truth, that prosperity was owing to the cheapness of money, which stimulated the employment of labour, and thus increased consumption. When money became dearer this prosperity ceased, and after 1847 we had four or five years of great depression. In 1852, we had money at 2 per cent again, and prosperity followed in consequence. He was on the whole satisfied with the scheme of the Chancellor of the Exchequer, but he should have been better pleased if he had not postponed the payment of the Exchequer bonds.

MR. W. EWART acknowledged that the Chancellor of the Exchequer had produced a skilful Budget, which had commanded general acquiescence ; but he should have been better pleased had the right hon. Gentleman proposed a continuance of the higher rate of income tax, so as to enable us to pay off the Exchequer bonds. He was not favourable to the proposition to impose a duty on cheques, as he

thought it likely to cramp commercial transactions. He had always understood that Sir R. Peel's object in imposing the income tax was to enable him to introduce improvements in our commercial system, which would encourage trade, and reduce the duties pressing on industry and the food of the people. He had always been of opinion that the disciples of Sir R. Peel had not gone far enough in that direction. As the duty on corn had been taken off there was no reason why the duties on such articles as cheese and butter should not also be taken off. He concurred with the hon. Member for Birmingham (Mr. Bright) as to the evil effect of war in increasing taxation, and expressed a hope, that the time was not far distant when our alliance with France would be strengthened by the reduction of the wine duties. Such a step would be of great advantage to both nations, and it would open the south of France to the trade of this country.

Bill read 2° and *committed* for *Friday*.

STAMP DUTY ON DRAFTS BILL.

SECOND READING.

Order for Second Reading read.

MR. T. BARING said, he would remind the House that he had presented a petition some days ago against this Bill from a highly influential body of men, who in monetary transactions, abilities, and respectable character were inferior to no body of traders in the City of London, or indeed in the kingdom—he meant the members of the Stock Exchange. They objected to this particular tax as one that would create great inconvenience, and as being opposed to what they thought were the right principles of taxation. For himself, he was unwilling to join in any movement for the purpose of disturbing the financial arrangements for the year of his right hon. Friend, and therefore, he was not disposed to make any very strong opposition to it; but still he was much disposed to agree with the petitioners in their opinion of this tax. What had reconciled him to the measure was that his right hon. Friend had introduced it merely to give him a surplus to meet the exigencies of the year; it would not be large, he said; he could live upon little; but he appealed to the House not to leave him destitute. That was a touching appeal, and it was as if his right hon. Friend had said, "I do not want much, give me a penny." To that appeal he was inclined to reply, "oh, take twopence." Yet he could not forget the inconvenience which would be occasioned by this tax. It was said the bankers were rich, and they would pay it; but the bankers were wise as well as wealthy, and had resolved to make their customers pay it. Spread over individuals, it might not be so heavy, two or three shillings a year or so; but when every cheque that went through the clearing house must have a stamp, many of them requiring to be cancelled—checks, indeed, to keep accounts correct, where there was a mutual giving and taking of cheques—this came to be a tax on correct accounts, and a serious inconvenience. If they looked at the general trade of the country, they would find that the whole system of commerce was one series of stamps. Goods made in Manchester were forwarded for exportation. The first thing the exporter did was to draw a bill for them, and that was stamped; the charter party for the ship must be stamped, and a stamp was indispensable also to the policy of insurance. Now, however, it was hoped by the merchant, when his goods were got out of England, that he was free from British stamps. The goods were sold, the proceeds were sent back by a foreign bill, and his right hon. Friend the Member for Oxford University (Mr. Gladstone) put a stamp on that even. After all that, when he had got his money into his hands, the merchant could not put it into or take out of his banker's without submitting to a stamp, if this Bill were carried. There was great truth in what had been said by the hon. Member for Devonport (Mr. Wilson) that the ingenuity of persons would be exerted to evade the stamp. It might appear ridiculous to object to paying a penny, but every one knew how much out of the way persons would go to avoid paying a toll, and especially a new toll, and it would be the same with this tax. It would also absorb, he believed, a considerable number of bank notes from circulation, and in that respect would prove injurious to trade. He did not intend to oppose the Bill, but he would suggest to his right hon. Friend the propriety of simplifying the question, and of providing that cheques passing through the clearing house and paid on the day of issue should not be liable to the stamp.

MR. GREAVES said, he did not rise to oppose this Bill, which formed part of what he considered a very good Budget, but he was afraid that it might tend to interfere with the circulation of notes. The country bankers had resolved, on the whole, not to oppose the tax, and he was glad

they had arrived at that conclusion, and would not combine in opposition to a proposal which seemed to meet with general approval. At the same time, he hoped certain modifications would be acceded to, the effect of which would be to exempt certain papers passing as memoranda between themselves, or otherwise the same transaction would often be liable twice to the same impost. A clause to that effect would be submitted in Committee.

MR. BAXTER said, he thought the tax was as little liable to objection as any which could possibly be imposed on the community. He did not share in the apprehensions that its effect would be to prevent capital from being economized, to withdraw a large amount of precious metals from circulation, and afford a temptation to robbery. The public had for so long a time experienced the advantages of the cheque system that they would not be induced, for the sake of a penny, to incur the vexation, the trouble, and the danger of the old system. In Scotland cheques had been used for a much longer period and to a much greater extent than in England; yet not a remonstrance nor a petition had he heard of there against the proposition of the Chancellor of the Exchequer. On the contrary, the general feeling of mercantile Scotland was in its favour, from a belief that it would prove a hardship to no one, while it would produce a large and increasing revenue. In rural districts it might have the effect of causing a large cheque to be substituted for several small ones; and this might be the case in some commercial offices, the heads of which were more short-sighted and close-fisted than other commercial men. But he did not believe this would seriously interfere with the produce of the tax. The opposition was confined altogether to bankers, who represented, among other things, that it would diminish the number of cheques. Now, if that were the case, the measure would confer a positive benefit upon them, for it would enable them to dispense with the services of several of their clerks, and they ought, therefore, to be very thankful to the Chancellor of the Exchequer for the saving of expense he would thus effect. But was not the opposition of the bankers based on other grounds than those which had been avowed? The hon. Member for Huntingdon (Mr. T. Baring) said this tax would fall upon the community. But he (Mr. Baxter) was not quite so sure of that. He had heard it whispered that the bankers were not much afraid of the diminished number of cheques and the hoarding of money, but dreaded rather lest some of their number, more generous than the rest, or some new banking establishment, should give away the cheques to their customers. The proposal that only a halfpenny should be charged upon cheques below £5 perhaps deserved favourable consideration; but he saw no force in the general objections which had been urged, and should therefore support the measure.

MR. TURNER said, he had recently presented a numerously signed petition from bankers, merchants, and others in Manchester, differing entirely from the opinions expressed by the hon. Member (Mr. Baxter). They objected to this tax as a step in the wrong direction, burdening commerce with a tax the only merit of which was that it was a small tax. Its tendency would be to diminish the use of cheques, which were found to be a most economical mode of making payments, and avoided the use of the circulating medium, of which they had lately had too small a supply. The extent to which the measure would operate might be a matter of opinion, but there was no doubt it would tend to prevent the use of cheques for small sums; and this in turn would lead to inaccuracy in accounts, to the chance of theft, and to the abstraction of capital, by which bankers would be prevented from affording that accomodation which they were accustomed to render to the mercantile community. Then, again, the tax would not produce so large a sum as was anticipated, for arrangements were already making by which cheques issued to order would be made use of instead of receipts. But his main objection, he repeated, was that the step taken was in a wrong direction, and placed an additional weight on the shoulders of commerce.

SIR GEORGE PECHELL asked, whether benefit societies, duly enrolled and certified, which were at present exempted from stamp duty by the Acts of William IV., would become subject to the operation of this tax?

MR. WILLIAMS said, he hoped that the right hon. Gentleman would insert a clause in the Bill to amend the defect in the Act passed two years ago, making crossed cheques payable only through a banker. He supported the Bill, as he did not believe it would be any check upon commercial transactions. Great reductions had been made of late in the stamps

upon commercial documents, such as bills of exchange, receipts, and the commercial world would have no reason to complain of this tax.

Mr. J. C. EWART observed, that he did not rise to oppose the tax. In Liverpool there was no strong feeling against it. It would be a great convenience, however, if the public were allowed to affix an ordinary penny postage stamp on cheques.

Colonel SYKES suggested that a penny stamp should be put upon tradesmen's bills above 10*s*., and the law as to cheques left unaltered.

The CHANCELLOR of the EXCHEQUER said, the hon. Gentleman the Member for Dumfries (Mr. W. Ewart) stated that he objected to this tax on principle. Its principle, he said, was wrong, and in that view he was supported by the hon. Gentleman the Member for Manchester (Mr. Turner). He objected to burdens on commerce. Now, the fact is, that this Bill asserts no new principle. It only seeks to extend a principle already recognized. If a stamp upon a cheque is erroneous in principle, if it is a regulation injurious to commerce, it is nevertheless the accepted and sanctioned law of the realm. All that in this instance we propose is, that as that is the law, a certain exemption, which cannot be defended, should no longer be permitted to prevail. This Bill only seeks to abolish that exemption. The law of the land is, that every banker's cheque should bear this 1*d*. stamp, and then comes a great exemption, which certainly cannot be defended on any principle, but to which I will not now address myself, because no person has taken a contrary view of it. No one has really attempted for a moment to vindicate it. Well, that being the case, this Bill will merely terminate it. To what do the objections to the Bill amount? Why, my hon. Friend the Member for Huntingdon (Mr. T. Baring), who represents on this occasion the Stock Exchange, presented a petition from that body some days ago, in which their objections to this Bill were very acutely expressed. That body is remarkable for ingenuity. It is one of the most acute and ingenious bodies of men in Her Majesty's dominions. And how do they stand, according to their own argument, with respect to this Bill? First of all they say it would be a very great injury and inconvenience to them to proceed with this Bill. Secondly, they say that if we persist in passing it they will evade it. I am sure that there is not one of them who would shrink from paying his stamp upon a cheque coming in the fair course of business; and I have such confidence in their ingenuity that if they are in the habit of using cheques otherwise, I am quite certain they could by some artificial arrangement evade the consequences of the new Act. But what is their argument worth? If they can evade it where is the hardship? If it would be inconvenient to evade it, and more convenient to carry on their business by cheques. where is the injustice of having to pay 1*d*. for that convenience? Now, that really is the whole case. It is a tax upon convenience. When the gentlemen of the Stock Exchange remember the reduction of their income tax they will be convinced that we cannot still further reduce and finally extinguish the income tax, unless, among others, we by this means build up substantially the revenue of the country; and I am quite certain they will soon cease to murmur upon the subject. My hon. Friend the Member for Huntingdon seems to complain very much of this new system of raising revenue by stamps. Commerce, he says, is built upon stamps. But he does not take into consideration that at this moment there is no interest in the country to which the raising of revenue by small imposts in the shape of stamps has been so profitable as to commerce. As he is the greatest merchant that ever lived, I presume (though I am sure he is never influenced by personal considerations) that he, of all those connected with commerce, has most profited by that system. I will not say a single word in answer to my hon. Friend (Mr. Greaves) who represents the country bankers on this subject. I have read the memorial of that highly influential and truly respectable body. They make two objections to this Bill, but it is unnecessary to consider such objections at this stage. If my hon. Friend should submit his suggestions in Committee I am sure they will be fairly considered. But if the Committee should agree to the modifications he suggests—and I must frankly tell him that so far as I have been informed on the subject I am not prepared to sanction any—they would not at all affect the principle of the Bill. The hon. and gallant Member for Brighton (Sir G. Pechell) asks me a question with reference to the effect of this Bill upon benefit societies. Benefit societies enjoying the privilege to which he refers, under the previous Acts of Par-

liament will not be at all affected by this Bill. I believe that I have entered as much as is necessary upon this stage into the question. I do not understand that there is any serious opposition to the principle of this measure. Two or three hon. Gentlemen have opposed the measure on principle, but I hope that when they reflect that the principle to which they object is the law of the land they will perceive that this is not an occasion for offering any opposition to it. I am extremely glad to find from the hon. Member for Montrose (Mr. Baxter) that the people of Scotland generally approve this Bill. I said that the members of the Stock Exchange were the most acute and ingenious body of Her Majesty's subjects, but I think I may place upon a parallel with them the people of Scotland. Animated by that expression of approval on the part of the hon. Gentleman I beg to ask the House to give a second reading to this Bill.

In reply to Mr. J. C. Ewart,

The CHANCELLOR of the EXCHEQUER said, that the question of allowing penny postage stamps to be put upon cheques was under the consideration of the Government. There were great difficulties in the way of carrying such a proposition into effect, but he should be prepared, when the Bill went into Committee, to state the conclusion at which the Government might have arrived upon that particular point.

Bill read 2° and *committed* for *Friday*.

GOVERNMENT OF INDIA.

COMMITTEE.—SECOND RESOLUTION.—DEBATE RESUMED.

Order for Committee read.

House in Committee.

Mr. FitzRoy in the Chair.

Question again proposed,—

"That for this purpose it is expedient to provide, that Her Majesty, by one of Her Principal Secretaries of State, shall have and perform all the powers and duties relating to the Government and Revenues of India which are or may be now exercised and performed by the East India Company, or by the Court of Directors or Court of Proprietors of the said Company, either alone or with the approbation of the Commissioners for the Affairs of India."

Mr. AYRTON moved to leave out in the Resolution after the first word "that," and insert—

"In order to ensure the administration of such government with due care, caution, and efficiency, all the powers and duties now vested in the East India Company, the Court of Directors or the Court of Proprietors of the said Company, either alone or with approbation of the Commissioners for the Affairs of India, shall be exercised and performed by a Minister of the Crown in Council."

He said that, before going into the main question he would make a few observations with reference to the latter part of the Amendment, by which he proposed to vest the powers and duties of the East India Company in a Minister of the Crown. The Chancellor of the Exchequer intended to vest this authority in a Secretary of State, whilst the Bill of the late Government proposed that it should be vested in the President of the Council. Now, he did not wish to embarrass the consideration of this question by any discussion upon names. He thought such a discussion would be somewhat unprofitable, for if there were any advantage in a name, it lay in the appropriateness of that name to the nature of the duties to be performed, and it would be rather difficult to give any name to this Minister of the Crown until it was decided what his duties were to be. They had, therefore, better at first deal with the abstract idea of the Minister of the Crown, leaving it to those who might afterwards have to frame the Bill in accordance with these Resolutions to determine a name which might be most suitable to the person on whom these duties devolved. Therefore, dealing with him as a Minister of the Crown, of the same rank as one of Her Majesty's Ministers are generally understood to hold, he should abstain from further dilating upon that question, and should confine himself to an explanation of the gist of the Amendment which he proposed. In each of the other Resolutions the object it had in view was set forth, and he accordingly proposed that this Resolution also should state that the object of the change was with a view of increasing care, caution, and efficiency in the Government of India. The right hon. Gentleman the Chancellor of the Exchequer had not, he thought, in submitting to the notice of the House the Resolutions under its consideration, taken that comprehensive view of the subject which might have been anticipated. He had, upon the contrary, concentrated his attention upon the question of electing a Council, which he (Mr. Ayrton) could not help regarding as a narrow view of the subject, inasmuch as the independence or the efficiency of a Council depended much more on the position in which it was placed in relation to the Minister than upon the manner of its appointment. It was essential that this

Council should be in an honourable and independent position, and that it should enjoy the confidence of the authorities in India. It mattered not what was the scheme of government adopted here, if it did not possess the confidence and have moral weight with the local Governments, and it was equally necessary that it should command the respect of the people in India. By the people, however, he did not refer to the Natives of India generally, as they received their impressions of the Government from the few Europeans and the Natives who resided at the Presidencies. If the Government in India did not respect the home Government a thousand devices would be resorted to in order to evade its wishes, and its despatches would be a dead letter. In order to arrive at a sound conclusion upon the point, it was desirable, in his opinion, that Parliament should consider what had been the nature of that administration in India which we were about to control. They did not arrive at the form of government now subsisting by inspiration. It was the result of very long and painful experience, and of many failures. It was not until after years of trial that the authorities in India and in this country had at last arrived at what was considered the best form of administration in India. It was not till the year 1784, when the Board of Control was established, that the system in India was introduced into that form which, with some changes, had remained until this day. It was settled that India being divided, as was generally known, into three Presidencies—Bombay, Madras, and Calcutta—there should be at each of the former two a chief authority, consisting of a Governor and three Councillors, and at the latter a Governor General of India and three Councillors, who was also the local Governor. Afterwards, in 1793, it was found necessary to regulate the relations between the Governor and his Council, and those relations were settled on this footing. The Governor was bound—and this system had continued to the present day—to transact his business with his Council, and in his Council to this extent. He was bound to consult them upon all affairs of government. If they differed from him, they were bound to communicate with each other and record their opinions in writing. It was not likely that he would depart from their view if he found the majority of the Council against him, unless upon very strong grounds. But the section in the original statute provided that if, after consideration, the majority and the Governor still differed in opinion, that then the Governor, on his own authority, might suspend or reject the measure in question. That section had been reenacted at the different periods at which the charter of the Company had been renewed. The Committee would therefore see how careful the Legislature had been to hem round the authority of the Governor, with precautionary arrangements in order that he might not act inconsiderately or indiscreetly; and, consequently, his (Mr. Ayrton's) object in proposing this Amendment was to impose the same amount of caution upon the Minister of State to whom they intended to give the authority contemplated in the proposed change of the Government of India. The administration of the affairs of India was divided into five departments—the political, the military, the financial, the judicial, and the general departments. The acts of those departments were submitted to the Governor General in Council, through a secretary appointed for each department. The Governor General and each Councillor made his minute, and, if they concurred the secretary to Government prepared a despatch accordingly. If they did not agree, the matter was discussed fully before decision. That course of proceeding had gone on for seventy years, and no practical objection had been raised. He might be told that there was a fatal argument against him—that, although it might be necessary to hedge in the authority of a Governor General in India, still there was no such necessity to regulate the conduct of a Minister of State in this country. He did not think there was the least force in that argument. A Minister of State for India in this country would be exempt from all practical supervision, according to the Resolutions now proposed. That officer would stand in a very different position from that of any Secretary of State of the great departments now existing in this country. If any wrong or objectionable act was done here by a Secretary of State, it speedily became known, the person to whose prejudice it was done appealed to the newspapers or to his representative for protection, and his complaint could be brought before Parliament if sitting, and the country, without a day's delay; but the Minister of State for India might send out any order to that country, which would be there acted upon, and would only come to the know-

ledge of persons in England several, it might be many, months after. It was said that, being a Minister of State, he would be subject to the supervision of Parliament; but they knew what kind of feeling was evoked when the conduct of one Minister was criticised—his colleagues adopted his acts, and it became a question of confidence in the Government. He objected to that solidarity of Government, which had been carried too far, and had been the source of much evil; for it was impossible to canvass and judge the errors and misconduct of any one Minister without evoking those interests and feelings which were brought into play when any question involved the fate of a party or a Government. He submitted, however, that they should not confine their attention to the detection of errors, but they should adopt measures as far as possible to guard against their commission. The tenure of office by the members of the Council was a point of great importance; for it was the real guarantee for their independence. When our predecessors resolved themselves into a Committee to consider the guarantees they should provide for the liberty of our ancestors—they had to consider how they should best secure the independence of the Judges of the land, who they knew to be the guardians of their laws—they had then determined that this object was to be best attained by declaring that the salaries of the Judges should be fixed, and that their tenure of office should be no longer at the pleasure of the Crown, but be for good behaviour. He thought it would be advisable to deal with the Council which it was proposed to create. Upon this principle, the members of that body would not feel themselves in a proper position, if they were not entitled to sit at the council table as the equals of the Minister, and be made aware of all measures connected with the administration of India. To be of any service they must be a Council in reality, and not a mere body of clerks; whereas he conceived that the manner in which it was proposed to constitute the Council was a mere blind to the people of this country, to screen from them the real object of Ministers, which was to vest an absolute and arbitrary power in a Minister of the Crown. The Bill of the noble Member for Tiverton, the Bill of the Chancellor of the Exchequer, and the Amendment of the Lord Protector of these Resolutions, expressly provided one who might be called the Councillors should be removable by the vote of Parliament; but how could Parliament discharge such a duty? How was it possible for them to determine whether they ought or not to remove Councillors, if they could not ascertain to what extent each had participated in any act affecting the people of India? He thought, therefore, it was necessary that every Councillor should be individually responsible, and he conceived that that was the great object sought to be accomplished by the transfer of the government from the Court of Directors to the Crown. It was objected to the present system that the Directors acted as a corporate body, and that for their decisions no individual was responsible; and it was deemed desirable that, whatever number of persons might be engaged in conducting the government of India, each man should be responsible for his own acts alone, and not for those of any other person. He considered that, looking at the position which the Councillors would occupy, and that they were liable to removal by a vote of Parliament, they ought to be placed in such a relation to the Minister of the Crown as would enable them to discharge their duties conscientiously and independently. He was quite aware that such an arrangement might not be palatable to great men, but it would be acceptable to men of intelligence, knowledge, experience, and capacity, who, although not great men by birth or rank, were in every way competent to participate in the government of India, and worthy of being treated as equals by those who might, by the advantage of birth or fortune, become Ministers of State. He hoped the Committee would concentrate their minds upon this practical consideration, instead of adhering to what the right hon. Gentleman had called the "barren simplicity," but which he would rather call the barren theory, that election was necessary in order to secure independence. Had the Chancellor of the Exchequer proposed to select from the present Court of Directors twelve of its members, to constitute the first Council, and had he provided that one of them should retire annually, another Councillor being appointed in his stead, they might have obtained the services of men who, if not the very best, had the practical experience of years, and would have possessed a guarantee for the duration of their offices which would have secured them independence, and would have rendered them more efficient than he thought they had hitherto

been. It was his opinion that the solution of the question would be easy, if they turned their attention to the practical difficulties, and did not stop to discuss mere theories; and he concluded by expressing a hope that on this subject the leaders of party would give freedom of opinion to their followers, and that both sides of the House, sinking all minor differences, would unite to form, if possible, a really good and practical Bill for the future government of India.

Amendment proposed,—

To leave out from the first word "That" to the end of the Question, in order to add the words, "in order to ensure the administration of such Government with due care, caution, and efficiency, all the powers and duties now vested in the East India Company, the Court of Directors or the Court of Proprietors of the said Company, either alone or with the approbation of the Commissioners for the Affairs of India, shall be exercised and performed by a Minister of the Crown in Council," instead thereof.

LORD STANLEY: I confess that when I heard the speech of the hon. and learned Gentleman I felt some surprise on recollecting the votes which he gave—first, on the introduction of the Bill of the noble Lord (Viscount Palmerston), and, secondly, on the proposition which was submitted to us on Friday last, for the whole of the hon. Gentleman's speech to-night was, in its practical effect, an argument in favour of the government of India as now carried on by the East India Company, and against the conduct of such government by a Minister of the Crown. He has spoken of the risk of leaving the government to a Minister; of the secrecy which would attend his administration; of his practical irresponsibility for actions done by him; and of the danger which would result from that secrecy and that irresponsibility. If I had so little faith as the hon. and learned Gentleman appears to have in the efficacy of the control to be exercised by this House over the future government of India, I confess I should have thought twice, and should have hesitated long, before I consented to vote for a transfer of the government of India to a Minister of the Crown. Now what is the object which the hon. and learned Gentleman proposes to attain? He wishes the duties of the Home Government of India to be performed by a Minister of the Crown in Council. It is true the hon. and learned Member drew a distinction between the acts of a Minister in Council and those of a Minister and a Council; but, although he drew such a distinction with great ingenuity at one moment, I think he forgot it the next. He contends that the obvious meaning of saying that power is to be exercised by a Minister in Council is, that it is to be exercised with the approval of the Council. If, however, you say that a Minister is only to exercise power with the approval of his Council, you mean there is to be a conjoint authority—a division of power—between such Minister and the Council; and, surely it is obvious, that if you do so divide powers between the Minister and the Council you are doing away with one of the main principles upon which we are endeavouring to legislate, namely, that of securing the undivided responsibility of a Minister. There seems to be—if I may venture to say so—some confusion in the minds of many persons as to what it is they really desire. I often hear persons arguing against the danger of giving authority to a Minister, and at the same time desiring that he should be made responsible. Now, I say you cannot separate the one from the other. If you intend to impose responsibility you must give power. Constitute a Council having conjoint power with the Minister, and if any act of that Minister is impugned in Parliament what will be his answer? He will say, "You have bound me to act with the approval of certain persons. That approval, therefore, I must necessarily obtain, and I could only obtain it by following the line of policy I have adopted in this instance; and you who have imposed upon me this restriction have no right to reproach me with its natural and inevitable consequence." It may be the object of the hon. and learned Member to establish such a state of things, but that result was not contemplated by the Government, nor is it, I apprehend, contemplated by the House. We want individual Ministerial responsibility. It will be asked, no doubt, if that is our object, why have a Council at all? I know that question has been put, and I refer to it for the purpose of showing that it admits of an answer. I think my right hon. Friend the Chancellor of the Exchequer described very truly the object and intentions of the Government in proposing a Council, when he stated that the Council is intended to exercise a moral control—that is to say, the Minister is to be surrounded by those who can bring long experience to bear on the questions submitted to their consideration, who can give the Minister the best advice, and supply him with the best materials on which to

form his judgment; but having the benefit of that advice and experience, he is bound to act on his own single and personal responsibility. There is one other objection to the proposed Amendment. I think that, to some extent, it neutralizes the effect of the course we are now taking in proceeding by way of Resolution. The object of proceeding by way of Resolution is, that we should go on step by step, advancing one step at a time. Now, in the Amendment of the hon. and learned Gentleman we are made to take two steps at once. The Amendment declares, first, that there shall be a Minister for Indian Affairs; and, secondly, that that Minister shall stand in a particular relation to his Council. These are separate propositions, both open to controversy and debate. Many persons, those especially who support the administration of India by the Company, object to conferring on a Minister such a power as is contemplated by the Resolutions. Other persons, willing to give him such a power, are unwilling that he should share it with a Council. These, then, are separate questions, to be discussed apart, and it seems like anticipating the judgment of the Committee on a future Resolution if on the present occasion we adopt the words proposed by the hon. and learned Gentleman. On these grounds, I hope the Committee will not agree to the Amendment.

MR. MANGLES said, that for the first time he had the happiness of entirely concurring with the hon. and learned Member for the Tower Hamlets (Mr. Ayrton). He was sure that that hon. and learned Gentleman would not be suspected of the crime of being too partial to the Court of Directors. He was sorry to hear from the noble Lord, for he thought it was not worthy of him, that *argumentum ad invidiam* which was involved in the charge against the hon. and learned Gentleman, that he had in fact reverted to the re-establishment of the Court of Directors. Now, before proceeding further, he wished to observe that he should speak as if the Court of Directors had been entirely disposed of the passing of the first Resolution, and all his efforts would be directed to render the Council most efficient and serviceable. The noble Lord appeared to have misunderstood the proposal of the hon. and learned Gentleman, when he stated that proposal to be that the Minister of the Crown, whatever he might be called, should exercise his power only with the approval of his Council. All that the hon. and learned Gentleman required was that the Minister of the Crown should be obliged to sit in Council, and consider before he acted what his Council recommended. That, in his opinion, was the only effectual manner in which the experience of the Council could be brought to bear on the Minister of the Crown. He entirely concurred with the noble Lord in a desire for the responsibility of the Minister, and he fully agreed that in order to secure responsibility in the Minister he must have power. Let him have absolute power by all means. The Amendment did not propose to deprive him of that power by associating a Council with him. He would let him have absolute power. The noble Lord forgot that this was no new proposition, for precisely the same system had been in operation in India for the best part of the century. No one there complained that the Governor General had not sufficient power; in fact, he had absolute power, for although he was compelled to listen to his Council, and to carry on all his functions in its presence, yet he had the power entirely to set aside their opinion, and to act on his own responsibility. That was all the Amendment intended, and what further power would the noble Lord wish to give to a Minister in this country? Unless the Minister of the Crown were compelled at least to listen to the opinions of his Council, the Council would be a mere sham and a delusion. If the Minister were to have the power of acting on his own responsibility without previously consulting his Council, what protection would there be against rash and inconsiderate proceedings on his part? The noble Lord spoke strongly of Parliamentary control, but how could that control be exercised under the system advocated by the noble Lord? An order might be sent out to India and do a vast deal of mischief there, and it would only be after the lapse of many months that the order would be known to Parliament; whereas, if the Minister were obliged to sit in Council and listen to the opinions of the Council, that House would know *a priori* what occurred, instead of *a posteriori*, when all the mischief was done. He entreated the House not to look on a matter of this kind as a party question at all. It was not a question of Whigs or Tories, but a matter of the most vital importance to the government of India that a real substantial power should be given to the Council, not of overriding the Minister, but of stating their opinions and offering advice to the Minister.

[*Second Resolution.*

THE CHANCELLOR OF THE EXCHEQUER: I wish to draw the attention of the Committee to what I think should be their course at the present moment. I think we are in danger of being allured from the straight path before us, and of getting into controversies which will not facilitate the progress of public business. My noble Friend has put a construction upon the Amendment of the hon. and learned Gentleman, which, if it were the correct one, would be fatal to it. I confess I think that the true version of the Amendment. Of course, I may be wrong, and I accept the disclaimer of the hon. and learned Gentleman if he makes it [Mr. AYRTON: "Hear!"], which I do with all sincerity, that it is not his purpose to confer a conjoint authority upon the Council and the Minister. But I must remind the Committee that these Resolutions were drawn with the intention of advancing step by step towards a general settlement of this question. By the first Resolution we asked the Committee to vote that the government of India shall be transferred from the East India Company to the Crown. By the next we propose to it to lay down the principle that the Government shall be exercised by a responsible Minister. I think it is unnecessary and unwise at this stage to introduce the further question of whether there shall be a Council or not. If you decide upon a Council it will still be open to controversy what shall be its functions and the extent of its powers. I think, therefore, the Committee will agree with me that this is not the occasion when we should entertain the question whether there shall be a Council or not. Let us solve the proposition before us, whether there shall be a responsible Minister under the name of a Secretary of State; and having arrived at a conclusion on that head, let us proceed to the next, whether there is to be a Council, and if so, how it is to be composed, and what are the functions it is to exercise. At this moment there are many hon. Gentlemen who are of opinion that there ought to be a Minister responsible for the government of India, who are not in favour of a Council. On the other hand, there are hon. Gentlemen against a Minister with undivided authority, and who are for his sharing it with a Council. The hon. and learned Gentleman opposite (Mr. Ayrton) does not appear to be in either of these categories. Let us, then, first decide this preliminary point, whether it is expedient that there should be a minister under the name of a Secretary of State, who shall perform the functions appertaining to the government of India. I hope the Committee will not sanction the Amendment, even if they approve of it. It may be just and proper in the right place, and at the right season, but this is not the proper opportunity to offer it to the Committee.

MR. VERNON SMITH said, he thought all that had occurred proved the inconvenience of proceeding by way of Resolutions. He fully agreed, however, with the noble Lord opposite in the view he took of that Amendment, because the words of the Amendment certainly did imply that the Minister should in no case act without his Council. He thought, therefore, that all who were in favour of concentrating responsibility in the Minister should vote against the Amendment. In the case of the Governor General it was true he might overrule his Council, but still he had no individual and separate action unless he happened to be up the country, when it was allowed him to act without them. He thought also there was much force in what the right hon. Gentleman the Chancellor of the Exchequer said, that these Resolutions were intended to proceed step by step. As he quite agreed in that opinion, he rose merely to guard the House against the supposition that by agreeing to the Resolution he therefore preferred a Secretary of State to a President. The Secretary of State was, according to the theory of the constitution, supposed to be a direct emanation from the Crown; he took his commands directly from the Crown only on matters relating to his own department. There would be an inconsistency if he were to be fettered by a Council. That inconsistency did not apply to the functions of a President. But he would reserve his arguments on this point till the Bill was before them.

SIR HARRY VERNEY said, the Committee were about to take away from the present Indian governing body in this country all the functions and powers that belonged to them, and to confer them on a Minister of the Crown. He would remind them that every authority who had written on this subject, including Lord Macaulay, had contended that it was essential for the maintenance of the British dominion in India that there should be an independent, intermediate power between the Crown and the Government of India. Were we, in order to preserve the con-

sistency of some political party and the honour and dignity of that House, to sacrifice the welfare of the people of India? He would urgently press on the Committee that they would render the tenure of the country extremely doubtful if they did not appoint some independent authority, free from political bias, who would govern it for the welfare of the people of India and of this country.

MR. ROEBUCK: The Committee have been told that they ought to go by steps, but I have heard enough during the debate to convince me that some of these steps are in a backward direction. The hon. Baronet, for instance, who has just spoken has addressed himself wholly to a Resolution which the Committee on Friday determined by a large majority — namely, that the Company should no longer govern India. The question now before the Committee is how the Crown should govern India. The first proposition is that there shall be a Secretary of State responsible for the government of India; and we are told that in discussing that we are not to discuss the question of the Council. I differ thereupon from the Chancellor of the Exchequer, because when I decide that one man alone should govern, I decide that there should be no Council. Great confusion had prevailed on this subject. We have not kept distinct the government of India in England and the government of India in India. We are now discussing the government of India in England. We are now endeavouring to form a constitution, by which the feeling—if I may so express my myself—of the people of England shall be brought to bear on the government of India. We are endeavouring to form some sort of government which shall exercise a power in England over the government in India. This is our object; this was the object which was attempted by Parliament in 1783. Then, Mr. Pitt, meeting Mr. Fox on this point, found feelings rife in England which enabled him to defeat Mr. Fox. From the beginning of the reign of George III. there had been in that monarch's mind a determination to put down the power of the great aristocratic families of England, and he objected to any power placed in the House of Commons which could control him. All these things have been changed now. The House of Commons is no longer at the mere beck of the great aristocracy, and there is no longer any attempt on the part of the Crown to govern this country independently of the House of Commons. The real government of England is in this House. This House is daily becoming more and more the representative of the people of England. Therefore every power to be given to this House is a power given to the people of England. Now comes the practical conclusion to which I want to draw the House. I want them to have a Secretary of State to govern India, and I want him to govern on his own responsibility. Therein, in words, I agree with the noble Lord the Secretary of State for the Colonies; but what I mean is something more than he, for I mean responsibility without an aid, sharing the power and sharing the responsibility, as a Council must necessarily do. I want a Minister of State responsible to this House for every act which he does with regard to India. Now, then, I come to the question of the Council, and I am obliged to do so when I am requiring that there shall be a Secretary of State who should be responsible. The two questions cannot be dissevered. I say, then, that any attempt to put a Council by his side is against the Resolution which is now before the House. What is the meaning of a Council? A Council, says one hon. Member, means moral influence. What is the meaning of this moral responsibility? The hon. Member, the Chairman of the East India Company, says:—"I want a Minister of State in Council; I ask that he shall not act without hearing the reasons of his Council; that he shall not act without putting his reasons in writing." And all because the Governor General in India has a Council. Now, just mark the difference between the Governor General in India and the Secretary of State about to be appointed in England. The untrammelled Minister will be on that bench —he will be responsible to this House— every act he does will be known. Oh, says some hon. Gentleman, known hereafter. I want to know, is not that the case with every act? Have I not seen a peace made after a most trying war? Have I not seen hon. Gentlemen come down to this House to know what was going on? How were they received? The Government told them, if you think we are not fit to govern this country, vote us out; if not, wait till we have done, and then you shall know what it is that we have done. Is not this the very consequence of a responsible Government? Can you have a Government which comes to this House

and makes this House a Council? No; you say to the Crown—choose your Ministers; your Ministers shall govern this country upon their own responsibility; what they do we shall know when they have done it, and we will punish them for it, if we think they have done wrong. Well, then, what was done in the case of the war with Russia shall we not do with regard to India? Recollect that in the former case, day after day the public mind increased in anxiety about the peace which was being negotiated with Russia, but no hon. Member attempted to obtain information from the opposite benches about that peace until it was made. And the same must be the case with India and a Secretary for the government of India. Now I come to that phantom, an "Old Indian Council." This sort of Council assumes to itself great knowledge of India, which I deny. The "old Indians" can know only what they have seen. The present to their eyes overpowers their understanding, and they judge of India by that small part of it to which their experience has been confined. Suppose then that this Minister of the Crown has a standing Council of "old Indians" to assist him, what then? Why these old Indians will impose upon the people by virtue of their being "old Indians," and the Minister will not dare to exercise his own judgment and responsibility, and will come down to this House and say that such and such things were done with the universal consent of my Council. But it may be a great folly. We can conceive even a Council of "old Indians" committing a great folly—indeed, I believe that of all Councils that of "old Indians" will be the worst. It appears to me that what we want is undivided responsibility. Any man who is placed in the situation of Governor of India, in the capacity of Secretary of State for India, being seated on that bench, is responsible to us for what he does. If you surround him with a Council that will be irresponsible, he who should be responsible will shelter himself under an irresponsible power. So that in fact you will be placing a Council irresponsible to the people in the position of this House, which is responsible to the people. I believe that is an unwise proceeding. Our object should be to obtain a single individual — to place him there (pointing to the Treasury bench)—to make him responsible for the government of India, and to punish him if he does wrong. For let us remember this, that if we cannot punish him, we can punish no one.

Sir HENRY WILLOUGHBY said, that they had a most important question to decide—was it safe to transfer to a Secretary of State the power now enjoyed by the Board of Control and the Court of Directors? Was he to have unchecked control over the finances, the external relations, the military forces, and £30,000,000 of revenue of India? Was it in short intended to abolish all existing control, and substitute no other. He heard it said indeed, that that House was to supply the necessary check and control over the Minister. But as Lord Macaulay said, that House had neither the time nor the knowledge to do this; and he added, which he (Sir H. Willoughby) believed to be the fact, that a broken head in Coldbath-fields would create more sensation in that House than three pitched battles in India. The noble Lord the Secretary for the Colonies had entirely misunderstood the object of the Amendment. It was, that the Minister for India should be paramount in his Council, as in the analogous case of the Governor General; but it also provided that he should be furnished with a Council of responsible advisers, who on important occasions should give him that advice, assistance, and information which he must require in dealing with the interests of so many strange and sensitive peoples. It was utterly impossible, looking to the short tenure of office on the part of most Presidents of the Board of Control, and their want of all previous acquaintance with India, that they should be able to act without advice and assistance; and if that were so, it ought to be given by a responsible Council. But the Amendment did not contemplate giving the Council any power of controlling the Secretary of State. He would be supreme, just as the Governor General of India was in his Council. What would be obtained was a security for the full and well-informed consideration of all important subjects. Another thing which he believed would be thus obtained was a security against the perpetration of jobs. The hon. and learned Member for Sheffield (Mr. Roebuck) had sneered at "old Indians." Did the Committee suppose that India could be governed without knowledge or experience? The Minister for India must have somebody to advise him, and surely it was better that he should go to a responsible Council rather than to irresponsible clerks. He felt quite con-

vinced that there was no man in the United Kingdom who was able to exercise uncontrolled such power as would be vested in the Secretary of State for India, without some such check as was suggested by the proposition before the House. He hoped, therefore, that the Amendment would be pressed to a division.

VISCOUNT PALMERSTON said, he thought the Committee were discussing two questions which, as the right hon. Gentleman opposite had stated, were rather the subject of two separate Resolutions, and that they had better confine themselves for the present to the particular Resolution before them. He did not apprehend that, by assenting, as he was about to do, to this Resolution, that they either affirmed or denied the propriety of appointing a Council. The House was at perfect liberty to deal with the following Resolution, which established a Council just as it pleased after it had agreed to this. Those who had voted in favour of transferring the government of India from the Company to the Crown could not reasonably object to the present Resolution, because if the Government of India at home were transferred to the Crown, the Crown must act through a responsible Minister for that department; and he agreed with the hon. and learned Member for Sheffield (Mr. Roebuck), that the object which Parliament and the country had in view was to make the Minister of the Crown answerable and responsible to this House for the home administration of the government of India, but they would entirely defeat that object if they erected around the Minister a Council who would be irresponsible—who would have the power of controlling the Minister, or a power superior to that of the Minister, or upon whose consent the action of the Minister would depend. To constitute such a council would be to re-establish a double Government under a more objectionable form even than that now in existence. What he wished to press upon the House was this, that it was premature to discuss whether there should be a council and what its function should be, for there was a subsequent Resolution which stated that the Minister should be assisted by a Council. The Committee would do better to postpone until that Resolution had been put, the question what should be the composition of the Council, whether it should be nominated, whether it should be elected, and in what degree it should be an advising Council, or more than an advising Council. The present Resolution merely affirmed that there should be a Minister to act as the organ of the Crown, with regard to the administration of India. To that Minister the Resolution gave the title of Secretary of State; the Bill of the late Government gave him the title of President of the Council. That, however, was a matter which might be discussed upon the Bill; and he trusted that the House would not agree to the Amendment of Mr. Ayrton, which appeared to be inconsistent with the principle which had already been decided—namely, that it was expedient to transfer the government of India from the Company to the Crown.

LORD JOHN RUSSELL said, the question raised by the present Resolution was not whether there should be a Council, but whether the Secretary of State or Minister for India, like the Governor General, should never act without consulting his Council. It was necessary the Committee should consider how the Council in India arose. At one time the Governor General waged wars and concluded treaties of peace which were believed in England to be inconsistent with justice and adverse to the policy which the country ought to pursue. In order to control the Governor General, acting as he did at a great distance, the plan was hit upon of sending out three or four persons to form his Council, and, without depriving him of the absolute power of carrying his own views into effect, Parliament resolved that if he differed from his Council the members should be at liberty to record in writing the reasons of their dissent. That contrivance, though perhaps the best that could be adopted, was not very successful, for it led during many years to dissensions in the Council, at one time Warren Hastings, and at another Mr. Francis having a majority. But, whether the contrivance was good or bad, the case of the Governor General bore no analogy to that now under consideration, for he presumed they did not want the Minister for India to be obliged on every occasion to go to his Council and obtain their opinions in writing. He was not to act at a distance; he was not to exercise any despotic powers, or to act in any other manner than the Secretary of State for the Colonies or Foreign Affairs did at present. Upon any matter of great importance he would have the advice of his colleagues in the Cabinet, but upon other occasions and probably in the majority of

cases he would consult with his Council, if he had a Council, and hear what their opinion was. But whether he had Council, or whether, as proposed by some, he should simply be assisted by an Under Secretary, he would certainly not despise the opinion of "old Indians; on the contrary, he would doubtless deem it his duty to consult with men of knowledge and experience in India. At the present moment, however, the real question before the Committee was whether the Minister should be so controlled by his Council as to lose all responsibility. The Amendment of the hon. Member for the Tower Hamlets seemed to answer that question in the affirmative, and therefore the Committee ought to reject it.

MR. GLADSTONE said, he thought the Committee were likely to get into some confusion, not so much from the determination to proceed by way of Resolution, as from the uncertainty of the method in which Parliamentary Resolutions ought to be drawn. The opinion appeared to prevail that when the Committee proceeded to frame Resolutions those Resolutions should be in the nature of general statements, and should not express in specific terms the real intentions of the House. In that view he did not concur. The Resolutions were of course less developed than the clauses of a Bill, but the intention of the House must be to make the Resolutions as precise and exact as if they were engaged in the discussion of a Bill. It had been made a question whether the present Government possessed the confidence of the House, but for his part, he never saw a more striking proof of confidence than the passing of the first Resolution on Friday night, because it was not pretended that the language of that Resolution was accurate, and the first Resolution seemed about to become a precedent for the rest. He concurred in the objection of his right hon. Friend (Mr. Vernon Smith) to the appointment of a Secretary of State. The position of a Secretary of State was too important to be dealt with in so light a manner. It was no light matter to preserve the ancient lines and limits of those great offices. He was by no means certain that they had acted wisely in making the Minister for War a great spending officer. If it were intended that the Treasury should maintain a pecuniary control over officers who spent the public money, it was very material whether they had to deal with the Secretary "at" War, or an officer of the rank of Secretary of State "for" War. One inconvenience that would attend the novel management proposed had already been pointed out—namely, that they proposed to take the Secretary of State, who was more immediately the representative of the Crown than any other officer—a sort of legate *a latere* from the Crown—and make him discharge functions which obviously belonged to the President of a Council. Although the present Government proposed to call the new Indian Minister a Secretary of State, there was really no variance between the plan of the present and the late Government, as in reality the new Minister would be substantially a President of the Council. If it were to be so, it was desirable to call him so at the outset, and not to describe him as a Secretary of State in the Resolutions in order that in the Bill he should be metamorphosed into a President of the Council. The noble Lord (Lord Stanley) said that the Committee were not called upon to describe the exact functions of the Council in this Resolution, but the Resolution put an absolute negative upon all separate powers whatever in the government of India. Was it meant that the House should vote that negative now, and then consider hereafter whether there should be such separate powers or not? The hon. and learned Member for Sheffield was hopelessly inaccessible in regard to one point. The Council would, in his opinion, exercise a very evil influence—above all, if its members possessed any knowledge or experience of India. The ancient poets declared that there was no animal so wretched as mortal man, and that would be true if the hon. and learned Member's view were correct, that as we were born ignorant into this world, so the more knowledge we acquired on a particular subject the less capable we were of giving an opinion upon it. It might be well not to admit the absolute authority and omniscience of those old Indians, but a man's experience and application to a particular subject ought to be worth something, and though it might excite the merriment of the House to hear the pedantry of old Indians derided, he dared say that a Parliament of old Indians might return the compliment by exposing the proceedings and showing the uselessness for Indian purposes of old Members of Parliament. The Resolution, however, undoubtedly contained the negation and destruction of all separate powers, and he was not prepared to vote for a Resolution couched in terms so broad. One separate

Lord John Russell

power, at least, was so important that it ought not not to be extinguished without discussion—namely, the power of recalling the Governor General. He, for one, was not at present convinced that no such power should exist; but it was a question which should have received discussion, in place of which, however, it had not been mentioned, but appeared to be taken altogether for granted. It appeared to him that upon this point neither the noble Viscount (Viscount Palmerston) nor the Government was consistent. It had been proved that there were certain most vital acts which the Minister for India ought not to do without the assistance of his Council. If so, how could the Government say that all these powers ought to reside in the Secretary of State? The noble Viscount intended to provide by his Bill that the President of the Council should not be able to stir without a majority in Council, and if the noble Viscount affirmed this Resolution his affirmation was worth nothing, because he meant to contradict himself next week, or the week after, when the House came to deal with his Bill, by introducing important exceptions to the rule which he was now laying down in terms that were perfectly absolute. Neither did it appear to him (Mr. Gladstone), after hearing the noble Lord the Member for King's Lynn (Lord Stanley), that the Government were consistent in regard to this Resolution. He did not stand upon the technical meaning of the words of the Amendment. He agreed that it was not their place to set a Minister of the Queen in this country in the same position as that of Governor General in India. He did not understand that the term Minister in Council bound them to any particular legal signification. It conveyed an idea of the method of doing business, and he would submit to the House that the words of the Amendment of the hon. and learned Member (Mr. Ayrton) were in exact accordance both with the speech of the noble Lord (Lord Stanley) and the speech of the Chancellor of the Exchequer when he introduced the India Bill. That right hon. Gentleman stated that the whole business of India at home was to be transacted by the Minister in Council, and that this was the intention of the Government. But under the Resolution it might be intended that the Council should only be summoned when some questionable transaction was to be carried through, and when the Minister wanted some creditable names to gild his proceedings. He understood the language of the Amendment to be that the business of India should be, as the Chancellor of the Exchequer described it, transacted by the Minister in Council. But now it was not affirmed that the Minister was to have the concurrence of his Council. The noble Lord (Lord Stanley) said that they wanted a Council which should give the best advice, while the Secretary of State should act upon his own authority. The words of the Amendment of the hon. and learned Member gave precise expression to the words of the Government, while the words of the Resolution of the Government gave expression not to their intentions, but to the intentions of the hon. and learned Member for Sheffield. He was not able to vote for the Resolution, since it was a Resolution not intended to be worked out in regular conformity with its terms, unless the House chose to adopt the views of the hon. and learned Gentleman (Mr. Roebuck), which it did not seem inclined to do at present. He understood the Amendment to mean that the Council should be cognizant of the whole business of India. He was prepared to vote for it, and to pledge himself to that extent, but no further. In supporting the Amendment he was only giving effect to the views that had been expressed by Members of the Government.

MR. WHITE said, he would not have presumed to address the House on this subject only that having spent a great portion of his life in India, he wished to say a few words on this subject, and particularly as regarded the word "responsibility." He thought that in handing over to the care of a Minister the destinies of 180 millions of people they were taking a step of the gravest consequence. Responsibility as he read it meant "answerability," and yet supposing some great calamity to arise in India of a nature to fright this isle from its propriety, and any hon. Member came down to the House threatening impeachment against that Minister, he would receive about as much attention as if he were to speak of burning a woman for witchcraft. He, at all events, would enter his protest against giving such unlimited power to any one Minister.

SIR CHARLES WOOD said, that the present discussion exemplified the confusion the House was likely to get into by

proceeding by Resolution. The whole intentions of the Government could not be expressed by Resolutions. If they transferred the government of India from the East India Company to the Queen they must express that the Queen acted by her responsible Minister. That was all that the Resolution expressed. Having held the responsible office of Minister for India, he could unhesitatingly say that no man would be able to act in that office without the assistance of a Council, and one composed of men who, having long acquaintance with India were able to afford him effectual assistance. All he meant to express by voting for the Resolution was, that the House was about to transfer to a responsible Minister of the Crown the powers of the East India Company. The extent of the authority he was to exercise and the nature and functions of the Council would, he thought, more properly come within the scope of subsequent Resolutions than of the one now before the Committee.

MR. AYRTON said he was anxious, before the Committee divided, to explain that which the Chancellor of the Exchequer had rendered somewhat obscure, doubtless owing to the fact that the right hon. Gentleman was not in the House when he (Mr. Ayrton) explained to the Committee the object of his Amendment. Now, his object in proposing that Amendment was to prevent the Government being vested in an ordinary Secretary of State, as expressed in the words of the Resolution, but in a Minister of the Crown, who was to act in concert with a Council, having nevertheless full and perfect responsibility. So far, indeed, from diminishing the responsibility of the Minister to Parliament his Amendment would increase it, because the presence of an intelligent Council would compel him to state and record the reasons which had induced him to adopt any particular course of conduct, and these reasons could at any time be produced. He had, in fact, proposed the Amendment under the impression that the Resolution before the Committee affirmed what it contained, and not as affirming something which it did not state.

MR. MANGLES said, that this question was of so much importance that he trusted the Committee would indulge him for a minute while he referred to two historical errors into which the noble Lord the Member for the City of London had fallen. The noble Lord had spoken of the Council of Warren Hastings as being a Council then for the first time appointed. Such was not the case, inasmuch as the Governors General of India had always had a Council under the old constitution. The noble Lord had also spoken, and justly, of the mischief which that Council did by interfering with and crippling the power of Warren Hastings; but at a later period Parliament wisely conferred on the Governor General the power, which Warren Hastings had not, of overruling the opinion of his Council, and acting upon his own responsibility. He trusted that the Minister of the Crown would have the same power.

COLONEL SYKES said, he wished to ask the right hon. Gentleman in the Chair whether any decision at which the Committee might now arrive would debar them from considering at a future period the question of a Council to aid the Secretary of State.

THE CHAIRMAN: the Committee will not be debarred from considering any Amendment which may be put at a subsequent period.

Question put,

"That the words, 'for this purpose it is expedient to provide that her Majesty' stand part of the Question."

The Committee *divided*:—Ayes 351; Noes 100: Majority 251.

List of the AYES.

Adeane, H. J.	Brand, hon. H.
Agnew, Sir A.	Bridges, Sir B. W.
Akroyd, E.	Brocklehurst, J.
Alexander, J.	Browne, Lord J. T.
Annesley, hon. H.	Bruce, H. A.
Archdall, Capt. M.	Bruen, H.
Ashley, Lord	Buller, Sir J. Y.
Atherton, W.	Buller, J. W.
Bagwell, J.	Bunbury, W. B. M'C.
Bailey, C.	Burghley, Lord
Baillie, H. J.	Burrell, Sir C. M.
Baines, rt. hon. M. T.	Butt, I.
Baring, H. B.	Buxton, Sir E. N.
Baring, T. G.	Caird, J.
Barnard, T.	Cairns, Sir H. M.
Bernard, T. T.	Calcutt, F. M.
Bathurst, A. A.	Campbell, R. J. R.
Beach, W. W. B.	Cardwell, rt. hon. E.
Bective, Earl of	Carnac, Sir J. R.
Beecroft, G. S.	Cartwright, Col.
Bennet, P.	Cavendish, hon. W.
Bentinck, G. W. P.	Cavendish, hon. G.
Berkeley, F. W. F.	Cecil, Lord R.
Blake, J.	Charlesworth, J. C. D.
Boldero, Col.	Child, S.
Bouverie, Rt. Hn. E. P.	Christy, S.
Bovill, W.	Clark, J. J.
Bowyer, G.	Clay, J.
Boyd, J.	Clive, G.
Bramley-Moore, J.	Clive, hon. R. W.
Bramston, T. W.	Close, M. C.

Cobbold, J. C.
Codrington, Gen.
Cole, hon. H. A.
Collier, R. P.
Collins. T.
Coningham, W.
Conolly, T.
Cowper, rt. hon. W. F.
Corry, rt. hon. H. L.
Cowan, C.
Cox, W.
Craufurd, E. H. J.
Cross, R. A.
Curzon, Visct.
Dalkeith, Earl of
Davey, R.
Davison, R.
Deedes, W.
Denison, hon. W. H. F.
Dent, J. D.
De Vere, S. E.
Devereux, J. T.
Disraeli, rt. hon. B.
Dobbs, W. C.
Du Cane, C.
Duff, M. E. G.
Duff, Major L. D. G.
Duke, Sir J.
Dunbar, Sir W.
Duncan, Visct.
Duncombe, hon. A.
Duncombe, hon. Col.
Dundas, G.
Dunkellin, Lord
Dunne, M.
Du Pre, C. G.
Dutton, hon. R. H.
Edwards, H.
Egerton, Sir P. G.
Egerton, W. T.
Egerton, E. C.
Elton, Sir A. H.
Emlyn, Visct.
Ennis, J.
Esmonde, J.
Estcourt, rt. hn. T. H. S.
Evans, T. W.
Ewart, W.
Ewart, J. C.
Fagan, W.
Farnham, E. B.
Farquhar, Sir M.
Fellowes, E.
Fenwick, H.
Ferguson, Col.
Ferguson, Sir R.
Fitzgerald, W. R. S.
FitzGerald, rt. hon. J. D.
Fitzwilliam, hon. G. W.
Foley, J. H.
Foljambe, F. J. S.
Forde, Col.
Forester, rt. hon. Col.
Forster, Sir G.
Foster, W. O.
Fortescue, hon. F. D.
Franklyn, G. W.
Fraser, Sir W. A.
Freestun, Col.
Gallwey, Sir W. P.
Gard, R. S.
Garnett, W. J.
Gavin, Major
Gilpin, Col.
Glyn, G. G.
Goderich, Visct.
Greaves, E.
Greenall, G.
Greenwood, J.
Greer, S. M'C.
Gray, Captain
Grey, rt. hon. Sir G.
Grey, R. W.
Griffith, C. D.
Grogan, E.
Grosvenor, Earl
Gurdon, B.
Hall, rt. hon. Sir B.
Hall, Gen.
Hamilton, G. A.
Hamilton, Capt.
Handley, J.
Hankey, T.
Hardy, G.
Harris, J. D.
Hassard, M.
Hatchell, J.
Hay, L. J.
Hayes, Sir E.
Headlam, T. E.
Heathcote, hon. G. H.
Henley, rt. hon. J. W.
Holford, R. S.
Hopwood, J. T.
Hornby, W. H.
Horsfall, T. B.
Horsman, rt. hon. E.
Howard, hon. C. W. G.
Howard, Lord E.
Hudson, G.
Hume, W. W. F.
Hutt, W.
Ingestre, Visct.
Inglis, J.
Jermyn, Earl
Jervoise, Sir J. C.
Johnstone, hon. H. B.
Johnstone, J. J. H.
Jolliffe, H. H.
Kelly, Sir F.
Kendall, N.
Kerrison, Sir E. C.
Kershaw, J.
King, J. K.
King, E. B.
Kinglake, A. W.
Kinglake, J. A.
Kingscote, R. N. F.
Kinnaird, hon. A. F.
Kirk, W.
Knatchbull, W. F.
Knatchbull-Hugessen E.
Knight, F. W.
Knox, Col.
Labouchere, rt. hon. H.
Langton, W. G.
Langton, H. G.
Laslett, W.
Lennox, Lord H. G.
Leslie, C. P.
Levinge, Sir R.
Lewis, rt. hn. Sir G. C.
Lindsay, W. S.
Lisburne, Earl of
Locke, John
Lopes, Sir M.
Lovaine, Lord
Lowe, rt. hon. R.
Lowther, hon. Col.
Lowther, Captain
Luce, T.
Lygon, hon. F.
Lytton, Sir G. E. L. B.
Macartney, G.
MacEvoy, E.
Mackie, J.
Mackinnon, W. A.
M'Clintock, J.
Maguire, J. F.
Malins, R.
Manners, Lord J.
March, Earl of
Marshall, W.
Martin, C. W.
Massey, W. N.
Matheson, Sir J.
Maxwell, hon. Col.
Mellor, J.
Miles, W.
Miller, T. J.
Miller, S. B.
Mills, T.
Moffatt, G.
Monsell, rt. hon. W.
Montgomery Sir G.
Morgan, O.
Mowbray, rt. hon. J. R.
Naas, Lord
Napier, Sir C.
Neeld, J.
Newark, Visct.
Noel, hon. G. J.
North, Col.
North, F.
Ogilvy, Sir J.
Ossulston, Lord
Packe, C. W.
Paget, C.
Paget, Lord C.
Pakenham, Col.
Pakington, rt. hn. Sir J.
Palk, L.
Palmer, R.
Palmerston, Visct.
Paull, H.
Pease, H.
Peel, rt. hon. Gen.
Pennant, hon. Col.
Perry, Sir T. E.
Povensey, Visct.
Pilkington, J.
Potter, Sir J.
Powell, F. S.
Pritchard, J.
Proby, hon. G. L.
Pugh, D.
Puller, C. W.
Ramsden, Sir J. W.
Rebow, J. G.
Repton, G. W. J.
Ricardo, O.
Richardson, J.
Robartes, T. J. A.
Robertson, P. F.
Roebuck, J. A.
Rushout, G.
Russell, Lord J.
Russell, A.
Rust, J.
Sandon, Visct.
Sclater-Booth, G.
Scott, Major
Scrope, G. P.
Seymer, H. K.
Shelley, Sir J. V.
Shirley, E. P.
Slaney, R. A.
Smith, rt. hon. R. V.
Smith, Sir F.
Smyth, Col.
Smollett, A.
Somerset, Col.
Somerville, rt. hn. Sir W.
Spooner, R.
Stanhope, J. B.
Stanley, Lord
Stapleton, J.
Stephenson, R.
Stirling, W.
Steuart, A.
Stewart, Sir M. R. S.
Sturt, H. G.
Sturt, N.
Sullivan, M.
Thornhill, W. P.
Tite, W.
Tollemache, hon. F. J.
Tollemache, J.
Tottenham, C.
Trefusis, hon. C. H. R.
Trelawny, Sir J. S.
Trollope, rt. hon. Sir J.
Trueman, C.
Turner, J. A.
Vance, J.
Vansittart, G. H.
Vansittart, W.
Verner, Sir W.
Villiers, rt. hon. C. P.
Vivian, H. H.
Waddington, H. S.
Walcott, Adm.
Walpole, rt. hon. S. H.
Walsh, Sir J.
Warre, J. A.
Warren, S.
Welby, W. E.
Western, S.
Westhead, J. P. B.
Whitbread, S.
Whiteside, rt. hon. J.
Wickham, H. W.
Williams, Col.
Williams, W.
Williams, Sir W. F.
Willson, A.
Wilson, J.
Wingfield, R. B.
Winnington, Sir T. E.
Wise, J. A.
Wood, rt. hon. Sir C.
Woodd, B. T.
Woods, H.
Wortley, Major S.
Wyndham, Gen.
Wynne, rt. hon. J. A.
Wynne, W. W. E.
York, hon. E. T.
Young, A. W.

TELLERS.
Jolliffe, Sir W.
Taylor, Col.

[*Second Resolution.*

List of the NOES.

Adair, H. E.	Langston, J. H.
Agar-Ellis, hn. L. G. F.	Liddell, hon. H. G.
Bagshaw, R. J.	Locke, Joseph
Baring, A. H.	Lockhart, A. E.
Baring, rt. hon. Sir F. T.	Macarthy, A.
Baring, T.	Mangles, R. D.
Bass, M. T.	Mangles, C. E.
Baxter, W. E.	Marjoribanks, D. C.
Bland, L. H.	Melgund, Visct.
Bonham-Carter, J.	Milns, R. M.
Bouverie, hon. P. P.	Morris, D.
Briscoe, J. I.	Newdegate, C. N.
Bruce, Major C.	Nicoll, D.
Buchanan, W.	Nisbet, R. P.
Buxton, C.	O'Brien, P.
Byng, hon. G.	O'Donaghoe, The
Calcraft, J. H.	Paxton, Sir J.
Clinton, Lord R.	Philips, R. N.
Cobbett, J. M.	Pinney, Col.
Colebrooke, Sir T. E.	Rawlinson, Sir H. C.
Crawford, R. W.	Ridley, G.
Dalglish, R.	Roupell, W.
Damer, L. D.	Schneider, H. W.
Deasy, R.	Scott, hon. F.
Dillwyn, L. L.	Shafto, R. D.
Dunlop, A. M.	Sheridan, H. B.
East, Sir J. B.	Smith, J. A.
Ebrington, Viscount	Smith, M. T.
Ellice, rt. hon. E.	Smith, A.
Ellice, E.	Steel, J.
Elliot, hon. J. E.	Stuart, Col.
Elphinstone, Sir J.	Sykes, Col. W. H.
Ewing, H. E. C.	Talbot, C. R. M.
Fitzwilliam, hn. C. W. W.	Tancred, H. W.
Fortescue, C. S.	Taylor, S. W.
Fox, W. J.	Tempest, Lord A. V.
Gifford, Earl of	Thompson, Gen.
Gladstone, rt. hon. W.	Vane, Lord H.
Greene, J.	Verner, Sir H.
Gregory, W. H.	Waldron, L.
Grenfell, C. W.	Watkins, Col. L.
Greville, Col. F.	Weguelin, T. M.
Gurney, J. H.	Whatman, J.
Hanbury, R.	White, J.
Hartington, Marq.	White, H.
Heathcote, Sir W.	Willyams, E. W. B.
Holland, E.	Willoughby, J. P.
Hope, A. J. B. B.	Wood, W.
Hotham, Lord	
Ingham, R.	TELLERS.
Johnstone, Sir J.	Ayrton, J.
Knightley, R.	Willoughby, Sir H.

MR. ELLICE, in moving that the Chairman report progress and ask leave to sit again, said, that when the House next went into Committee, he would propose to insert in the Resolution words to the effect that "a President in Council" be substituted for "a Secretary of State."

THE CHANCELLOR OF THE EXCHEQUER said, that as there was another Amendment on the paper which applied to this Resolution, he thought the Committee had better dispose of it before reporting progress. If, however, the Committee was disinclined to proceed any further that night, of course he could not resist its wish.

MR. RICH said, if it were the desire of the Committee, he would move his Amendment then.

House resumed.

Committee report progress; to sit again on *Friday*.

CHANCERY AMENDMENT BILL.

COMMITTEE.

Order for Committee read.

House in Committee.

MR. WARREN said, he must protest against proceeding with such an important Bill as this at so advanced an hour of the morning. He knew that the hon. and learned Member for Durham (Mr. Atherton) who was not then in his place, and some other hon. Members, had important Amendments to move.

THE SOLICITOR GENERAL said, that he saw the hon. Member for Durham a few minutes ago, and he understood that his Amendment referred to courts of law. He had suggested, therefore, that the hon. Member should embody his Amendment in a distinct measure for amending the Acts relating to the practice of the courts of law; and that course had been agreed on. With regard to the suggestion of the hon. Member for Armagh, he agreed with him in the desirability of applying the principle to Ireland, but he was of opinion that it would be better to have a separate Bill for Ireland.

MR. WHITESIDE said, it was certainly his wish to have the Bill extended to Ireland; in order to avoid the necessity of another measure on the same subject; but he wished it to be distinctly understood that he was overruled in that desire. He would, therefore, introduce a separate Bill on the subject for Ireland. The fault, however, was not his.

MR. COLLIER said, he understood from the Solicitor General that it was his intention to introduce some Amendment in the mode of taking evidence in open Court, instead of before the Examiner. If no clause of that sort was proposed, he would himself introduce it.

THE SOLICITOR GENERAL said, he would be glad to consider any clause approved by the hon. and learned Gentleman. He would, however, refer him to a clause at present in the Bill, giving the Court

power to take evidence *vivâ voce*, which he thought would meet the objection of his hon. and learned Friend.

Clauses 1 to 7 *agreed to.*

On Clause 8 being proposed,

MR. WARREN moved that the Chairman report progress, and ask leave to sit again.

House resumed.

Committee report progress; to sit again on *Friday.*

House adjourned at One

ERRATA.

Fol. 1898—10 lines from bottom, *for* "Mr. Palk," *read* "Mr. Packe."

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THE ATTORNEY GENERAL, *v.* THE PRINCE OF WALES.

ADDRESS FOR COPIES OF CORRESPONDENCE, &c.

The Motion for an Address is erroneously stated to have been *agreed to:* it was *negatived.*

APPENDIX

GOVERNMENT OF INDIA.

RESOLUTIONS TO BE PROPOSED BY MR. CHANCELLOR OF THE EXCHEQUER IN COMMITTEE OF THE WHOLE HOUSE UPON THE GOVERNMENT OF INDIA, ON FRIDAY, THE 30TH OF APRIL.

1. That as the Territories under the Government of the East India Company are by Law to remain under such Government only until Parliament shall otherwise provide, this House is of opinion, that it is expedient that the transfer of such Government to the Crown should now take place, in order that the direct superintendence of the whole Empire may be placed under one Executive authority.

2. That for this purpose it is expedient to provide, that Her Majesty, by one of Her Principal Secretaries of State, shall have and perform all the powers and duties relating to the Government and Revenues of India which are or may be now exercised and performed by the East India Company, or by the Court of Directors or Court of Proprietors of the said Company, either alone or with the approbation of the Commissioners for the affairs of India.

3. That such Secretary of State shall be responsible for the Government of India, and the transaction of business in the United Kingdom relating thereto, in the same manner and to the same extent as any of Her Majesty's Principal Secretaries of State are responsible in the several departments over which they preside.

4. That in order to assist such Secretary of State in the discharge of his duties it is expedient that a Council be appointed of not less than twelve nor more than eighteen Members.

5. That in order to secure the greatest amount of knowledge and experience in the management of the affairs of India it is advisable that the principal portion of the Members of the Council shall have served in India for a term of years to be limited by Statute.

6. That with a view to the efficiency and independence of the Council it is expedient that it should be partly nominated and partly elected.

7. That the Members of the nominated portion of the Council shall be selected by Her Majesty, subject, as a general rule, to the qualification above expressed, and one-half at the least of the elected Members shall possess the like qualification.

8. That the Members of the elected portion of the Council shall be chosen by a constituency composed of persons who have previously held Military Commissions or Civil Appointments in India, in Her Majesty's Service or in that of the Government of India, or who may possess a direct interest, to an amount to be specified, in some property charged or secured on the Revenues or Territories of India.

9. That the Council shall be presided over by the Secretary of State, or by some Member of the Council to be nominated by him as Vice President.

10. That arrangements shall be made, from time to time, by the Secretary of State and the Council, for the Meetings of the Council, for the mode of procedure at such Meetings, and for the distribution and transaction of business.

11. That all Despatches, Letters, Orders, and Communications shall be addressed to the Secretary of State, and shall be open to the inspection of every Member of the Council, except such as are now by Law addressed to the Secret Committee of the Court of Directors.

12. That the recommendation of persons for first appointments shall be made to Her Majesty by the Secretary of State, with the concurrence of the Council; and

the same rules shall be observed in the making of such recommendations, as have been followed by the Court of Directors in the making of such appointments.

13. That for the purpose of ascertaining the fitness of persons for the several appointments for which they may be so recommended, the same rules for the examination of Cadets and of Clerks shall be adhered to, which are now followed by the Court of Directors of the East India Company, until the same be altered by the Secretary of State and Council of India.

14. That provision shall be made for transferring to the Crown all the real and personal property of the Company, except their Capital Stock and the Dividend thereon, so as to vest the same in Her Majesty, for the purposes of the Government of India; for continuing the charge on the Revenues of India alone of the Dividend on the Capital Stock of the said Company until the redemption thereof, and of all the territorial and other debts and engagements which are payable by the Company out of the Revenues of India; for auditing the Accounts of the Home Government of India, under the direction of Her Majesty's Treasury; for laying such Accounts annually before Parliament; and for securing the preference given by the 3 & 4 *Will.* IV. to the Dividends on the Capital Stock of the said Company, and the right of the said Company to demand the redemption of such Dividends, and their right on the Security Fund undiminished and unaffected by the transfer to the Crown of the direct Government of Her Majesty's Indian Possessions.

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☞ When in the Text or in the Index a Speech is marked thus *, it indicates that the Speech is reprinted from a Pamphlet or some authorised Report.

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ERRATA.

Fol. 1898—10 lines from bottom, *for* "Mr. Falk," *read* "Mr. Packe."

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The Motion for an Address is erroneously stated to have been *agreed to;* it was *negatived.*—

LONDON:
Printed by Cornelius Buck, 23, Paternoster Row.

K 2 8 MAR 1973